

## **Ordinary Meeting of Council**

***Held at Western Downs Regional Council's  
Chinchilla Cultural Centre***

**On Wednesday, 23 September 2020**

Commencing at 09:30 AM

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

**23 August 2020**

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# 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**
    - 5.1.1 **Adopt Ordinary Meeting of Council Minutes 19 August 2020** 1  
The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 19 August 2020
6. **BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS**
7. **PRESENTATION OF PETITIONS BY COUNCILLORS**
8. **MAYORAL UPDATE**
  - 8.1 **Executive Services Mayoral Report August 2020** 47  
The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of August 2020.

## 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 Additional Water Concession Due to Undetected Water Leak

This Report is to seek Council's direction regarding a ratepayer requesting additional concession as a result of an undetected leaking pipe.

#### 9.2.2 Corporate Services Confidential Report - Sale Lot 3 Drew Street, Dalby

This Report is to seek Council's direction regarding the proposed sale of Lot 3 Drew Street, Dalby.

#### 9.2.3 Corporate Services Confidential Report Sale of 18, 39 and 41 Hurse Street, Chinchilla

This report is to seek Council's direction regarding the proposed sale of 18, 39 and 41 Hurse Street, Chinchilla.

9.2.4 Corporate Services Confidential Report RFQ04-20-21 Contract Internal Audit Services  
The purpose of this report is to provide Council with a summary of responses received for *RFQ04-20-21 Contract Internal Audit Function* and to seek Council approval in awarding the contract.

9.2.5 Corporate Services Confidential Report WD Cinemas Financials 2019/20  
The purpose of this Report is to provide Council with a full economic cost of operating both our Chinchilla and Dalby Cinemas for the 2019/20 financial year.

### **9.3 COMMUNITY AND LIVEABILITY**

9.3.1 Community and Liveability Confidential Report Health Services  
The purpose of this Report is to seek Council's consent to obtain Ministerial approval pursuant to section 236 (1) (f) of the Local Government Regulation 2012, for an exemption from complying with section 227 of the Local Government Regulation 2012, in relation to health services.

### **9.4 INFRASTRUCTURE SERVICES**

9.4.1 Infrastructure Services Confidential Tender Evaluation Report Tender No MM02-20-21 Relining of Sewer Lines in Western Downs Regional Council Area (2020-21)  
The purpose of this Report is to provide Council with an assessment of the tenders received for Tender MM-02-20-21 Relining of Sewer Lines in Western Downs Regional Council Area.

9.4.2 Infrastructure Services Confidential Tender Evaluation Report Tender No MM14-20-21 Chinchilla Reservoir Rising Main Middle Street Trunk Main Replacements  
The purpose of this Report is to provide Council with an assessment of the tenders received for Tender MM14-20-21 for Chinchilla Reservoir Rising Main and Middle Street Trunk Main Replacements and to consider awarding the Contract.

## **10. DEPUTATION**

10.1 Deputation David Parry

## **11. PLANNING**



11.1	<p><b>(035.2020.328.001) Community and Liveability Report Development Application Reconfiguring a Lot (Easement Giving Access to a Constructed Road) on Lots 1 and 2 on RP56961 at 59-71 Chinchilla Street Chinchilla GCB Superannuation Pty Ltd</b></p> <p>The purpose of this Report is for Council to decide the proposed development for a Reconfiguring a Lot (Easement giving access to a constructed road) on land described as Lots 1 and 2 on RP56961 and situated at 59-71 Chinchilla Street, Chinchilla.</p>	49
12.	<b>EXECUTIVE SERVICES</b>	
12.1	<p><b>Executive Services Chief Executive Officer Report August 2020</b></p> <p>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 August 2020.</p>	63
12.2	<p><b>Executive Services Report Outstanding Actions August 2020</b></p> <p>The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 19 August 2020.</p>	65
13.	<b>CORPORATE SERVICES</b>	
13.1	<p><b>Corporate Services Financial Report August 2020</b></p> <p>The purpose of this Report is to provide Council with the Financial Report for the month ending August 2020 and to seek Council approval to include a fee to the adopted 2020-21 list of waived Stimulus Package Fees and Charges for the 2020-21 financial year.</p>	67
13.2	<p><b>Corporate Services Report of Audit Committee Meeting 18 August 2020</b></p> <p>To provide Council with the report of the Western Downs Regional Council Audit Committee Meeting held 18 August 2020.</p>	75
13.3	<p><b>Corporate Services Report Parks and Leisure Australia, Queensland Park of the Year Award - Chinchilla Botanic Parkland</b></p> <p>To advise Council of a successful award nomination of the Chinchilla Botanic Parkland for the Queensland Park of the Year Award as part of the Parks and Leisure Australia annual award presentations.</p>	82
13.4	<p><b>Corporate Services Report Recommended Adoption of the 2020-21 Accounts Receivable Debt Collection - Council Policy</b></p> <p>The purpose of this Report is for Council to review the 2020-21 Accounts Receivable Debt Collection – Council Policy and to recommend its formal adoption.</p>	84
13.5	<p><b>Corporate Services Report Adopt Complaints about the Chief Executive Officer (Section 48A of the Crime and Corruption Act 2001) - Council Policy</b></p> <p>To present the proposed Complaints about the Chief Executive Officer (Section 48A of the <i>Crime and Corruption Act 2001</i>) - Council Policy, for Council's consideration and adoption.</p>	98

13.6	<b>Corporate Services Report Request Additional Funding Leo Gordon Apex Park, Meandarra</b>	110
	This Report is to seek Council's direction regarding the Leo Gordon Apex Park Meandarra upgrade project.	
13.7	<b>Corporate Services Report Tara Pool Precinct Masterplan Update</b>	115
	The purpose of this Report is to provide Council with an update on action taken to date with respect to the Tara Pool Precinct Masterplan project.	
14.	<b>INFRASTRUCTURE SERVICES</b>	
14.1	<b>Infrastructure Services - Commercial Works - Council Policy</b>	117
	The purpose of this Report is to seek Council's approval to adopt the Commercial Works - Council Policy.	
14.2	<b>Infrastructure Services - Disaster Recovery Funding Arrangements February 2020 Heavy Rainfall and Flooding Event - Reconstruction of Essential Public Assets</b>	123
	The purpose of this Report is to provide Council with an update in regards to Queensland Reconstruction Authority - Disaster Recovery Funding Arrangements for the Western Downs Region and Council's Plant Eligibility Rates following Industry Benchmarking Assessment.	
14.3	<b>Infrastructure Services - Naming Council Roads and Streets - Council Policy</b>	126
	The purpose of this Report is to seek Council's approval to adopt the Naming Council Roads and Streets - Council Policy.	
14.4	<b>Infrastructure Services - Naming Public Assets - Council Policy</b>	136
	The purpose of this Report is to seek Council's approval to adopt the Naming Public Assets - Council Policy.	
14.5	<b>Infrastructure Services - Private Access Council Policy</b>	142
	The purpose of this Report is to seek Council's approval to adopt the Private Access - Council Policy.	
14.6	<b>Infrastructure Services Report Lease Renewal Off-Street Carpark at 56 Condamine Street Dalby</b>	162
	This report has been prepared to provide Council information in relation to a lease renewal of land currently used as a carpark, located at 56 Condamine Street, Dalby.	
15.	<b>COMMUNITY AND LIVEABILITY</b>	
15.1	<b>Community and Liveability Report COVID-19 Recovery Package Desexed Dog Registration Fee</b>	172
	This report provides Council with an update on the success of the waived dog registration fees for desexed animals as part of the COVID-19 Recovery Package.	

- 15.2 Community and Liveability Report Drive-In Movie Nights at Tara and Miles** 176  
This report is to inform Council on the recent success of the Drive-In Movie nights.

**16. NOTICES OF MOTION**

**16.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS**

- 16.1.1 Executive Services Report Cr M.J. James Notice of Motion** 180  
**Development of a Communications and Community Engagement Strategy**  
The purpose of this Report is to bring to Council's attention the Notice of Motion from Councillor M.J. James entitled " Cr M.J. James Notice of Motion Development of a Communications and Community Engagement Strategy ".

**16.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING**

**17. URGENT GENERAL BUSINESS**

**18. MEETING CLOSURE**

**Title** **Adopt Ordinary Meeting of Council Minutes 22 July 2020**

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**Date** 11 August 2020

**Responsible Manager** S.Peut, A/CHIEF EXECUTIVE OFFICER

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### **Summary**

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 22 July 2020

### **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 22 July 2020, 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, 22 July 2020.

**Authored by:** A. Lyell, EXECUTIVE SERVICES ADMINISTRATION OFFICER



## Ordinary Meeting of Council Minutes

**Councillors:**

**Cr. P. M. McVeigh  
Cr. A. N. Smith (Chairperson)  
Cr. K. A. Bourne  
Cr. P. T. Saxelby  
Cr. K. A. Maguire  
Cr. I. J. Rasmussen  
Cr. M. J. James  
Cr. O. G. Moore  
Cr. C. T. Tillman**

**Officers:**

**R. A. Musgrove, Chief Executive Officer  
S. M. Peut, General Manager (Corporate Services)  
B. Barnett, A/General Manager (Infrastructure Services)  
C. Ole, A/General Manager (Community And Liveability)  
J. L. Weier, Senior Executive Officer  
A. G. Lyell, Executive Services Administration officer**

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**1. DECLARATION OF MEETING OPENING**

Cr. A. N. Smith assumed the Chair.

The Chair declared the meeting open at 9:30am

**COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

**Seconded By** Cr. P. T. Saxelby

That Council approves the attendance of Cr. P. M. McVeigh by teleconference

**CARRIED**

**2. OPENING PRAYER AND MINUTE SILENCE**

John Erbacher from the Catholic Church, delivered the opening prayer. This was followed by the observance of a minute silence.

**3. APOLOGIES**

Nil.

**4. CONGRATULATIONS**

Cr. O. G. Moore congratulated Cr. C. T. Tillman on receiving the Paul Harris award from the Dalby Rotary Club for her contribution to humanitarian and educational work in our community.

## 5. CONFIRMATION OF MINUTES

### 5.1 Adopt Minutes Ordinary Meeting of Council

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 22 July 2020

#### **COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Bourne

**Seconded By** Cr. O. G. Moore

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 22 July 2020, copies of which have been circulated to Members, be taken as read and confirmed.

**CARRIED**

### 5.2 Adopt Special Meeting of Council ADOPT 2020-21 Budget Minutes 22 July 2020

The Purpose of this Report is for Council to adopt the Minutes of the Special Meeting of Council ADOPT 2020-21 Budget held on Wednesday, 22 July 2020.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. C. T. Tillman

That this Report be received and that:

1. The Unconfirmed Minutes of the Special Meeting of Council ADOPT 2020-21 Budget held on 22 July 2020, copies of which have been circulated to Members, be taken as read and confirmed.

**CARRIED**

**6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS**

**7. PRESENTATION OF PETITIONS BY COUNCILLORS**

**7.1 Warra Canaga Creek Road Petition - Presented by Cr. O. G. Moore**

Cr. O. G. Moore presented a petition to Council in relation to the Warra Canaga Creek Road.

**COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

**Seconded By** Cr. P. T. Saxelby

The petition be referred to the CEO for consideration and a brief report to the Council.

**CARRIED**

UNCONFIRMED



## 7.2 Tara Memorial Swimming Pool - Presented by Cr. M. J. James

Cr. M. J. James presented a petition to Council in relation to the Tara Memorial Swimming Pool.

### **COUNCIL RESOLUTION**

**Moved By** Cr. M. J. James

**Seconded By** Cr. I. J. Rasmussen

The petition be received, and no further action be taken.

### **FORESHADOWED MOTION**

Cr. O. G. Moore foreshadowed that if the Motion on the floor failed, he would move:

That the petition be received, and a brief report be provided to the Council.

Cr. I. J. Rasmussen indicated his intention to move an Amendment.

### **POINT OF ORDER**

Cr. M. J. James made a point of order that an Amendment is not permitted under the meetings - Council Policy for Petitions.

The Chair ruled that he would not allow an Amendment.

### **POINT OF ORDER**

Cr. I. J. Rasmussen made a point of order that the Foreshadowed Motion is not in line with the meetings - Council Policy.

The Chair ruled that he would allow the Foreshadowed Motion

The **ORIGINAL MOTION** was **PUT** and **LOST (4 to 5)**

**For (4):** Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire, and Cr. I. J. Rasmussen

**Against (5):** Cr. P. M. McVeigh, Cr. P. T. Saxelby, Cr. M. J. James, Cr. O. G. Moore,  
and Cr. C. T. Tillman

### **FORESHADOWED MOTION MOVED**

As foreshadowed

**Moved By** Cr. O. G. Moore

**Seconded By** Cr. C. T. Tillman

That the petition be received, and a brief report be provided to the Council.

**CARRIED (7 to 2)**

**For (4):** Cr. A. N. Smith, Cr. K. A. Bourne, Cr. P. M. McVeigh, Cr. P. T. Saxelby,  
Cr. M. J. James, Cr. O. G. Moore, and Cr. C. T. Tillman

**Against (2):** Cr. K. A. Maguire, and Cr. I. J. Rasmussen

## **8. MAYORAL UPDATE**

### **8.1 Executive Services Mayoral Report July 2020**

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of July 2020.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. P. T. Saxelby

**Seconded By** Cr. K. A. Bourne

That this Report be received and noted

**CARRIED**

UNCONFIRMED

**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 - CLOSE MEETING**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. M. J. James

That Council resolve to close the Meeting in accordance with Sections 275 (1) (h,f) of the *Local Government Regulation 2012* at 10:06am to discuss the following Confidential Reports:

1. Corporate Services Confidential Report - Proposed Sale by Tender 13 King Street, Chinchilla.
2. Corporate Services Confidential Report Quarterly Liability Update as at 30 June 2020.
3. Infrastructure Services Confidential Report Jandowae Dam Regulated Risk Mitigation.

**CARRIED**

**COUNCIL RESOLUTION - REOPEN MEETING**

**Moved By** Cr. M. J. James

**Seconded By** Cr. C. T. Tillman

That Council resolve to reopen the Meeting at 10:12am

**CARRIED**

**9.1 EXECUTIVE SERVICES**

**9.2 CORPORATE SERVICES**

**9.2.1 Corporate Services Confidential Report - Proposed Sale by Tender  
13 King Street, Chinchilla**

This report is to seek Council's direction regarding the proposed sale of 13 King Street, Chinchilla being Lot 24 SP188009.

**COUNCIL RESOLUTION**

**Moved By** Cr. P. T. Saxelby

**Seconded By** Cr. M. J. James

That this Report be received and that Council:

1. Approve the sale of 13 King Street, Chinchilla by tender (being Lot 24 on Survey Plan 188009), and
2. Authorise the Chief Executive Officer to prepare all documents necessary to offer 13 King Street, Chinchilla (being Lot 24 on Survey Plan 188009) for sale by tender.

**CARRIED**

**9.2.2 Corporate Services Confidential Report Quarterly Liability Update as  
at 30 June 2020**

To provide Council with a quarterly update on liability matters as at 30 June 2020.

**COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

**Seconded By** Cr. K. A. Bourne

That this Report be received, and Council note the liability matters.

**CARRIED**

**9.3 COMMUNITY AND LIVEABILITY**

**9.4 INFRASTRUCTURE SERVICES**

**9.4.1 Infrastructure Services Confidential Report Jandowae Dam Regulated Risk Mitigation**

The purpose of this report is to inform Council of recommendations following a risk assessment of Jandowae Dam to address Council's obligations as an operator of a regulated dam under the Water Supply (Safety & Reliability) Act 2008.

**COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. I. J. Rasmussen

It is recommended that this report be received and that Council:

1. allocates \$20,000 at the 2020/21 mid-year budget review for Survey and Design of the Primary Spillway Upgrade recommended in Option 1 in the Jandowae Dam Risk Assessment Report 2020 prepared by SMEC

2. includes the construction of the Jandowae Spillway Upgrade for further consideration by Council in the 2022/23 budget deliberations.

**CARRIED**

## 10. PLANNING

### 10.1 (030.2020.119.001) Community and Liveability Report Development Application Material Change of Use High Impact Industry and ERA 62(1)(b) and (c) Resource Recovery and Transfer Facility Operation at 18-20 Emmerson Street Chinchilla Veolia Environmental Ser

The purpose of this Report is for Council to decide the application for a Material Change of Use to establish a High Impact Industry and Environmentally Relevant Activity 62(1)(b) and (c) Resource Recovery and Transfer Facility Operation on land described as Lot 36 on SP109512 including Easement R on SP258563 and Easement E on SP109512 and situated at 18-20 Emmerson Street, Chinchilla

#### **COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Bourne

**Seconded By** Cr. I. J. Rasmussen

That this Report be received and that:

1. The application for Material Change of Use to establish a High Impact Industry and Environmentally Relevant Activity 62(1)(b) and (c) Resource Recovery and Transfer Facility Operation on land described as Lot 36 on SP109512 including Easement R on SP258563 and Easement E on SP109512 and situated at 18-20 Emmerson 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:**SK401, Rev B

**Description:**Waste Transfer Facility Concept, prepared by ATC Williams, dated 26/02/20

**Amendment:**As amended in red by Council on 31/7/2020

**Plan No:**P10452

**Description:**AV Right- in Right-Out, prepared by Christopher Wight, dated 12/02/2020

**Amendment:**As amended in red by Council on 31/7/2020

**Plan No:**SK402, Rev A

**Description:**Existing Structure, Proposed Structure and Existing Hardstand, prepared by ATC Williams, dated Oct 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.

3. The following further Development Permits must be obtained prior to commencement of any work associated with the process:

3.1 Building Works.

#### **APPROVED DEVELOPMENT**

4. The approved development is a Material Change of Use for a High Impact Industry and Environmentally Relevant Activity 62(1)(b) and (c) Resource Recovery and Transfer

Facility Operation on land described as Lot 36 on SP109512 including Easement R on SP258563 and Easement E on SP109512 and situated at 18-20 Emmerson Street, Chinchilla as shown on the Approved Plans.

#### **COMPLIANCE, TIMING AND COSTS**

5.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.

#### **INFRASTRUCTURE CHARGES**

6.All infrastructure charges including those associated with Council's Water, Stormwater, Transport and Parks Networks are now levied under the *Planning Act 2016*. As required under Section 119 of the *Planning Act 2016*, a separate **Infrastructure Charges Notice** is attached.

#### **HOURS OF OPERATION AND LOADING AND UNLOADING OF GOODS**

7.Unless otherwise approved in writing by Council, the approved development must only operate between the following hours:

Operating Hours:5:00am and 6:00pm

#### **VISUAL AND GENERAL AMENITY**

8. Any graffiti on buildings or structures associated with the development must be immediately removed.

9. The buildings and the site must be maintained in a clean and tidy manner at all times.

10. 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.

#### **LIGHTING**

11.All lighting is to enhance the security of the site and surrounds without creating unnecessary glare or overspill to the detriment of surrounding activities. Direct lighting or lighting must not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.

#### **ACOUSTIC AMENITY - NOISE LIMITS**

12. Noise from activities associated with the use of the site must not exceed the Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2008* when measured at any sensitive place or commercial place.

13.In the event that a bona fide complaint is received by Council in relation to noise emissions produced from the site, and the use is not being carried out in accordance with the conditions of this approval, Council reserves the right to require the applicant to re-assess site management procedures already in place. In this instance, the applicant may be required to undertake a further assessment on noise impacts through a third party, and implement any recommendations by a date agreed to by Council.

#### **AIR EMISSIONS**

14.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*.

15.In the event that a bona fide complaint is received by Council in relation to odour emissions produced from the site, and the use is not being carried out in accordance with

the conditions of this approval, Council reserves the right to require the applicant to re-assess waste and odour management procedures already in place. In this instance, the applicant may be required to undertake a further assessment on waste and odour management through a third party, and implement any recommendations by a date agreed to by Council.

### **SCREEN FENCING**

16. Any security or screen fencing erected on the subject site shall present an attractive visual appearance to adjoining properties.

17. The applicant shall submit a concept plan of the proposed screen fencing arrangements for the development, for endorsement by Council's Planning and Environment Manager or an authorised delegate prior to commencement of the use. Once the concept plan is formally endorsed by Council, the approved fencing arrangements are to be constructed prior to commencement of the use.

### **REFUSE STORAGE AREA**

18. Refuse bin storage areas shall be provided on the premises within an enclosed structure so that they are screened to the satisfaction of Council.

19. The size and capacity of the refuse storage areas shall be sufficient to accommodate:

19.1 the level of waste likely to be generated from the development having regard to the frequency of refuse collection; and

19.2 general refuse bins of an industrial type appropriate to the nature and scale of the use.

20. Waste collection shall be undertaken in a manner that complies with the following requirements:

20.1 the bins shall be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them;

20.2 the collection of putrescible waste arising from the activities undertaken on this development shall be collected and removed at periods not exceeding 7 days;

20.3 the collection of waste shall be undertaken so as to minimise, so far as reasonable and practical, excessive noise to neighbouring occupants; and

20.4 the collection method shall ensure that waste is adequately managed to prevent the escape of contamination.

21. Refuse bin collection areas shall be maintained in a manner that complies with the following requirements:

21.1 waste containers shall be kept in a clean state and in good repair;

21.2 waste containers are to be provided with tight-fitting lid assemblies designed to prevent ingress of pests and water;

21.3 the occupier of the serviced premises shall ensure that all waste containers supplied are kept within the boundaries of the premises; and

21.4 the occupier shall ensure that there is unobstructed access to the container for the removal of waste.

### **ENGINEERING WORKS**



22.Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.

23.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**

24. 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.

25. 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.

#### **SERVICES CONNECTIONS**

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

27.Connect the development to Council's existing reticulated sewerage system via a single connection.

#### **ELECTRICITY AND TELECOMMUNICATIONS**

28. Connect the development to electricity and telecommunication services.

#### **STORMWATER MANAGEMENT**

29.Design and construct stormwater drainage to ensure that there is no nuisance or interference to the current use or potential future use of all downstream properties including road reserves and the like, for design storms of ARI 2, ARI 5, ARI 10, ARI 20 and ARI 50.

30.Discharge stormwater runoff from sealed areas and overflow pipes from the development to the kerb and channel in Emmerson Street, and the existing stormwater easement at the rear of the lot, as per the existing arrangement.

31.The existing stormwater easement shall be kept free from obstructions and blockages at all times.

#### **WASH DOWN AND HARDSTAND AREAS**

32.The business must ensure that:

32.1maintenance 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;

32.2any 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; and

32.3incidental rainfall and overland flow of stormwater do not contact contaminants (for example, areas with contaminants should be roofed or protected by diversion drains).

33.Do not release contaminants or contaminated water directly or indirectly from the premises or to the ground or groundwater at the premises, except for:

33.1 uncontaminated overland stormwater flow;

33.2 uncontaminated stormwater to the stormwater system;

33.3 contaminants released to the sewer under and in accordance with a Trade Waste Permit granted by the Local Government under the *Sewerage and Water Supply Act 1949*; or

33.4 other water following treatment through an oil/silt interceptor trap or separator.

34. 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.

35. Where regulated waste is removed from the premises, records must be kept of the following:

35.1 the date, quantity and type of waste removed;

35.2 the name of the waste transporter and/or disposal operator who removed the waste; and

35.3 the intended treatment/disposal destination of the waste.

#### **HAZARDOUS CHEMICAL STORAGE**

36. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.

#### **PARKING AND ACCESS - GENERAL**

37. Provide a minimum of five (5) car parking spaces including a minimum of one (1) person with disability (PWD) car parking space for the development.

38. Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement to enable all vehicles to enter and leave the site in a forward gear.

39. 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.

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

41. Vehicles associated with the operation of the development are not to use the Emmerson Street road reserve for parking at any time.

#### **VEHICLE ACCESS**

42. Construct two (2) new concrete commercial crossovers between the property boundary and the edge of the Emmerson Street road pavement, at the locations generally illustrated by Council's amendment to the Approved Plans. The crossovers shall have a minimum width of five (5) metres, generally in accordance with Council's Standard Drawing No. R-006, Revision A. Ensure that crossover splay is designed to accommodate turning movements of an Articulated Vehicle.

43. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit) or road infrastructure (eg street sign, street tree, etc).

#### **REDUNDANT CROSSOVERS**

44. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath to the standard immediately adjacent the frontage of the site.

#### **ROADWORKS AND PEDESTRIAN SAFETY**

45. Install signage for all work on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.

46. Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction of the work.

47. Maintain safe pedestrian access along Council's footpaths at all times.

#### **DRAINAGE EASEMENT**

48. The Drainage Easement identified as Easement E on SP109512 at the rear of the property is to remain unobstructed at all times.

#### **RIGHT OF WAY EASEMENTS**

49. The use of registered easements R and Q on SP258563 is to be consistent with the terms of the registered easement document at all times.

#### **EROSION AND SEDIMENT CONTROL - GENERAL**

50. 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.

51. 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**

52. Undertake operations and construction work associated with this development to the requirements of Council, including the following:

52.1 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;

52.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and

52.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

53. Do not release contaminants or contaminated water directly or indirectly from the land subject to this approval, or to the ground or groundwater at the land subject to this approval, except for:

53.1. uncontaminated overland stormwater flow; and

53.2. uncontaminated stormwater to the stormwater system.

#### **REFERRAL AGENCY RESPONSE**

1. The applicant be advised of the attached Concurrence Agency response from Queensland Treasury dated 19 June 2020.

## ADVISORY NOTES

### NOTE 1 -Relevant Period

"To the extent a development approval is for a Material Change of Use of premises, the approval lapses if the first change of use under the approval does not start within the following period (the relevant period) -

(a) **6 years** starting the day the approval takes effect;

(b) if the approval states a different period from when the approval takes effect—the stated period."

### 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 work, and to ensure safe traffic control and safe public access in respect of work 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 work is 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.

### NOTE 7 -Infrastructure Charges Notice

An Infrastructure Charges Notice is attached.

### NOTE 8 -Commencement of Use

(i) Prior to commencement of this use, the applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.

(ii) Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the applicant is to notify Council within 20 business days, that this approved use has lawfully commenced.

**CARRIED**

UNCONFIRMED

**10.2 (030.2020.77.001) Community and Liveability Report Development Application Material Change of Use for Medium Impact Industry (Motor Mechanic Workshop) and Caretaker's Accommodation at Lot 11 on RP14934 8-10 Forrest Street Chinchilla Crank Diesel**

The purpose of the Report is for Council to decide the proposed development for a Material Change of Use to establish a Medium Impact Industry (Motor Mechanic Workshop) and Caretaker's Accommodation on land described as Lot 11 on RP14934 and situated at 8-10 Forrest Street, Chinchilla

**COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. M. J. James

That this Report be received and that:

1.The application for a Material Change of Use to establish a Medium Impact Industry (Motor Mechanic Workshop) and Caretaker's Accommodation on land described at Lot 11 on RP14934 and situated at 8-10 Forrest Street, Chinchilla, be approved, subject to the following conditions:

**APPROVED PLANS AND DOCUMENT**

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

**Plan No:**20101101, Issue E

**Description:**Site Plan / Landscaping Plan, prepared by Brandon & Associates, dated 22.07.20

**Plan No:**20101102, Issue E

**Description:**Site Civil Works / Stormwater Management, prepared by Brandon & Associates, dated 22.07.20

**Plan No:**20101103, Issue E

**Description:**Floor Plan & Elevations, prepared by Brandon & Associates, dated 22.07.20

**Plan No:**20101104, Issue E

**Description:**Sections, prepared by Brandon & Associates, dated 22.07.20

**Plan No:**20101105, Issue E

**Description:**Vehicle Simulation Path, prepared by Brandon & Associates, dated 22.07.20

**Document:**Flood Emergency Evacuation Plan, Project No. AUQ00246, Version 1.2, prepared by Ausrocks, dated 17/06/2020

2.The Approved Plans are to be amended in accordance with the conditions of this approval and as outlined below:

2.1Provide floor plans and elevations for the proposed Caretaker's Accommodation.

**APPROVED DEVELOPMENT**

3.The approved development is a Material Change of Use for a Medium Impact Industry (Motor Mechanic Workshop) and Caretaker's Accommodation as shown on the Approved Plans.

4.The existing Dwelling House is used only as a Caretaker's Accommodation, ancillary to the Medium Impact Industry Use.

**OPERATING HOURS**

5.Unless otherwise approved in writing by Council, the approved use must only operate between the following hours:

Monday to Friday:7:00am to 6:00pm

Saturday:7:00am to 12:00pm

Sunday/Public Holidays:No operation

**COMPLIANCE, TIMING AND COSTS**

6.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.

7.All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

**FEES AND CHARGES**

8.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**

9.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.

10.The site shall be maintained in a clean and orderly state at all times, to Council's satisfaction.

**NOISE EMISSIONS**

11.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**

12.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**

13.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*.

14.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**

15. Any graffiti on the buildings must be removed within 3 business days.

16. 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**

17. 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**

18. 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.

19. The Landscaping Plan must detail:

19.1 all landscaping areas shown on the Approved Plans;

19.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;

19.3 the number and size of plants; and

19.4 the typical planting detail including preparation, backfill, staking and mulching.

20. 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**

21. Submit to Council, an Operational Work application for all Civil Works including Earthworks (if required), and Roadworks.

22. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.

23. 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**

24. 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.

25. 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**



26. Design and construct stormwater drainage to ensure that the development will achieve "no nuisance" as described in the Queensland Urban Drainage Manual (QUDM), to all downstream properties including road reserves and the like for design storms of ARI2, ARI5, ARI10, ARI20 and ARI50.

27. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in stormwater impacts on other properties.

28. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

29. Design and construct stormwater drainage incorporating measures to prevent any sediment, solid matter or floatable oils being carried into the existing stormwater system.

30. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any works undertaken as part of the proposed development.

#### **WATER SUPPLY**

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

#### **TRADE WASTE DISPOSAL**

32. 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.

33. 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.

34. The business must ensure that:

34.1 maintenance and cleaning of equipment (including vehicles) are carried out within the proposed shed where contaminants cannot be released into stormwater drainage, a roadside gutter, a water course or onto unsealed ground;

34.2 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;

34.3 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

34.4 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**

35. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.

36. 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**

37. The development site is impacted by extreme risk of flooding during a Q100 event. Flood Risk Management for the site shall be carried out as per the Approved Flood Emergency Evacuation Plan, Project No. AUQ00246, Version 1.2, prepared by Ausrocks, dated 17/06/2020.

38. The Flood Emergency Evacuation Plan is to be kept on-site and available to customers, staff and Council at all times.

39. The Flood Emergency Evacuation 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.

40. Habitable areas, mezzanine levels 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 which is 303.82 metres Australian Height Datum.

41. All boundary fences must be constructed from chain link or similar to allow flood water to flow through the site unimpeded.

### **PARKING AND ACCESS – GENERAL**

42. A minimum of six (6) car parks must be provided, being four general, one for person with disability, and one shared zone.

43. 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.

44. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas, ensuring to not have an adverse impact on adjoining properties.

45. A bollard is to be provided at a height of 1,300mm in the shared zone.

46. Vehicle crossover and property access to the development should be constructed with a 1 metre minimum clearance from the edge of the crossover to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure or power poles.

47. In the event that a bona fide complaint is received by Council in relation to dust emissions produced from the site, Council reserves the right to require the applicant to provide either concrete, asphalt, or bitumen seal to heavy vehicle manoeuvring areas.

### **PARKING AND ACCESS - SERVICING**

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

### **EXTERNAL ROADWORKS**

49. Design and construct Forrest Street along the full frontage of Lot 11 on RP14934, to the following standard:

49.1 widening of the existing pavement to 8 metres, including a two-coat bitumen seal;

49.2 natural grassed table drains, and formation of a natural grassed verge;

49.3 tapers to the existing road pavement;

49.4 provision for stormwater drainage and easements (if required); and

49.5 design all work in consultation with Council prior to submission of detailed Engineering drawings.

#### **EROSION AND SEDIMENT CONTROL - GENERAL**

50. 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.

51. 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.

52. 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**

53. Undertake operations and construction work associated with this development to the requirements of Council, including the following:

53.1 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;

53.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and

53.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

54. Bunding is to be provided as illustrated on the proposal plans to ensure potential pollutants are contained within the workshop.

#### **ELECTRICITY AND TELECOMMUNICATIONS**

55. Connect the development to electricity and telecommunication services.

#### **ADVISORY NOTES**

##### **NOTE 1 -External Road Construction**

Please contact Council's Planning and Environment Manager to discuss arrangements for the construction of Forrest Street as per the condition package.

##### **NOTE 2 -Flood Hazard**

The property is identified as being located in Low, High and Extreme Flood Hazard Areas on the Flood Hazard Overlay Map in the Western Downs Planning Scheme 2017 incorporating Amendment 1. Where the floor level is not elevated above the defined flood level, the proposed building works may be subject to inundation during a flood event.

##### **NOTE 3 -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 4 -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 5 -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 6 -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 7 -Property Note (Audit of Conditions)**

An inspection of the property to ascertain compliance with conditions will be undertaken twelve (12) 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 8 -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...

...(g)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**

**10.3 (035.2020.211.001) Community and Liveability Report Development Application Reconfiguring a Lot (1 lot into 2 lots) Lot 24 on DY991 Fletts Road, Hopeland Davis C/- Murray & Associates**

The purpose of this Report is for Council to decide the proposed development to Reconfigure a Lot (1 lot into 2 lots) on land described as Lot 24 on DY991 and situated at Fletts Road, Hopeland.

**COUNCIL RESOLUTION**

**Moved By** Cr. C. T. Tillman

**Seconded By** Cr. P. T. Saxelby

That this Report be received and that:

The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 24 on DY991 and situated at Fletts Road, Hopeland 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:** 9044-33141

**Description:** Plan of Development, prepared by Murray & Associates, dated 18/06/2020

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 (1 lot into 2 lots) 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.

**LOT/STREET NUMBERING**

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

9. The developer is to make a request to Council for rural road numbering, within 30 business days of the new title being registered.

#### **INFRASTRUCTURE CHARGES**

10. All infrastructure charges including those associated with Council's Water, Sewerage, Stormwater, Transport and Parks Networks are now levied under the **Planning Act 2016**. As required under Section 119 of the **Planning Act 2016**, a separate **Infrastructure Charges Notice** is attached.

#### **LANDSCAPING – MISCELLANEOUS**

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.

#### **ENGINEERING WORKS**

13. Complete all work approved and work required by conditions of this development approval and/or any related approval at no cost to Council.
14. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, relevant Australian Standards, Codes of Practice, EDROC Regional Standards Manual and relevant Design Manuals.
15. Be responsible for any alteration necessary, to electricity, telephone stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage work required in connection with the development.

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

16. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted during construction of the development.
17. 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**

18. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
19. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).
20. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken.

#### **ON-SITE WATER SUPPLY**

21. Prior to the issue of a Building Approval for a future Dwelling on Proposed Lot 240 and Proposed Lot 241, each lot must be provided with a potable water supply for the development.

#### **WATER SUPPLY - FIRE FIGHTING SUPPLY**

22. Prior to the issue of a Building Approval for a future Dwelling on Proposed Lot 240 and Proposed Lot 241, each lot must be provided with a minimum fire fighting water supply of 5,000 litres. This is to be a permanent supply of water for fire fighting purposes, separate from any potable water supply.
23. Any water tank for fire fighting supply must be provided with a supply outlet with a 50mm male camlock fitting for fire fighting connection.

#### **ON-SITE SEWAGE TREATMENT**

24. Prior to obtaining a Building Approval for any future Dwelling on Proposed Lots 240 and 241 and Proposed Lot 2, development must be connected to an on-site effluent disposal system, 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.

#### **ELECTRICITY AND TELECOMMUNICATIONS**

25. Provide electricity and telecommunication services to any future Dwelling on Proposed Lot 240 and Proposed Lot 241.

#### **ACCESS**

26. Ensure all existing vehicular property accesses are maintained in accordance with Council's Planning Scheme and the latest revision of Council's Standard Drawing R-004.

#### **ROADWORKS AND PEDESTRIAN SAFETY**

27. All work on or near roadways shall be adequately signed in accordance with the "*Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*".

#### **EROSION AND SEDIMENT CONTROL - GENERAL**

28. 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.
29. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

#### **ADVISORY NOTES**

##### **NOTE 1 - Currency Period**

The standard Currency Period for Reconfiguring a Lot of 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 [www.datsip.qld.gov.au](http://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 work is 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 - Infrastructure Charges Notice**

An Infrastructure Charges Notice is attached.

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

An applicant has the opportunity 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 Planning and Environment 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...

...(g) 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."

#### **FORESHADOWED MOTION**

Cr. I. J. Rasmussen foreshadowed that if the Motion on the floor failed, he would move:

That this Report be received and that:

1.The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 24 on DY991 and situated at Fletts Road, Hopeland be refused for the following reasons:

- The development application for Reconfiguring a Lot (1 lot into 2 lots) has been assessed against the Western Downs Planning Scheme 2017 incorporating Amendment 1 and does not comply with the following matters:
  - (i)The development does not comply with Element 3.5.3 of the Strategic Plan, as the development will further fragment an already undersized rural land parcel within the Rural Zone and create a lot configuration that will permanently diminish potential agricultural productivity of the property.
  - (ii)The development does not comply with Acceptable Outcome 6.2 of the Natural Resources Overlay Code, as it will create a lot significantly smaller than the 500ha required and will fragment land identified as Agricultural Land Classification - Class A Land.
  - (iii)The development conflicts with Overall Outcome 2 of the Rural Zone Code, as it will result in further fragmentation and alienation of land within the Rural Zone.
  - (iv)The development is inconsistent with Overall Outcome 1 of the Reconfiguring a Lot Code, as the development is inconsistent with the Overall Outcomes of the Rural Zone Code.

(v) The development does not comply with Overall Outcome 2(f) of the Reconfiguring a Lot Code, as the development will further fragment Agricultural Land Classification - Class A Land.

(vi) The development is inconsistent with Acceptable Outcomes 1.1 and 1.3 of the Reconfiguring a Lot Code, as it will create a lot significantly smaller than the minimum lot size for the Rural Zone and with an irregular lot configuration.

(vii) The proposed development does not satisfy Performance Criterion 14 of the Reconfiguring a Lot Code, as the applicant has not sufficiently demonstrated that there is a justified community need for further undersized irregular shaped allotments within the Rural Zone.

(viii) The development could not be conditioned to comply with the relevant Codes of the Western Downs Planning Scheme 2017 incorporating Amendment 1, as the proposed design and lot layout of the development are inconsistent with the Overall and Performance Outcomes of the relevant Codes.

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

An applicant has the opportunity 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 Planning and Environment 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...*

*...(g) 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."*

The **ORIGINAL MOTION** was **PUT** and **LOST (3 to 6)**  
**For (3):** Cr. P. T. Saxelby, Cr. O. G. Moore, and Cr. C. T. Tillman  
**Against (6):** Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire, Cr. I. J. Rasmussen, and Cr. M. J. James

### **FORESHADOWED MOTION MOVED**

**Moved By** Cr. I. J. Rasmussen  
**Seconded By** Cr. K. A. Maguire

As foreshadowed Cr. I. J. Rasmussen moved

That this Report be received and that:

1. The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 24 on DY991 and situated at Fletts Road, Hopeland be refused for the following reasons:

- The development application for Reconfiguring a Lot (1 lot into 2 lots) has been assessed against the Western Downs Planning Scheme 2017 incorporating Amendment 1 and does not comply with the following matters:

(i) The development does not comply with Element 3.5.3 of the Strategic Plan, as the development will further fragment an already undersized rural land parcel within the Rural Zone and create a lot configuration that will permanently diminish potential agricultural productivity of the property.

(ii) The development does not comply with Acceptable Outcome 6.2 of the Natural Resources Overlay Code, as it will create a lot significantly smaller than the 500ha required and will fragment land identified as Agricultural Land Classification - Class A Land.

(iii) The development conflicts with Overall Outcome 2 of the Rural Zone Code, as it will result in further fragmentation and alienation of land within the Rural Zone.

(iv) The development is inconsistent with Overall Outcome 1 of the Reconfiguring a Lot Code, as the development is inconsistent with the Overall Outcomes of the Rural Zone Code.

(v) The development does not comply with Overall Outcome 2(f) of the Reconfiguring a Lot Code, as the development will further fragment Agricultural Land Classification - Class A Land.

(vi) The development is inconsistent with Acceptable Outcomes 1.1 and 1.3 of the Reconfiguring a Lot Code, as it will create a lot significantly smaller than the minimum lot size for the Rural Zone and with an irregular lot configuration.

(vii) The proposed development does not satisfy Performance Criterion 14 of the Reconfiguring a Lot Code, as the applicant has not sufficiently demonstrated that there is a justified community need for further undersized irregular shaped allotments within the Rural Zone.

(viii) The development could not be conditioned to comply with the relevant Codes of the Western Downs Planning Scheme 2017 incorporating Amendment 1, as the proposed design and lot layout of the development are inconsistent with the Overall and Performance Outcomes of the relevant Codes.

## **APPEAL RIGHTS**

An applicant has the opportunity 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 Planning and Environment 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...*

*...(g) 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 (6 to 3)**

**For (6):** Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire,  
Cr. I. J. Rasmussen, and Cr. M. J. James

**Against (3):** Cr. P. T. Saxelby, Cr. O. G. Moore, and Cr. C. T. Tillman

UNCONFIRMED

**11. DEPUTATION**

**CARRIED**

**11.1 David Gunther**

David Gunther, President of the Tara Swim Club and P&C addressed Council in relation to the Tara Pool Replacement Project. He provided a brief history of the Pool and his opinion in relation to the project not aligning with all of Council's strategic priorities.

**11.2 Jaime Hirst**

Jaime Hirst addressed Council on the Tara Pool Replacement Project. She advised that with a 25m pool the Clubs usage would go down and without the attraction of the 50m pool local spend will end up out of Tara town.

**11.3 Andrew Hirst**

Andrew Hirst addressed Council on the Tara Pool. He advised that the community have not been kept up to date with the plans for the upgrade of the Tara Pool. He advised that the he feels the number one priority should be to replace the pool with a shallower 50metre pool and to keep the same filtration system. He advised that he looks forward to working with Council in relation to the Pool precinct.

**11.4 Pat Devlin**

Pat Devlin advised that he wished to express his appreciation to Council for their assistance in relation to the Wandoan Soldier Settlers Memorial Wall project.

**11.5 James Irish**

James Irish addressed Council on behalf of Bruce Thompson in regard to the Bunya Mountains Dark Sky Park. He asked that matter be considered on the basis that no funding is required just looking for support for the Dark Sky Park proposal.

**COUNCIL RESOLUTION**

**Moved By** Cr. C. T. Tillman

**Seconded By** Cr. I. J. Rasmussen

That Council resolve to adjourn the Meeting.

*The Meeting adjourned at 11:02am*

*The Meeting resumed at 11:25am*

**12. EXECUTIVE SERVICES**

**12.1 Executive Services Chief Executive Officer Report July 2020**

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 July 2020.

**COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

**Seconded By** Cr. K. A. Maguire

That this Report be received and noted

**CARRIED**

**12.2 Executive Services Report Outstanding Actions July 2020**

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 22 July 2020.

**COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. C. T. Tillman

That this Report be received and noted.

**CARRIED**



### 12.3 Executive Services Report Council Meeting Dates January 2021 to December 2021

The purpose of this Report is to provide for Council consideration and subsequent adoption proposed dates and times for the holding of Council Meetings in 2021.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Bourne

**Seconded By** Cr. P. T. Saxelby

That this Report be received and that, in accordance with Section 175 of the *Local Government Act 2009* and Section 277 (1) of the *Local Government Regulation 2012*, Council adopts the following dates for the holding of Council Meetings in 2021:

#### Ordinary Meetings of Council

Date (2021)	Location	Commencement Time
Wednesday, 20 January	Chinchilla Customer Service Centre	9.30 a.m.
Wednesday, 17 February	Wandoan Customer Service Centre	9.30 a.m.
Wednesday, 17 March	Miles Customer Service Centre	9.30 a.m.
Wednesday, 21 April	Jandowae Customer Service Centre	9.30 a.m.
Wednesday, 19 May	Tara Customer Service Centre	9.30 a.m.
Wednesday, 23 June	Dalby Corporate Office	9.30 a.m.
Wednesday, 21 July	Chinchilla Customer Service Centre	9.30 a.m.
Wednesday, 18 August	Wandoan Customer Service Centre	9.30 a.m.
Wednesday, 22 September	Miles Customer Service Centre	9.30 a.m.
Wednesday, 27 October	Jandowae Customer Service Centre	9.30 a.m.
Wednesday, 17 November	Tara Customer Service Centre	9.30 a.m.
Wednesday, 8 December	Dalby Corporate Office	9.30 a.m.

**CARRIED**

**13. CORPORATE SERVICES**

**13.1 Corporate Services Report 2019 2020 Q4 Enterprise Risk Management and Operational Plan Review**

The purpose of this Report is to provide Council with:

1. the status of the strategic risks which Council manages under its Enterprise Risk Management Framework; and
2. progress towards achieving the 2019/20 Operational Plan outcomes for the fourth quarter.

**COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

**Seconded By** Cr. K. A. Maguire

That this Report be received and noted.

**CARRIED**

**13.2 Corporate Services Report Adopt Complaints about the Chief Executive Officer (Section 48A of the Crime and Corruption Act 2001) - Council Policy**

To present the proposed Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy, for Council's consideration and adoption.

**COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. K. A. Bourne

That this Report be received and that:

1. Council adopt the Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy as proposed.

**CARRIED**

**13.3 Corporate Services Report Review Complaints Management - Council Policy**

To present draft amendments to the Complaints Management - Council Policy for Council's consideration and adoption.

**COUNCIL RESOLUTION**

**Moved By** Cr. C. T. Tillman

**Seconded By** Cr. K. A. Maguire

That this Report be received and that Council:

1. Rescind the Unreasonable Customer Conduct - Council Policy; and
2. Adopt the amended Complaints Management - Council Policy as proposed.

**CARRIED**

**13.4 Corporate Services Financial Report July 2020**

The purpose of this Report is to provide Council with the Financial Report for the month ending July 2020.

**COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

**Seconded By** Cr. K. A. Maguire

That this report be received, and that Council notes the July 2020 Financial Report.

**CARRIED**

**13.5 Corporate Services Quarterly Report April to June 2020**

The purpose of this Report is to provide Council with an update in relation to the Corporate Services Departments during the fourth quarter of the 2019-2020 financial year.

**COUNCIL RESOLUTION**

**Moved By** Cr. P. T. Saxelby

**Seconded By** Cr. I. J. Rasmussen

This this Report be received and noted.

**CARRIED**

**14. INFRASTRUCTURE SERVICES**

**14.1 Infrastructure Services Report Telstra Defects on Council Footpath Network**

The purpose of this Report is to inform Council of the current condition of Council's footpath network, reflective of recent maintenance works performed to repair defects, and to make Council aware of the residual risk due to defects from Telstra infrastructure assets.

**COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

**Seconded By** Cr. K. A. Bourne

That the Report be received, and that Council:

1. Continues communication with Telstra to repair the defects caused by their infrastructure on the Western Downs Regional Council footpath network.
2. Escalate the matter to the Telecommunications Ombudsman if Telstra are uncooperative or unreasonable in their assessment of the risks to the public as a result of its infrastructure located on Council footpath network.

**CARRIED**

**14.2 Infrastructure Services Quarterly Report April-June 2020**

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. O. G. Moore

**Seconded By** Cr. I. J. Rasmussen

That this Report be received and noted.

**CARRIED**

## 15. COMMUNITY AND LIVEABILITY

### 15.1 Community and Liveability Report Bunya Mountains Dark Sky Park Petition

This report addresses matters raised in a petition presented to Council at the July 2020 Ordinary Meeting regarding the establishment of a Dark Sky Park at the Bunya Mountains.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

**Seconded By** Cr. K. A. Bourne

That this report be received, and that:

Council not support the creation of a Dark Sky Park at the Bunya Mountains.

#### **FORESHADOWED MOTION**

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

That the report be received and noted.

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

**For (7):** Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire, Cr. I. J. Rasmussen, Cr. M. J. James, and Cr. O. G. Moore

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

### 15.2 Community and Liveability Report Kogan Waste and Recycling Centre Operating Hours

This report seeks Council's consideration of the introduction of opening hours for the Kogan Waste and Recycling Centre.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. C. T. Tillman

**Seconded By** Cr. K. A. Maguire

That this report be received, and that:

Council introduce operating hours for the Kogan Waste and Recycling Centre of 8.00am to 4.00pm, 7 days per week, and That a review is undertaken of the opening hours of other waste facilities.

**CARRIED (8 to 1)**

**For (8):** Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire, Cr. I. J. Rasmussen, Cr. M. J. James, Cr. O. G. Moore, and Cr. C. T. Tillman

**Against (1):** Cr. P. T. Saxelby

### 15.3 Community and Liveability "Groovin from the Garage - The Originals" Competition

This report is to update Council on the digitally adapted "Groovin from the Garage - The Originals" online music competition which provided an opportunity for performance and engagement in a COVID safe environment.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. O. G. Moore

That this report be received and noted.

**CARRIED**

### 15.4 Community and Liveability Report Nomination Special Holidays 2021

The purpose of this Report is to seek Council's endorsement of the proposed nominated Show Holidays in 2021 in line with the *Holidays Act 1983*.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

**Seconded By** Cr. I. J. Rasmussen

That this Report be received and that:

In accordance with the *Holidays Act 1983*, Council submit the following dates to be appointed as 2021 gazetted Show Holidays:-

Chinchilla	21 May 2021
Dalby	23 April 2021
Miles	18 May 2021
Tara	9 August 2021
Wandoan	9 April 2021

**CARRIED**

**15.5 Community and Liveability Quarterly Report April to June 2020**

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

**COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. K. A. Bourne

That this Report be received and noted.

**CARRIED**

**16. NOTICES OF MOTION**

**16.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS**

**16.1.1 Notice of Motion Cr. I. J. Rasmussen**

**COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

**Seconded By** Cr. K. A. Bourne

That a report be brought to the September meeting of Council regarding the full economic cost of operations of our cinemas across our region for the 2019-20 fiscal year.

**CARRIED**

**16.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING**

Nil.

## 17. URGENT GENERAL BUSINESS

### 17.1 TARA MEMORIAL POOL COMMUNITY ENGAGEMENT PROJECT

#### **COUNCIL RESOLUTION**

**Moved By** Cr. M. J. James

**Seconded By** Cr. C. T. Tillman

That, as part of its community engagement, engineering and financial feasibility scoping of the Tara replacement pool project Council investigate various options, including, but not limited to:

1. Replacing the pool with a 50m pool with lane numbers and widths the same or greater than current pool size,
2. Repairing the existing 50m pool.
3. Replacing the pool with a 25m pool suitable for club and school district carnivals and recreational uses.

#### **AMENDMENT NO. 1**

**Moved By** Cr. I. J. Rasmussen

**Seconded By** Cr. K. A. Maguire

That the Tara pool replacement project be suspended and be removed from the Covid stimulus package and that as part of any future community engagement, engineering and financial feasibility scoping of the Tara pool replacement project Council investigate various options, including, but not limited to:

1. Replacing the pool with a 50m pool with lane numbers and widths the same or greater than current pool size,
2. Repairing the existing 50m pool.
3. Replacing the pool with a 25m pool suitable for club and school district carnivals and recreational uses.

#### **POINT OF ORDER**

Cr. M. J. James made a point of order that the Amendment made by Cr. I. J. Rasmussen was not technically an amendment.

The Chair Ruled that he would allow the Amendment.

#### **PROCEDURAL MOTION**

**Moved By** Cr. I. J. Rasmussen

Cr. I. J. Rasmussen moved a Motion of dissent against the Chair

That the Chair has made a mistake in his ruling allowing the Amendment.

**CARRIED (8 to 1)**

Cr. A. N. Smith abstained from voting



**FORESHADOWED MOTION**

Cr. P. M. McVeigh foreshadowed that if the motion on the floor failed, he would move;

That, as part of its community engagement, engineering and financial feasibility scoping of the Tara replacement pool project Council investigate various options, including, but not limited to:

1. Repairing the existing 50m pool.
2. Replacing the pool with a 25m pool suitable for club and school district carnivals and recreational uses.

The **ORIGINAL MOTION** was **PUT** and **CARRIED (8 to 1)**

**18. MEETING CLOSURE**

The Meeting concluded at 1:11pm

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting of Council held this 19 August 2020.

Submitted to the Ordinary Meeting of Council held this Wednesday, 23 September 2020.

Signed:

Cr. P.M. McVeigh

MAYOR OF WESTERN DOWNS REGIONAL COUNCIL

**Title** Executive Services Mayoral Report August 2020

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**Date** 2 September 2020

**Responsible Manager** R. Musgrove, CHIEF EXECUTIVE OFFICER

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### Summary

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of August 2020.

### 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 Mayor during the month of August 2020:

Date	Who/Where	Details
3 August 2020	<ul style="list-style-type: none"> <li>• Meeting with Rate Payer</li> </ul>	Dalby
4 August 2020	<ul style="list-style-type: none"> <li>• Meeting with Dalby Show grounds Representatives</li> </ul>	Dalby
17 August 2020	<ul style="list-style-type: none"> <li>• Planning and Pre-Agenda Meeting</li> <li>• Councilor Information Sessions</li> </ul>	Dalby
18 August 2020	<ul style="list-style-type: none"> <li>• Audit Committee Meeting</li> </ul>	Teleconference
19 August 2020	<ul style="list-style-type: none"> <li>• Ordinary Meeting of Council</li> </ul>	Teleconference
20 August 2020	<ul style="list-style-type: none"> <li>• Meeting with the Green Shirt Movement</li> </ul>	Dalby
21 August 2020	<ul style="list-style-type: none"> <li>• Toowoomba Surat Basin Enterprise Boardroom Briefing</li> <li>• Meeting with CleanCo Queensland</li> </ul>	Toowoomba Toowoomba

23 August 2020	<ul style="list-style-type: none"> <li>• Vietnam Veterans &amp; Long Tan Day 2020</li> </ul>	Tara
25 August 2020	<ul style="list-style-type: none"> <li>• Chinchilla Chamber of Commerce, Year Ahead Series</li> <li>• Meeting with Rate Payer</li> </ul>	Chinchilla Chinchilla Chinchilla
26 August 2020	<ul style="list-style-type: none"> <li>• Meeting with Rate payer</li> <li>• Meeting with AgForce</li> </ul>	Dalby Teleconference
28 August 2020	<ul style="list-style-type: none"> <li>• Meeting to discuss Clean Energy Company</li> <li>• Invitation to attend Dalby Rugby League Function.</li> </ul>	Teleconference Dalby
31 August 2020	<ul style="list-style-type: none"> <li>• Australian Citizenship Ceremony</li> </ul>	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 August 2020.

**Attachments**

1. Nil

**Authored by:** Leisa Paine, Executive Services Administration Officer

**Title** (035.2020.328.001) Community and Liveability Report Development Application Reconfiguring a Lot (Easement Giving Access to a Constructed Road) on Lots 1 and 2 on RP56961 at 59-71 Chinchilla Street Chinchilla GCB Superannuation Pty Ltd

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**Date** 3 September 2020

**Responsible Manager** T. Summerville, PLANNING AND ENVIRONMENT MANAGER

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### Summary

The purpose of this Report is for Council to decide the proposed development for a Reconfiguring a Lot (Easement giving access to a constructed road) on land described as Lots 1 and 2 on RP56961 and situated at 59-71 Chinchilla 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 Reconfiguring a Lot (Easement giving access to a constructed road) on land described as Lots 1 and 2 on RP56961 and situated at 59-71 and 65-71 Chinchilla Street, Chinchilla, be approved, subject to the following conditions:

#### APPROVED PLANS

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:

**Drawing No:** 316814, Sheet 1 of 3

**Description:** Plan of Easement B in Lot 1 on RP56961 & Easement C in Lot 2 on RP56961, prepared by Fyfe Pty Ltd, dated 16/7/2020

**Drawing No:** 316814, Sheet 3 of 3

**Description:** Plan of Easement B in Lot 1 on RP56961 & Easement C in Lot 2 on RP56961, prepared by Fyfe Pty Ltd, dated 16/7/2020

#### APPROVED DEVELOPMENT

2. The approved development is Reconfiguring of a Lot (Easement giving access to a constructed road) as shown on the Approved Plans.

### **COMPLIANCE, TIMING AND COSTS**

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

### **APPLICATION DOCUMENTATION**

6. It is the developer's responsibility to ensure all entities associated with this Development Permit have a legible copy of the Approved Plans bearing "*Council Approval*" and the Decision Notice.

### **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 shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.

### **ENGINEERING WORKS**

9. Complete all work approved and work required by conditions of this development approval at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.
10. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant design manuals.
11. Be responsible for any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage work required in connection with the development.

### **LOT NUMBERING**

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

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

13. 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**

14. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
15. Ensure that adjoining properties and roadways are protected from ponding as a result of any site work undertaken.

## **VEHICLE ACCESS**

16. Construct and maintain a sealed bitumen or concrete driveway along the full length of the access easement.
17. The existing crossover shall be upgraded, between the property boundary and the edge of the Heeney Street pavement, generally in accordance with Council's Standard Drawing No. R-006, Revision C, to match the width of the access easement.

## **EASEMENTS (GENERAL)**

18. The access easement, in accordance with the Approved Plans, is to be dedicated for two-way traffic movement.
19. The proposed easement documents are to be provided to Council for endorsement.

## **ADVISORY NOTES**

### **NOTE 1 - Council Infrastructure**

Council's sewer main traverses the location of the proposed access easement. Any future maintenance to the main may result in the temporary disruption to the use of the easement. The property owners will be notified prior to any required work taking place.

### **NOTE 2 - Relevant 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 3 - 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](http://www.datsip.qld.gov.au).

### **NOTE 4 - 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 5 - 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 6 - Property Note (Audit of Conditions)**

An inspection of the property to ascertain compliance with conditions will be undertaken twelve (12) 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 7 - 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...*
  - ...(g) *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:

### DETAILS

<b>Application No:</b> 035.2020.328.001	<b>Assessment No:</b> 11493	<b>Keywords Index:</b> AD6.6.2 & LG7.9.1
<b>Assessing Officer:</b>	Mitchell Hiscock GRADUATE PLANNING OFFICER DEVELOPMENT ASSESSMENT	
<b>PART 1: APPLICATION</b>		
<b>Applicant:</b>	GCB Superannuation Pty Ltd	
<b>Owner:</b>	GCB Superannuation Pty Ltd atf GCB Superannuation Fund	
<b>Site Address:</b>	59-71 & 65-71 Chinchilla Street, Chinchilla	
<b>Site Area:</b>	Lot 1: 1,356m <sup>2</sup> Lot 2: 984m <sup>2</sup> Total: 2,340m <sup>2</sup>	
<b>Real Property Description:</b>	Lots` 1 & 2 on RP56961	
<b>Proposed Development:</b>	Easement giving access to a constructed road	
<b>Level of Assessment:</b>	Impact	
<b>Type of Application:</b>	Reconfiguring a Lot	
<b>Relevant Planning Scheme:</b>	Western Downs Planning Scheme 2017 incorporating Amendment 1	
<b>Zone:</b>	Major Centre	
<b>Precinct:</b>	N/A	
<b>Overlays:</b>	<ul style="list-style-type: none"> <li>· Flood Hazard - Extreme</li> <li>· Extractive Industry - Petroleum Leases</li> <li>- Authority to Prospect</li> <li>· Agricultural Land Classification - Class A</li> <li>· Water Resource Catchment - Groundwater Vulnerability Area</li> <li>· Stock Routes - 50m Buffer</li> <li>· Scenic Amenity - Scenic Routes Buffer 100m</li> <li>· Stormwater Overland Flow - Minor Flow Path</li> <li>· Noise Corridor - Categories 1, 2, 3 &amp; 4</li> </ul>	
<b>Pre-lodgement Meeting:</b>	No	
<b>Application Lodgement Date:</b>	17 July 2020	
<b>Properly Made Application:</b>	Yes	Date: 23 July 2020
<b>Confirmation Notice Issued:</b>	Yes	Date: 30 July 2020
<b>PART 4: PUBLIC NOTIFICATION</b>		
<b>Start Date:</b>	Yes	Date: 10 August 2020
<b>Notice of Compliance Received:</b>	Yes	Date: 31 August 2020
<b>Submissions:</b>	Nil	
<b>PART 5: DECISION PERIOD</b>		
<b>Date Commenced:</b>	1 September 2020	
<b>Decision Due Date:</b>	<b>20 October 2020</b>	

## Report

### 1. Subject Site

The subject site, Lots 1 and 2 on RP56961, is located at 59-71 Chinchilla Street, Chinchilla. The property is within the Major Centre Zone, gains access from Chinchilla and Heeney Streets, and is 2,340m<sup>2</sup> in area. The Flood Hazard, Extractive Industry, Agricultural Land Classification, Water Resource Catchment, Stock Routes, Scenic Amenity, Stormwater Overland Flow and Noise Corridor Overlays impact the land. The site is developed and contains an existing access track where the proposed easement will be located.



## 2. Proposal

The applicant wishes to establish an access easement (proposed Easements B & C) through Lots 1 and 2 to access the parking area at the rear of Lot 4 on RP51213. An access easement already exists to access Lot 4 (Easement A), which traverses Lot 3. However, the applicant states that over time, the actual location of the access track has moved into his two properties (Lots 1 and 2). Now the applicant wishes to sell Lot 4 and has realised that the location of the easement is not lawful. The applicant has contacted the owner of Lot 3 to re-establish the easement to its proper location, however, the owner of Lot 3 does not agree with the location of the easement. As such, to avoid landlocking the parking area at the rear of Lot 4, the applicant wishes to gain approval for an access easement where the current unlawful access is located. The Lots lie within the Extreme Flood Hazard Overlay. As such, an Impact Assessable development application is required.

## 3. Assessment Benchmarks

The following are the benchmarks applying to this development:

<b>ASSESSMENT MATTERS</b>
<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"><li>▪ Western Downs Planning Scheme 2017 incorporating Amendment 1<ul style="list-style-type: none"><li>• Major Centre Zone Code</li><li>• Flood Hazard Overlay Code</li><li>• Natural Resources Overlay Code</li><li>• Regional Infrastructure Corridor - Stock Route Overlay</li><li>• Scenic Amenity Overlay</li><li>• Stormwater Overland Flow Path Overlay Code</li><li>• Infrastructure Overlay Code</li><li>• Reconfiguring a Lot Code</li><li>• Transport, Access and Parking Code</li></ul></li></ul>
<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of them.</p>

### 3.1 Zone Code

- **Major Centre Zone Code**

The proposed access easement supports the intent of the Major Centre Zone by maintaining accessibility to the existing lots.

### 3.2 Overlays

- **Flood Hazard Overlay Code**

The development application is for an access easement which will not disrupt the existing hydrology of the site, nor will it increase flood risk to people or property. As such, the development is considered to achieve the intent of the Flood Hazard Overlay Code.

- **Natural Resources Overlay Code**

The development application is not located within a Rural area. As such, the Natural Resources Overlay Code is not applicable.

- **Regional Infrastructure Overlay - Stock Routes**

The site is located along an identified Stock Route, however, the proposal lies outside the Rural Zone and is therefore not applicable.

- **Scenic Amenity Overlay Code**

The proposed access easement does not propose any structures or changes to the current landscape that would impact the scenic amenity of the local area.

- **Stormwater Overland Flow Path Overlay Code**

The development application is for an access easement which will not disrupt the existing hydrology of the site, nor will it increase flood risk to people or property. As such, the development is considered to achieve the intent of the Stormwater Overland Flow Path Overlay Code.

- **Noise Corridor Overlay Code**

The development application is for an access easement and does not create any new lots capable of supporting sensitive land uses.

### 3.3 Development Codes

- **Reconfiguring a Lot Code**

The proposed access easement complies with the purpose of the Reconfiguring a Lot Code considering the compliance with the Overall Outcomes of the Major Centre Zone.

- **Transport, Access and Parking Code**

The proposal complies with all the applicable assessment benchmarks of the Code. The development will be conditioned to upgrade the crossover and seal the driveway to Council standards.

## 4. Public Notification

The application for Reconfiguring a Lot (Easement giving access to a constructed road) on a site mapped as in the 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 Toowoomba Chronicle on 10 August 2020;
- placed a notice on the frontage of the land from 7 August 2020 until 28 June 2020; and
- posted letters to adjoining land owners on 7 August 2020.

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

### 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 Principal Planner and Planning and Environment Manager 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.*
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- (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*
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  - (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...*
  - ...(g) *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**

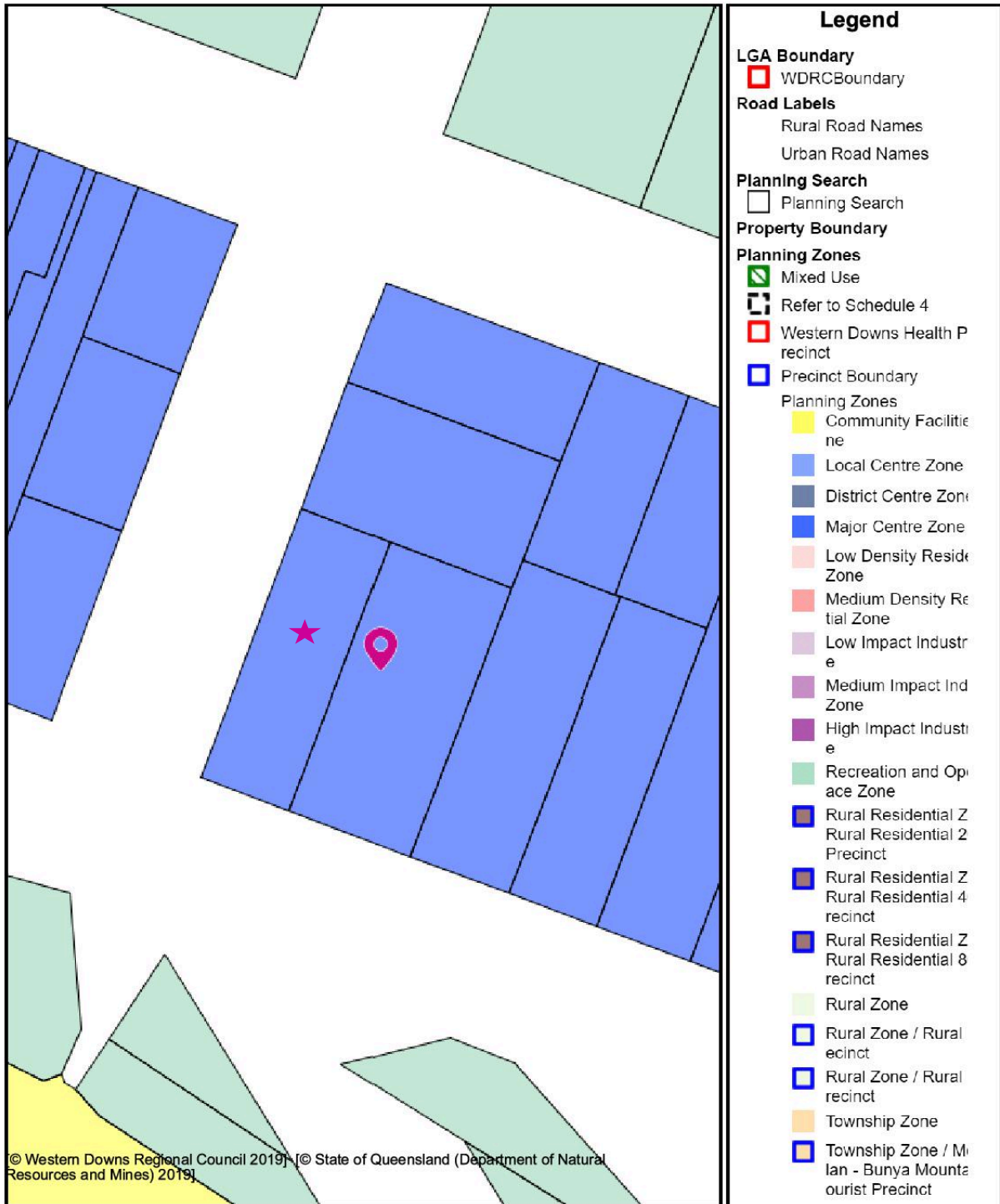
The application has been assessed in accordance with the *Planning Act 2016* and the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. The proposal is considered to comply with the intent of the Planning Scheme. The development has been conditioned to ensure the access is maintained in accordance with Council's Planning Scheme Policy.

### **Attachments**



1. Locality Plans
2. Proposal Plans

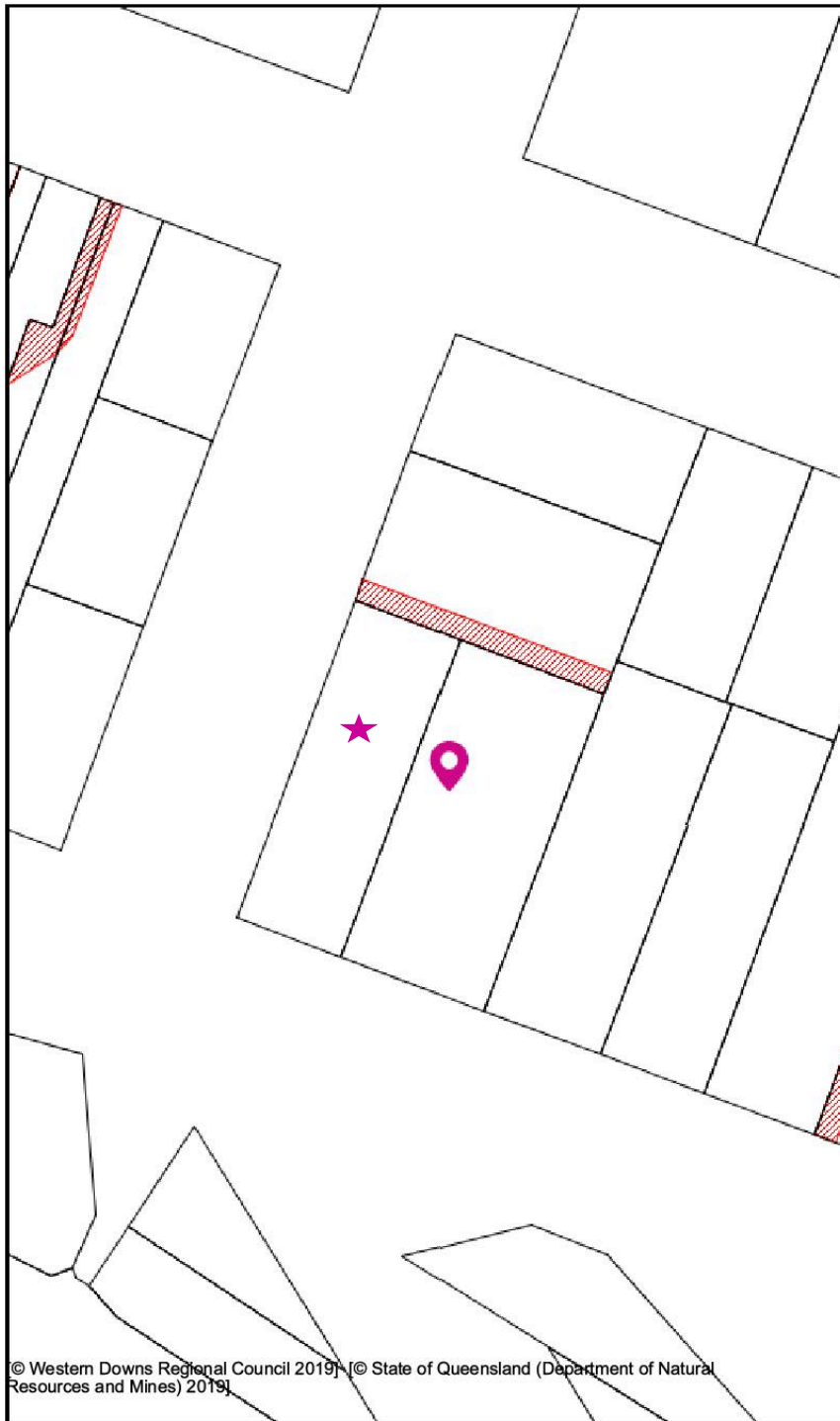
**Authored by:** M Hiscock, GRADUATE PLANNING OFFICER DEVELOPMENT ASSESSMENT

Attachment 1 - Locality Plans



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<p><b>WESTERN DOWNS REGIONAL COUNCIL</b></p>  <p>28-Jul-2020</p>	<p>Despite the Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representations or warranties in relation to the Information, and, to the extent permitted by law, excludes or limits all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use-of-or reliance on the Information.</p> 



**Legend**

**LGA Boundary**  
 WDRCBoundary

**Road Labels**  
 Rural Road Names  
 Urban Road Names

**Planning Search**  
 Planning Search

**Property Boundary**  
 Licences  
 Easements

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**WESTERN DOWNS REGIONAL COUNCIL**

28-Jul-2020

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**Legend**

**LGA Boundary**  
 WDRCBoundary



**Road Labels**  
 Rural Road Names  
 Urban Road Names

**Planning Search**  
 Planning Search

**OM-004 Flood Hazard (2014)**  
 Flooding Extents  
 Potential Flood Hazard Areas  
 Flood Hazard  
 Low  
 Medium  
 High  
 Extreme

**Property Boundary**

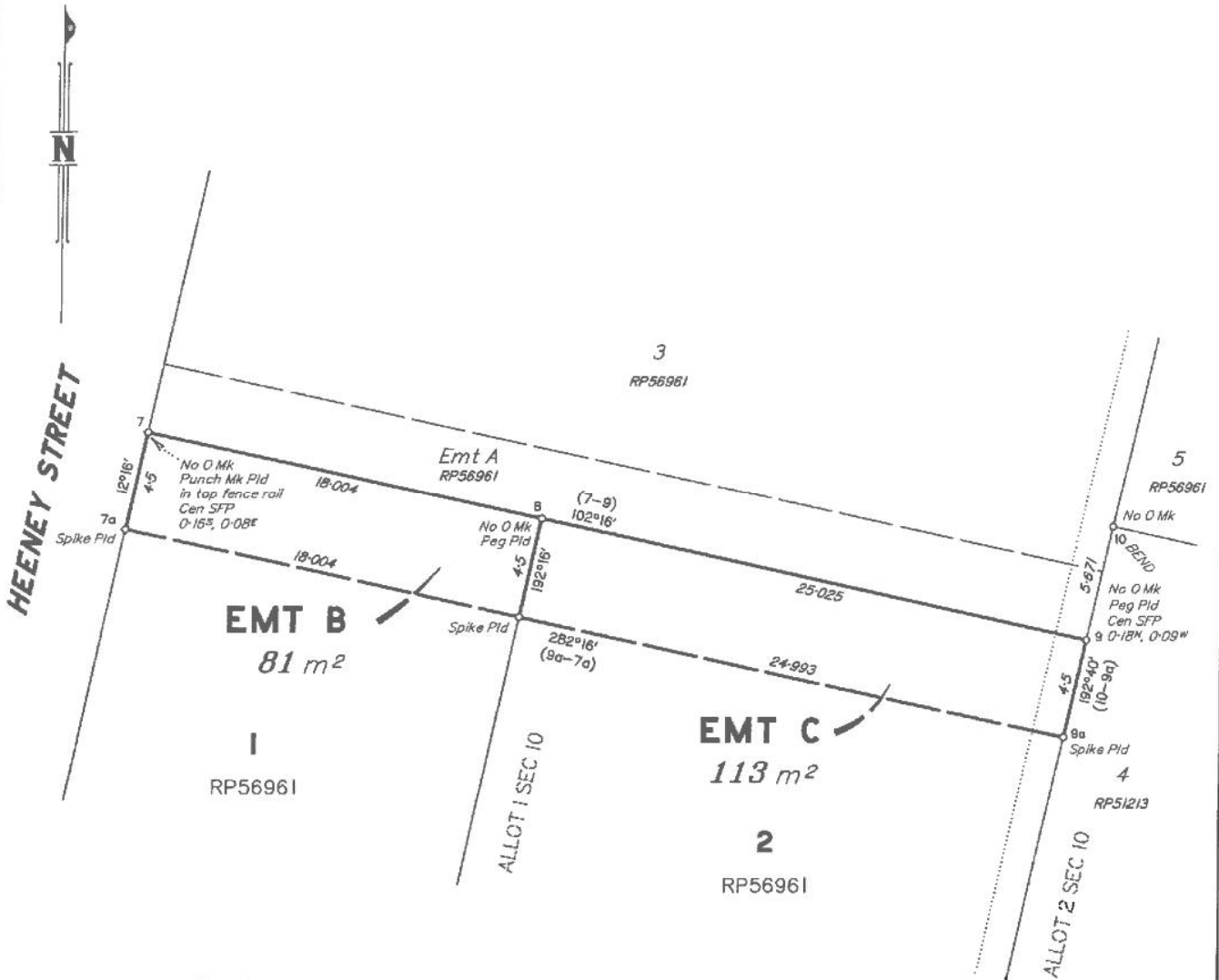
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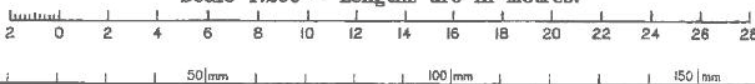
REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	OIP	1/RP91192	57°16'	0-854
2	OIP	8/RP91192	147°16'	0-854
2	O Screw in path	29/SP294257	333°02'55"	1-245
2	O Screw in Kerb	29/SP294257	130°07'20"	4-61
3	O X in Conc gone	5/RP91192	237°16'	0-854
4	O Screw in Conc	10/IS290963	129°48'	1-585
4	O Screw in Conc	10/IS290963	186°44'	4-35
4	O D/H in Conc	8/IS257585	103°34'55"	26-19
4	O Nail in Conc	10/IS290963	108°09'	29-73
4	O D/H in Conc	8/IS257585	110°34'35"	29-9
4	O Screw in Conc	10/IS290963	111°53'	29-975
4	O Screw in Conc	10/IS290963	103°14'30"	30-24
5	O Screw in Kerb	9/IS290963	94°11'	29-8
6	OIP gone	4/RP91192	327°16'	0-854
7	Spike		271°31'30"	4-375

PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO	TYPE
1-OPM	30/SP294257	58°53'30"	3-05	7712	
5-OPM	7/IS257585	58°10'	3-53	7711	

Scale 1:200 - Lengths are in Metres.



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Insert Plan Number **SP316814**

**Title** **Executive Services Chief Executive Officer Report August 2020**

**Date** 7 September 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 August 2020.

**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 August 2020:

<b>Date</b>	<b>Who/Where</b>	<b>Details</b>
6 August 2020	<ul style="list-style-type: none"> <li>• Queensland Resource Council - COVID-19 Update</li> <li>• Catch Up with Toowoomba Surat Basin Enterprise</li> </ul>	Phone Brisbane
14 August 2020	<ul style="list-style-type: none"> <li>• Meeting with Local Government Managers Association QLD CEO's</li> </ul>	Phone
17 August 2020	<ul style="list-style-type: none"> <li>• Planning and Pre-Agenda Meeting</li> <li>• Councillor Information Sessions</li> </ul>	Dalby Dalby
18 August 2020	<ul style="list-style-type: none"> <li>• Audit Committee Meeting</li> <li>• Wandoan Chamber of Commerce &amp; Industry, Year Ahead Series</li> </ul>	Dalby Wandoan
19 August 2020	<ul style="list-style-type: none"> <li>• Ordinary Meeting of Council</li> </ul>	Wandoan
21 August 2020	<ul style="list-style-type: none"> <li>• Meeting with Toowoomba Surat Basin Enterprise</li> <li>• Meeting with CleanCo Queensland</li> </ul>	Toowoomba Toowoomba
24 August 2020	<ul style="list-style-type: none"> <li>• Monthly Meeting with Origin</li> <li>• Quarterly Meeting with Shell</li> </ul>	Brisbane Brisbane
25 August 2020	<ul style="list-style-type: none"> <li>• Chinchilla Chamber of Commerce, Year Ahead Series</li> </ul>	Chinchilla

26 August 2020	<ul style="list-style-type: none"> <li>Meeting with Meeting with AgForce</li> </ul>	Phone
27 August 2020	<ul style="list-style-type: none"> <li>Queensland Resource Council - COVID-19 Update</li> <li>Meeting with Artist- Chris Calcutt</li> </ul>	Miles Dalby
28 August 2020	<ul style="list-style-type: none"> <li>Meeting to discuss Clean Energy Company</li> <li>Meeting with Local Government Managers Association QLD CEO's</li> </ul>	Teleconference Phone

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 August 2020.

**Attachments**

Nil

**Authored by:** A. Lyell, Executive Services Administration Officer

**Title** **Executive Services Report Outstanding Actions August 2020**

**Date** 15 September 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 19 August 2020.

### 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 19 August 2020.

#### 1. Outstanding Council Meeting Action List (As at 19 August 2020)

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
21/06/2017	Corporate Services Confidential Report Authorise Chief Executive Officer Negotiate Purchase Properties	AD6.6.2	<p>MOVED by Cr. I.J. Rasmussen 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 style="text-align: right;">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	
19/08/2020	Infrastructure Services Report Telstra Defects on Council Footpath Network	AD6.6.2	Moved By: Cr. O.G. Moore Seconded by: Cr K.A. Bourne  That the Report be received, and that Council:  1. Continues communication with Telstra to repair the defects caused by their infrastructure on the Western Downs Regional Council footpath network.  2. Escalate the matter to the Telecommunications Ombudsman if Telstra are uncooperative or unreasonable in their assessment of the risks to the public as a result of its infrastructure located on Council footpath network.  CARRIED	Infrastructure Services
19/08/2020	Warra Canaga Creek Road Petition	AD6.6.2	Moved By: Cr. O.G. Moore Seconded by: Cr. P.T. Saxelby  The petition be referred to the CEO for consideration and a brief report to the Council.  CARRIED	Infrastructure 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 Financial Report August 2020

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**Date** 7 September 2020

**Responsible Manager** E. Lambert, ACTING CHIEF FINANCIAL OFFICER

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### Summary

The purpose of this Report is to provide Council with the Financial Report for the month ending August 2020 and to seek Council approval to include a fee to the adopted 2020-21 list of waived Stimulus Package Fees and Charges for the 2020-21 financial year.

### 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 this Report be received, and that:

1. Council notes the August 2020 Financial Report,
2. Resolves to approve \$0.606 million in capital expenditure and \$0.697 million in capital revenue being added to Council's 2020-21 capital works program, and
3. Resolves to approve that the following fee "Application fee for Local Law licence/permit/approval" be included in the approved list of 2020-21 Stimulus Package waived Fees and Charges for the 2020-21 financial year

### 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 Budget

The operating profit at 31 August 2020 is \$32.983 million compared to a budgeted surplus of \$31.529 million which is \$1.454 million greater than budget. Total operating revenue is under budget by \$0.752 million, whereas total operating expenditure is \$2.206 million behind budget. Council has now recognised 50% of its rate income for 2020-21.

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

<b>Council Consolidated</b>	<b>Original Budget \$</b>	<b>YTD Budget \$</b>	<b>YTD Actuals \$</b>	<b>Variance \$</b>	<b>Comments</b>
<b>Revenue</b>					
Rates and Utility Charges	(91,355,089)	(47,121,095)	(47,561,192)	(440,097)	Rates and Utility Charges revenue is over budget due to favourable QVAS adjustments.
Volumetric	(6,723,086)	-	3,223	3,223	Volumetric revenue has a debit value due to some minor adjustments.
Less: Discounts & Pensioner Remissions	5,317,113	455,000	387,000	(68,000)	Discount & Pensioner Remissions are under budget due to a phasing issue, with a greater percentage of expenditure to occur in September.
Net Rates and Utility Charges	(92,761,062)	(46,666,095)	(47,170,969)	(504,874)	
Fees and Charges	(5,559,170)	(1,005,294)	(647,971)	357,323	Fees and Charges revenue is under budget \$0.357 million due to accruals for the Aerodrome (\$0.241 million) not being unwound in August. Accruals for this income is based on outstanding amounts. This will correct when outstanding fees are collected. Waste Fees are also under budget \$0.199 million due to a delay in processing waste dockets. This will correct in September when they are processed.
Rental and Levies	(1,588,400)	(264,732)	(300,521)	(35,789)	Rental and Levies revenue is over budget by \$0.036 million due to a phasing issue. No budget concerns.
Sales of Major Services	(26,558,756)	(3,622,238)	(2,407,785)	1,214,453	Sales of Major Services revenue in under budget by \$1.214 million. This mainly relates to Commercial Works being behind budget by \$1.343 million due to outstanding progress claims. All projects are on schedule with no concerns.
Operating Grants, Subsidies and Contributions	(21,451,589)	(2,871,180)	(3,374,373)	(503,193)	Operating Grants, Subsidies and Contributions revenue is over budget due to a grant being received for Communities Combating Pest and Weeds (\$0.395 million). This was not budgeted. The remaining additional income is a phasing issue with no budget concerns.
Interest Revenue	(1,615,000)	(269,166)	(192,604)	76,562	Interest Revenue has come in under budget due to interest rates being budgeted at 1%, where Council is currently receiving 0.87%.
Other Income	(1,601,075)	(191,618)	(43,945)	147,673	Other income has come in under budget by \$0.148 million mainly due to cinema revenue being behind budget (\$0.091 million) due to COVID-19 working conditions. Legal Fees recovered are also under budget by \$0.050 million with no revenue being received to date.
<b>TOTAL OPERATING REVENUES</b>	<b>(151,135,052)</b>	<b>(54,890,323)</b>	<b>(54,138,170)</b>	<b>752,153</b>	

Council Consolidated	Original Budget \$	YTD Budget \$	YTD Actuals \$	Variance \$	Comments
<b>Expenses</b>					
Employee Benefits	57,255,425	8,061,669	8,148,954	87,285	Employee benefits expenditure is over budget due to a phasing issue. It is expected to correct in the following months.
Less Capitalised Employee Benefits	(4,728,745)	(698,049)	(973,901)	(275,852)	Capitalised Employee Benefits are better than budget with staff working on more capital works as opposed to maintenance.
Net Employee Benefits	52,526,680	7,363,620	7,175,053	188,567	
Materials and Services	58,360,000	8,665,189	6,652,248	(2,012,942)	Materials and Services expenditure is under budget due to outstanding invoices not being accrued at the end of the current month (August).
Depreciation and Amortisation	43,869,076	7,311,522	7,311,522	-	
Finance Costs	593,055	20,676	16,292	(4,384)	Is in line with Budget.
Corporate Overhead	-	-	-	-	
<b>TOTAL OPERATING EXPENSES</b>	<b>155,348,811</b>	<b>23,361,007</b>	<b>21,155,114</b>	<b>2,205,893</b>	
<b>Operating (surplus)/deficit</b>	<b>4,213,759</b>	<b>(31,529,316)</b>	<b>(32,983,056)</b>	<b>1,453,740</b>	

## 2. Capital Revenue and Expenditure

### • Capital Revenue

Capital Revenue is \$3.300 million ahead of budget as at the end of August. This is better than the budgeted position due to income being received for some of the COVID-19 accelerated works projects in which an income budget has not been allocated. This will be adjusted in the mid-year review.

### • Capital Expenditure

Capital Expenditure is \$1.459 million ahead of budget as at the end of August. This better than budgeted position is due to works continuing for 2019-20 projects that have yet to be rolled into the 2020-21 budget. It is anticipated that these carryovers will be brought to Council in the September meeting for approval.

At this stage the only budget concerns for the 2020-21 capital works program are the Chinchilla Cultural Precinct project and the Thomas Jack Park project. Design work is currently being done on these projects; however, co-funding is still being sourced. These projects will only go ahead once co-funding has been received and council approve the project.

Projects to the value of \$0.606 million in expenditure and \$0.697 million in revenue have been added to the 2020-21 capital works program. As per the Budget Policy, the projects have been approved by either Council, the Chief Executive Officer or, in some cases, the general managers. The projects are listed in the table below.



Project ID	Project Name	Expenditure Budget	Income Budget	Comment
<b>Current Capital Budget</b>		<b>\$ 64,802,293</b>	<b>-\$ 18,903,093</b>	
<b>Capital Projects for Council approval</b>				
66100.0085.1422	Drilidool Road (0.00 - 77.40) Heavy Formation & Gravel Patching (Origin)	\$ 220,782	-\$ 253,899	Resource Sector Project. Fully funded. Approved by CEO 23/06/20
66100.0085.1423	Nugget Hills Road (0.00 - 6.43) Heavy Formation Grade (Origin)	\$ 56,670	-\$ 65,170	Resource Sector Project. Fully funded. Approved by CEO 25/06/20
66100.0085.1424	Freemans Road (0.069 - 1.890) Upgrade QGC	\$ 328,536	-\$ 377,816	Resource Sector Project. Fully funded. Approved by Acting CEO 04/08/20
<b>Total Adjustments</b>		<b>\$ 605,988</b>	<b>-\$ 696,885</b>	
<b>Revised Capital Budget</b>		<b>\$ 65,408,281</b>	<b>-\$ 19,599,978</b>	

### 3. Cash and Investments

Council's Cash and Investments at 31 August 2020 totalled \$168.830 million which represents 13.04 months of Operating Expenses including depreciation. The balance as at 30 June 2020 was \$174.933 million.

### 4. Amendments to the Fees and Charges Register

Section 98 of the Local Government Act 2009 requires that the Council maintains a register of its cost recovery fees. On the 27th of April 2020, Council approved for a range of Fees & Charges to be waived for the 2020-21 financial year. This was to bring financial relief to the community in response to the COVID-19 health and economic pandemic.

A fee was missed being added to the list of waived fees and charges for the 2020-21 financial year. This fee is the Application fee for Local Law licence/permit/approval for \$116.70. This fee is not frequently applied and is proposed it be waived. The reason it is proposed this fee be waived is that the annual fee "Local Law Annual Licence/Approval Fee (other than animal management)" was waived under the Stimulus Package and this fee for the application should also have been waived for correctness. The financial impact is immaterial.

#### Consultation (Internal/External)

There has been consultation with the Planning and Environment Manager and the Community & Liveability General Manager in relation to the amendment to the Fees and Charges register.

#### Legal/Policy Implications (Justification if applicable)

Cost Recovery Fees and Commercial Charges can be amended by Council during the year, as per the Local Government Act 2009 section 97 and 98

#### Budget/Financial Implications

Council adopted the FY2021 Original Budget on 22 July 2020. The attached One-Page report details the progress made against Year-To-Date (YTD) budget for the period ending 31 August 2020.

For the amendment to the Fees and Charges Register, the impact on the budget is immaterial. It is expected Council will forego approximately \$1,500 in income for the year.

### Conclusion

There are currently no major budget concerns as at the end of August. In addition, there are projects totalling \$0.606 million in expenditure and \$0.697 million in revenue which needs to be approved so that Council's capital works program can be adjusted accordingly. It is recommended that Council approves to waive the Application fee for Local Law licence/permit/approval for the 2020-21 financial year.

### Attachments

1. One Page Report August 2020
2. Amendment to Register of Cost Recovery Fees and Commercial Charges 2020-21

**Authored by:** C. Prain, MANAGEMENT ACCOUNTANT



Western Downs Regional Council  
One Page Result  
Period Ending: 31 August 2020

	Council Consolidated				Council Net				Commercial Works				Gas				Water			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
<b>Operating Revenue</b>																				
Rates and Utility Charges	(91,355,089)	(47,121,095)	(47,561,192)	(440,097)	(70,892,507)	(36,889,803)	(37,326,342)	(436,539)	-	-	-	-	-	-	-	-	(5,923,280)	(2,961,640)	(2,961,120)	520
Volumetric	(6,723,086)	-	3,223	3,223	-	-	-	-	-	-	-	-	-	-	-	-	(6,723,086)	-	3,223	3,223
Less: Discounts & Pensioner Remissions	5,317,113	455,000	387,000	(68,000)	3,955,125	430,000	403,612	(26,388)	-	-	-	-	-	25,000	11,616	(13,384)	635,023	-	(28,768)	(28,768)
Net Rates and Utility Charges	(92,761,062)	(46,666,095)	(47,170,969)	(504,874)	(66,937,382)	(36,459,803)	(36,922,730)	(462,927)	-	-	-	-	-	25,000	11,616	(13,384)	(12,011,343)	(2,961,640)	(2,986,665)	(25,025)
Fees and Charges	(5,559,170)	(1,005,294)	(647,971)	357,323	(2,642,810)	(519,232)	(356,268)	162,964	-	-	-	-	(31,000)	(5,166)	(9,803)	(4,637)	(770,000)	(128,334)	(120,003)	8,331
Rental and Levies	(1,588,400)	(264,732)	(300,521)	(35,789)	(1,513,400)	(252,232)	(283,612)	(31,380)	-	-	-	-	-	-	-	-	(75,000)	(12,500)	(16,910)	(4,410)
Sales of Major Services	(26,558,756)	(3,622,238)	(2,407,785)	1,214,453	-	-	-	-	(12,050,000)	(1,525,000)	(181,795)	1,343,205	(3,132,662)	(157,140)	(154,085)	3,055	(12,070)	(2,012)	(2,440)	(428)
Operating Grants & Subsidies	(21,451,589)	(2,871,180)	(3,374,373)	(503,193)	(21,451,589)	(2,871,180)	(3,374,373)	(503,193)	-	-	-	-	-	-	-	-	-	-	-	-
Interest	(1,615,000)	(269,166)	(192,604)	76,562	(1,615,000)	(269,166)	(189,171)	79,995	-	-	-	-	-	-	-	-	-	-	(3,434)	(3,434)
Other Income	(1,601,075)	(191,618)	(43,945)	147,673	(1,561,075)	(184,950)	(43,945)	141,005	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL OPERATING REVENUES</b>	<b>(151,135,052)</b>	<b>(54,890,323)</b>	<b>(54,138,170)</b>	<b>752,153</b>	<b>(95,721,256)</b>	<b>(40,556,563)</b>	<b>(41,170,099)</b>	<b>(613,536)</b>	<b>(12,050,000)</b>	<b>(1,525,000)</b>	<b>(181,795)</b>	<b>1,343,205</b>	<b>(3,163,662)</b>	<b>(137,306)</b>	<b>(152,272)</b>	<b>(14,966)</b>	<b>(12,868,413)</b>	<b>(3,104,486)</b>	<b>(3,129,452)</b>	<b>(24,966)</b>
<b>Operating Expenses</b>																				
Employee Benefits	57,255,425	8,061,669	8,148,954	87,285	46,999,291	6,560,210	6,683,490	123,280	2,076,057	301,758	268,993	(32,765)	365,279	53,051	61,744	8,693	4,178,985	607,441	611,178	3,737
Less Capitalised Employee Benefits	(4,728,745)	(698,049)	(973,901)	(275,852)	(4,256,418)	(618,673)	(857,191)	(238,518)	-	-	-	-	-	-	-	-	-	-	(33,409)	(33,409)
Net Employee Benefits	52,526,680	7,363,620	7,175,053	(188,567)	42,742,873	5,941,537	5,826,299	(115,238)	2,076,057	301,758	268,993	(32,765)	365,279	53,051	61,744	8,693	4,178,985	607,441	577,769	(29,672)
Materials and Services	58,360,000	8,665,189	6,652,248	(2,012,942)	27,442,493	4,724,329	4,451,377	(272,952)	8,691,790	636,682	612,125	(24,557)	1,179,815	196,356	(240,681)	(437,037)	4,167,079	604,062	636,936	32,874
Depreciation and Amortisation	43,869,076	7,311,522	7,311,522	-	36,544,733	6,090,794	6,090,794	-	-	-	-	-	276,836	46,142	46,142	-	4,036,243	672,706	672,706	-
Finance Costs	593,055	20,676	16,292	(4,384)	480,878	20,676	16,292	(4,384)	-	-	-	-	45,650	-	-	-	28,490	-	-	-
Corporate Overhead	-	-	-	-	(4,208,017)	(701,338)	(701,338)	-	456,576	76,096	76,096	-	298,210	49,702	49,702	-	1,468,926	244,822	244,822	-
<b>TOTAL OPERATING EXPENSES</b>	<b>155,348,811</b>	<b>23,361,007</b>	<b>21,155,114</b>	<b>(2,205,893)</b>	<b>103,002,960</b>	<b>16,075,998</b>	<b>15,683,424</b>	<b>(392,574)</b>	<b>11,224,423</b>	<b>1,014,536</b>	<b>957,214</b>	<b>(57,322)</b>	<b>2,165,790</b>	<b>345,251</b>	<b>(83,094)</b>	<b>(428,345)</b>	<b>13,879,723</b>	<b>2,129,031</b>	<b>2,132,233</b>	<b>3,202</b>
<b>Operating (surplus)/deficit</b>	<b>4,213,759</b>	<b>(31,529,316)</b>	<b>(32,983,056)</b>	<b>(1,453,740)</b>	<b>7,281,704</b>	<b>(24,480,565)</b>	<b>(25,486,675)</b>	<b>(1,006,110)</b>	<b>(825,577)</b>	<b>(510,464)</b>	<b>775,419</b>	<b>1,285,883</b>	<b>(997,872)</b>	<b>207,945</b>	<b>(235,366)</b>	<b>(443,311)</b>	<b>1,011,310</b>	<b>(975,455)</b>	<b>(997,219)</b>	<b>(21,764)</b>
<b>Capital Revenue</b>																				
Capital Grants & Subsidies	(18,903,093)	(700,588)	(4,566,956)	(3,866,368)	(18,903,093)	(700,588)	(4,566,956)	(3,866,368)	-	-	-	-	-	-	-	-	-	-	-	-
Contributions	(696,885)	(319,069)	(21,161)	297,908	(696,885)	(319,069)	(21,161)	297,908	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	(1,000,000)	(166,667)	-	166,667	(1,000,000)	(166,667)	-	166,667	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	(700,000)	(116,667)	(29,581)	87,086	(700,000)	(116,667)	(13,866)	102,800	-	-	-	-	-	-	-	-	-	-	(7,857)	(7,857)
Disposal of Non-Current Assets	(850,000)	(141,667)	(127,073)	14,594	(850,000)	(141,667)	(127,073)	14,594	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL CAPITAL REVENUE</b>	<b>(22,149,978)</b>	<b>(1,444,657)</b>	<b>(4,744,771)</b>	<b>(3,300,114)</b>	<b>(22,149,978)</b>	<b>(1,444,657)</b>	<b>(4,729,056)</b>	<b>(3,284,399)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(7,857)</b>	<b>(7,857)</b>
<b>Capital Expenses</b>																				
Restoration of Land Provision	-	-	7,223	(7,223)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	9,200,000	1,533,333	1,692	1,531,641	8,200,000	1,366,667	1,692	1,364,975	-	-	-	-	-	-	-	-	800,000	133,333	-	133,333
<b>TOTAL CAPITAL EXPENDITURE</b>	<b>9,200,000</b>	<b>1,533,333</b>	<b>8,915</b>	<b>1,524,418</b>	<b>8,200,000</b>	<b>1,366,667</b>	<b>1,692</b>	<b>1,364,975</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>800,000</b>	<b>133,333</b>	<b>-</b>	<b>133,333</b>
<b>Net Result (surplus)/deficit</b>	<b>(8,736,219)</b>	<b>(31,440,640)</b>	<b>(37,718,911)</b>	<b>(3,229,435)</b>	<b>(6,668,274)</b>	<b>(24,558,555)</b>	<b>(30,214,039)</b>	<b>(2,925,535)</b>	<b>(825,577)</b>	<b>(510,464)</b>	<b>775,419</b>	<b>1,285,883</b>	<b>(997,872)</b>	<b>207,945</b>	<b>(235,366)</b>	<b>(443,311)</b>	<b>1,811,310</b>	<b>(842,122)</b>	<b>(1,005,076)</b>	<b>103,712</b>
<b>Capital Funding Applications</b>																				
Capital Expenditure - New Assets	15,024,931	159,600	929,113	769,513	14,524,931	159,600	929,113	769,513	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure - Upgrade Assets	6,215,842	493,740	622,637	128,897	5,775,842	465,740	596,679	130,939	-	-	-	-	-	-	-	-	370,000	18,000	17,374	(626)
Capital Expenditure - Replacement Assets	44,167,508	3,256,683	3,816,800	560,117	38,956,756	2,887,131	3,252,606	365,475	-	-	-	-	-	-	-	-	2,765,000	177,000	174,324	(2,676)
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	65,408,281	3,910,023	5,368,550	1,458,527	59,257,529	3,512,471	4,778,398	1,265,927	-	-	-	-	-	-	-	-	3,135,000	195,000	191,698	(3,302)



Western Downs Regional Council  
One Page Result  
Period Ending: 31 August 2020

	Sewerage				Quarry				Waste				Saleyards				Washdown Bays			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
<b>Operating Revenue</b>																				
Rates and Utility Charges	(9,008,465)	(4,504,233)	(4,506,749)	(2,516)	-	-	-	-	(5,530,837)	(2,765,419)	(2,766,982)	(1,563)	-	-	-	-	-	-	-	-
Volumetric	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	450,423	-	313	313	-	-	-	-	276,542	-	227	227	-	-	-	-	-	-	-	-
Net Rates and Utility Charges	(8,558,042)	(4,504,233)	(4,506,436)	(2,202)	-	-	-	-	(5,254,295)	(2,765,419)	(2,766,755)	(1,336)	-	-	-	-	-	-	-	-
Fees and Charges	-	-	(290)	(290)	-	-	-	-	(1,715,360)	(285,896)	(86,956)	198,940	-	-	-	-	(400,000)	(66,666)	(74,650)	(7,984)
Rental and Levies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sales of Major Services	(12,070)	(2,012)	(1,415)	597	(8,551,954)	(1,432,074)	(1,603,654)	(171,580)	-	-	-	-	(2,800,000)	(504,000)	(464,396)	39,604	-	-	-	-
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Income	-	-	-	-	-	-	-	-	(40,000)	(6,668)	-	6,668	-	-	-	-	-	-	-	-
<b>TOTAL OPERATING REVENUES</b>	<b>(8,570,112)</b>	<b>(4,506,245)</b>	<b>(4,508,140)</b>	<b>(1,895)</b>	<b>(8,551,954)</b>	<b>(1,432,074)</b>	<b>(1,603,654)</b>	<b>(171,580)</b>	<b>(7,009,655)</b>	<b>(3,057,983)</b>	<b>(2,853,712)</b>	<b>204,271</b>	<b>(2,800,000)</b>	<b>(504,000)</b>	<b>(464,396)</b>	<b>39,604</b>	<b>(400,000)</b>	<b>(66,666)</b>	<b>(74,650)</b>	<b>(7,984)</b>
<b>Operating Expenses</b>																				
Employee Benefits	1,367,262	198,741	224,551	25,810	1,156,494	178,824	162,767	(16,057)	478,263	69,516	54,683	(14,833)	500,045	72,687	67,183	(5,504)	133,749	19,441	14,366	(5,075)
Less Capitalised Employee Benefits	-	-	-	-	(472,327)	(79,376)	(79,376)	-	-	-	-	-	-	-	-	-	-	-	(3,925)	(3,925)
Net Employee Benefits	1,367,262	198,741	224,551	25,810	684,167	99,448	83,391	(16,057)	478,263	69,516	54,683	(14,833)	500,045	72,687	67,183	(5,504)	133,749	19,441	10,441	(9,000)
Materials and Services	1,419,217	211,368	182,225	(29,143)	5,508,461	905,990	473,906	(432,084)	8,011,672	1,101,824	341,603	(760,221)	1,448,399	223,734	158,487	(65,247)	491,074	60,844	36,270	(24,574)
Depreciation and Amortisation	2,116,623	352,772	352,772	-	22,394	3,732	3,732	-	424,371	70,730	70,730	-	419,208	69,868	69,868	-	28,668	4,778	4,778	-
Finance Costs	-	-	-	-	1,467	-	-	-	14,636	-	-	-	2,991	-	-	-	18,943	-	-	-
Corporate Overhead	841,587	140,264	140,264	-	352,460	58,744	58,744	-	527,143	87,858	87,858	-	209,279	34,880	34,880	-	53,836	8,972	8,972	-
<b>TOTAL OPERATING EXPENSES</b>	<b>5,744,689</b>	<b>903,145</b>	<b>899,812</b>	<b>(3,333)</b>	<b>6,568,949</b>	<b>1,067,914</b>	<b>619,773</b>	<b>(448,141)</b>	<b>9,456,085</b>	<b>1,329,928</b>	<b>554,874</b>	<b>(775,054)</b>	<b>2,579,922</b>	<b>401,169</b>	<b>330,418</b>	<b>(70,751)</b>	<b>726,270</b>	<b>94,035</b>	<b>60,461</b>	<b>(33,574)</b>
<b>Operating (surplus)/deficit</b>	<b>(2,825,423)</b>	<b>(3,603,100)</b>	<b>(3,608,328)</b>	<b>(5,228)</b>	<b>(1,983,005)</b>	<b>(364,160)</b>	<b>(983,881)</b>	<b>(619,721)</b>	<b>2,446,430</b>	<b>(1,728,055)</b>	<b>(2,298,838)</b>	<b>(570,783)</b>	<b>(220,078)</b>	<b>(102,831)</b>	<b>(133,978)</b>	<b>(31,147)</b>	<b>326,270</b>	<b>27,369</b>	<b>(14,190)</b>	<b>(41,559)</b>
<b>Capital Revenue</b>																				
Capital Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	(7,857)	(7,857)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL CAPITAL REVENUE</b>	<b>-</b>	<b>-</b>	<b>(7,857)</b>	<b>(7,857)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Capital Expenses</b>																				
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	7,223	(7,223)	-	-	-	-	-	-	-	-
Capital Expense Write-Off	100,000	16,667	-	16,667	-	-	-	-	-	-	-	-	100,000	16,667	-	16,667	-	-	-	-
<b>TOTAL CAPITAL EXPENDITURE</b>	<b>100,000</b>	<b>16,667</b>	<b>-</b>	<b>16,667</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>7,223</b>	<b>(7,223)</b>	<b>100,000</b>	<b>16,667</b>	<b>-</b>	<b>16,667</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Result (surplus)/deficit</b>	<b>(2,725,423)</b>	<b>(3,586,433)</b>	<b>(3,616,185)</b>	<b>3,581</b>	<b>(1,983,005)</b>	<b>(364,160)</b>	<b>(983,881)</b>	<b>(619,721)</b>	<b>2,446,430</b>	<b>(1,728,055)</b>	<b>(2,291,615)</b>	<b>(578,006)</b>	<b>(120,078)</b>	<b>(86,164)</b>	<b>(133,978)</b>	<b>(14,480)</b>	<b>326,270</b>	<b>27,369</b>	<b>(14,190)</b>	<b>(41,559)</b>
<b>Capital Funding Applications</b>																				
Capital Expenditure - New Assets	-	-	-	-	-	-	-	-	500,000	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure - Upgrade Assets	70,000	10,000	8,584	(1,416)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure - Replacement Assets	2,280,000	170,000	389,869	219,869	-	-	-	-	115,752	22,552	-	(22,552)	50,000	-	-	-	-	-	-	-
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	<b>2,350,000</b>	<b>180,000</b>	<b>398,453</b>	<b>218,453</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>615,752</b>	<b>22,552</b>	<b>-</b>	<b>(22,552)</b>	<b>50,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

# Register of Cost Recovery Fees and Commercial Charges - 2020/21

Sorted by Facility/Service/Product

Version: Amended 31 August 2020

Line No	Facility/ Service/ Product Type	Scope/ Location	Division	Department	Manager with Lead Responsibility	Facility/ Location (where applicable)	Councillor Portfolio	Subject	Description	Commercial (C)/ Cost Recovery (CR)	GST applicable (Yes/No?)	Cost Recovery Fees - LGA - Section 97 (2) Reference - (a), (b), (c) or (d)	Cost Recovery Fees - Statutory Reference	2020/2021 Fee/Charge (GST inclusive where applicable)
314	Local Law	Regional	Community & Liveability	Planning & Environment	Planning & Environment Manager	Regional	Planning, Environment and Agribusiness	Local Laws	Application fee for Local Law licence/permit/approval	CR	No	LGA s.97(2)(a)	Local Laws (various)	116.7
314	Local Law	Regional	Community & Liveability	Planning & Environment	Planning & Environment Manager	Regional	Planning, Environment and Agribusiness	Local Laws	Application fee for Local Law licence/permit/approval	CR	No	LGA s.97(2)(a)	Local Laws (various)	Stimulus Package - Fee/Charge waived for 2020-21.
Below Fee waived on 27/04/20														
315	Local Law	Regional	Community & Liveability	Planning & Environment	Planning & Environment Manager	Regional	Planning, Environment and Agribusiness	Local Laws	Local Law Annual Licence/Approval Fee (other than Animal Management)	CR	No	LGA s.97(2)(a)	Local Laws (various)	Stimulus Package - Fee/Charge waived for 2020-21.

**Title** Corporate Services Report of Audit Committee Meeting 18 August 2020

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**Date** 24 August 2020

**Responsible Manager** P. Greet, CUSTOMER SUPPORT AND GOVERNANCE MANAGER

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### Summary

To provide Council with the report of the Western Downs Regional Council Audit Committee Meeting held 18 August 2020.

### Link to Corporate Plan

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.

### Material Personal Interest/Conflict of Interest

Nil

### Officer's Recommendation

That the unconfirmed minutes of the Western Downs Regional Council Audit Committee Meeting held 18 August 2020 be received and noted.

### Background Information

Western Downs Regional Council as a category 3 Council is required under section 105(2) of the *Local Government Act 2009* (the LG Act) to establish an audit committee.

An Audit Committee is a committee that -

- (a) monitors and reviews—
  - (i) the integrity of financial documents; and
  - (ii) the internal audit function; and
  - (iii) the effectiveness and objectivity of the local government's internal auditors; and
- (b) makes recommendations to the local government about any matters that the audit committee considers need action or improvement (section 105(4) of the LG Act).

The Western Downs Regional Council Audit Committee operates under the Audit Committee Terms of Reference which was adopted by Council on 17 June 2020.

### Report

Council's Audit Committee met on 18 August 2020. The report and recommendations of the meeting are provided to Council pursuant to section 211(1)(c) and (4) of the *Local Government Regulation 2012*.

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

The *Local Government Regulation 2012*, section 211, Audit committee meetings states:-

*(1) The audit committee of a local government must—*

*.....*

*(c) as soon as practicable after a meeting of the committee, give the local government a written report about the matters reviewed at the meeting and the committee's recommendations about the matters.*

*....*

*(4) The chief executive officer must present the report mentioned in subsection (1)(c) at the next meeting of the local government.*

Budget/Financial Implications

Nil

**Conclusion**

The report and recommendations of the Western Downs Regional Council Audit Committee meeting held 18 August 2020 are provided as per the legislative requirement.

**Attachments**

1. Report of the Western Downs Regional Council Audit Committee Meeting held 18 August 2020.

**Authored by:** K. M. Gillespie, GOVERNANCE COORDINATOR



## Audit Committee Meeting Minutes

**Date:** Tuesday, 18 August 2020  
**Time:** 9:30 am  
**Location:** WDRC - Corporate Office - Boardroom  
30 Marble Street, Dalby Qld 4405

**Committee Members:** Cr. I.J. Rasmussen (Chair)  
Cr. P.M. McVeigh  
Mr. R. Bain, Independent Member

**Officers:** R.A. Musgrove, Chief Executive Officer  
S.M. Peut, General Manager (Corporate Services)  
V. de Waal, Deloitte  
J. Tait, Deloitte  
M. Keane, Queensland Audit Office  
E. Lambert, Acting Chief Financial Officer  
P. Greet, Customer Support & Governance Manager  
K. Gillespie, Governance Coordinator  
W. Burton, Performance Risk and Reporting Officer  
J. Weier, Senior Executive Officer

1. **Meeting Open**  
The Chairperson declared the meeting opened at 9:30 am.
2. **Apologies**  
Nil
3. **Confirmation of Minutes From Previous Meeting - 3 March 2020**

### **RESOLUTION**

**Moved By** Cr. P.M. McVeigh

**Seconded By** Mr. R. Bain

The Unconfirmed Minutes of the Western Downs Regional Council Audit Committee Meeting held on 3 March 2020, copies of which have been circulated to members be confirmed, with exception of item 4.1 WDRC Audit Briefing Notes - March 2020.

**CARRIED**



**EXTERNAL AUDIT REPORTS**

**4. External Audit Reports Item**

4.1 Audit Committee Report - External Audit Plan

The purpose of this report is for the Audit Committee to receive and note the 2019-20 External Audit Plan.

**RESOLUTION**

**Moved By** Mr. R. Bain

**Seconded By** Cr. P.M. McVeigh

That the Committee receives and notes the external audit plan.

**CARRIED**

**FINANCIAL REPORTS**

**5. Financial Reports Item**

5.1 Audit Committee Report - AABS 16 Leases

The purpose of this report is for the Audit Committee to receive and note the Position Paper for AASB 16 Leases for information.

**RESOLUTION**

**Moved By** Mr. R. Bain

**Seconded By** Cr. P.M. McVeigh

That the Committee receives and notes this report.

**CARRIED**

5.2 Audit Committee Report - AASB 1059 Service Concession Agreement 2019-20

The purpose of this report is for the Audit Committee to receive and note the Position Paper for AASB 1059 Service Concession Agreement for information.

**RESOLUTION**

**Moved By** Cr. P.M. McVeigh

**Seconded By** Mr. R. Bain

That the Committee receives and notes this report.

**CARRIED**

5.3 Audit Committee Report - AASB 15 Revenue from Contracts with Customers and AASB 1058 Income of Not-for-Profit Entities

The purpose of this report is for the Audit Committee to receive and note the position paper for *AASB 15 Revenue from Contracts with Customers and 1058 Income of Not-for-Profit Entities* for information.

**RESOLUTION**

**Moved By** Mr. R. Bain

**Seconded By** Cr. P.M. McVeigh

That the Committee receives and notes this report.

**CARRIED**

5.4 Audit Committee Report - Asset Valuation Report 2019-20

The purpose of this report is for the Audit Committee to receive and note the valuation reports and memos.

**RESOLUTION**

**Moved By** Cr. P.M. McVeigh

**Seconded By** Mr. R. Bain

That the Committee receives and notes the valuation reports and memos.

**CARRIED**

5.5 Audit Committee Report Shell Financial Statements 2019-20

The purpose of this report is for the Audit Committee to receive and note the 2019-2020 Shell Financial Statements for their information.

**RESOLUTION**

**Moved By** Mr. R. Bain

**Seconded By** Cr. P.M. McVeigh

That the committee receives and notes this report.

**CARRIED**

**6. Internal Audit Report**

**6.1 Governance Report to Audit Committee**

The purpose of this Report is to provide the Audit Committee with:

1. details of audits currently underway;
2. an update on the appointment of contract internal audit services;
3. a summary of outstanding internal and external audit action items as at 03 August 2020;
4. a proposed interim internal audit plan for 2020-2021;
5. a status update on Council's internal control framework as it relates to Enterprise Risk Management, Fraud Risk and Business Continuity Management within the Western Downs Regional Council; and
6. policy and management plan review.

**RESOLUTION**

**Moved By** Cr. P.M. McVeigh

**Seconded By** Mr. R. Bain

That this Report be received and that the Audit Committee:

1. approve the following outstanding action items be closed:
  - a. Internal Audit Recommendations Register: AM-4, AM-9, SL 4.i, SL 4.ii, FC 6, HS 2, HS 6 iii, HS 6 iv, HS 6 v, HS 9, HS 10 i, HS 10 ii, HS 10 iii, HS 10 vi, HS 10 v, HS 12, RM 2, RM 3, RM 4, RM 5, RM 6, RM 7, ICT 1, ICT 2, ICT 3, ICT 5, ICT 8, ICT 9, ICT 10, ICT 12, ICT 13, ICT 14, ICT 15, ICT 16, BCP 1, BCP 3 i, BCP 4, BCP 5, BCP 6, BCP 7 iii, BCP 7 vi, BCP 8 i, BCP 9.
  - b. External Audit Recommendations Register: 1, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 5.1, 5.2, 5.3, 16, 19, 20, 21, 24.3, 24.4, 24.5, 24.6.
2. approve a risk-based audit plan be adopted for the 2020-2021 financial year as follows:
  - a. October - December 2020: Rates & Charges Operations. Assess whether processes and controls over levying of rates and charges are effective. Test control measures identified in the Fraud Risk Register.
  - b. January - March 2021: Cyber Security: Assess controls over data protection, network access and security. Test control measures against accepted industry best practice.
  - c. April - July 2021: Procurement & Contract Management. Assess whether purchases of goods and services are conducted in accordance with relevant legislation, the procurement policy and sound contracting principles. Test control measures identified in the Fraud Risk Register.
3. Note the report on the status of internal and external audit recommendations and Council's internal control framework as it relates to Enterprise Risk Management, Fraud Risk and Business Continuity Management.

**CARRIED**

**OTHER REPORTS**

**7. Other Report Item**

Nil

**GENERAL BUSINESS ITEMS**

**8. Business Items**

Nil

**9. Meeting Closure**

The Meeting concluded at 10:44 am.

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Audit Committee Meeting held this 18 August 2020.

Signed by: \_\_\_\_\_

Dated:

Cr. I.J. Rasmussen;

Chairman Western Downs Regional Council Audit Committee

UNCONFIRMED

**Title** Corporate Services Report Parks and Leisure Australia, Queensland Park of the Year Award - Chinchilla Botanic Parkland

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**Date** 26 August 2020

**Responsible Manager** A. Ritchie, FACILITIES MANAGER

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### Summary

To advise Council of a successful award nomination of the Chinchilla Botanic Parkland for the Queensland Park of the Year Award as part of the Parks and Leisure Australia annual award presentations.

### Link to Corporate Plan

Strategic Priority: Active Vibrant Communities

- We are a region without boundaries, united in community pride.
- Our parks, open spaces, and community facilities are well utilised and connect people regionally.

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.

### Material Personal Interest/Conflict of Interest

Nil

### Officer's Recommendation

That this Report be received and noted.

### Background Information

The Chinchilla Botanic Parkland, completed in May 2019, is the 'destination park' for the township of Chinchilla and provides visitors and locals with an opportunity to experience a range of educational, cultural and play elements like no other. The Parkland is constructed on a 4.2ha site centrally located within Chinchilla. It hosts a state-of-the-art water park, parkour elements, event spaces and new Regional Botanic Gardens which showcases the region's rich variety of endemic flora. The park also celebrates historical elements of the site such as ancient megafauna, Indigenous culture, and the recent history of the site as a Queensland Rail Depot.

Western Downs Regional Council in partnership with Rounsefell Design, submitted a nomination for the Chinchilla Botanic Parkland for the Park of the Year category as part of the Parks and Leisure Australia annual awards.

The award ceremony was held on Tuesday 25 August via an online interactive conferencing session.

### Report

Western Downs Regional Councils Chinchilla Botanic Parkland was announced as the Queensland winner of the Parks and Leisure Australia, Park of the Year Award for 2020 at the awards presentation on 25 August 2020.

The Park of the Year award, judged by peers in the Parks and Leisure Industry, celebrates and promotes vibrant, successful well designed and managed, new or significantly revitalised, parks or open spaces by recognising

and rewarding exceptional examples of best practice in terms of design and management. This includes parks and open spaces that are large, small, linear, along transport corridors, road closures, foreshore and reclaimed urban spaces. The Park of the Year Award is judged against the following criteria:

1. Hierarchy of the park, and the role it plays within the park network.
2. Demonstrated benefits to the ecosystem services within the park.
3. Demonstrated best practice in planning, project management and delivery.
4. Demonstrated excellence in park design, activation, management, community engagement and resilience.
5. The extent to which the park benefits the community.

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

**Conclusion**

The Parks and Leisure Australia, Park of the Year Award is considered a prestigious award with winners considered industry leaders in open space design, construction and management. The Chinchilla Botanic Parkland is now a regional finalist for the National Award to be announced in October 2020.

**Attachments**

Nil

**Authored by:** M. Robertson, PARKS AND OPEN SPACE COORDINATOR

**Title** **Corporate Services Report Recommended Adoption of the 2020-21 Accounts Receivable Debt Collection - Council Policy**

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**Date** 27 August 2020

**Responsible Manager** E. Lambert, ACTING CHIEF FINANCIAL OFFICER

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### Summary

The purpose of this Report is for Council to review the 2020-21 Accounts Receivable Debt Collection – Council Policy and to recommend its formal adoption.

### Link to Corporate Plan

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.

### Material Personal Interest/Conflict of Interest

Nil

### Officer's Recommendation

That this Report be received and that:

1. Council resolves to adopt the 2020-21 Accounts Receivable Debt Collection - Council Policy; and
2. Pursuant to *Section 257 of the Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer all powers detailed in the 2020-21 Account Receivable Debt Collection - Council Policy, including the power to recover debts by bringing Court proceedings for a debt.

### Background Information

Council has in place an Accounts Receivable Debt Collection - Council Policy. This document outlines the policy and processes for the collection of debts for the supply of goods and/or services if the debts are not paid on time.

### Report

The 2020-21 Accounts Receivable Debt Collection - Council Policy facilitates Council being able to apply a consistent approach to all debtors when collecting outstanding debts for goods and/or services.

The Policy has been reviewed and to encourage prompt payment of outstanding debts an additional recovery action has been added. Where a debt remains outstanding after 60 days, a reminder letter is issued. Included in the policy is an additional initial recovery action to deny access to Council facilities and services where the debt remains outstanding after a 60-day reminder letter is issued.

### Consultation (Internal/External)

Internal consultation has occurred with Accounts Receivable staff.

Legal/Policy Implications (Justification if applicable)

*Local Government Act 2009*

*Local Government Regulation 2012*

*Residential Tenancies and Rooming Accommodations Act 2008*

*Australian Competition and Consumer Commission Debt Collection Guidelines*

*Information Privacy Act 2009*

Western Downs Regional Council - Register of Delegations

The amended 2020-21 Accounts Receivable Debt Collection - Council Policy is attached for Council's consideration.

Budget/Financial Implications

The timely collection of debts for the supply of goods and/or services assists with Council's management of cash flows and its ability to meet its financial obligations.

**Conclusion**

The 2020-21 Accounts Receivable Debt Collection - Council Policy is focused on the collection of debts for goods and/or services. The Policy has been reviewed and the ability to deny access to Council facilities and services where a debt remains outstanding has been included.

**Attachments**

1. Adoption 2020-21 Accounts Receivable Debt Collection - Council Policy Mark-up
2. Adoption 2020-21 Accounts Receivable Debt Collection - Council Policy Clean

**Authored by:** L. Zeller, REVENUE SUPERVISOR UTILITIES RECEIVABLES DEBT RECOVERY



# Accounts Receivable Debt Collection - COUNCIL POLICY

<b>Effective Date</b>	<del>4 September 2013</del> <u>1 July 2020</u>
<b>Policy Owner</b>	<u>CFEO</u> - Financial Operations
<b>Link to Corporate Plan</b>	Strategic Theme 1: Effective and Inclusive Governance
<b>Review Date</b>	<del>August 2014</del> <u>June 2021</u>
<b>Related Legislation</b>	<ul style="list-style-type: none"> <li>• Qld Local Government Act 2009</li> <li>• Local Government Regulation 2012</li> <li>• Residential Tenancies and Rooming Accommodation Act 2008</li> <li>• Australian Competition and Consumer Commission Debt Collection Guidelines</li> <li>• Information Privacy Act 2009</li> </ul>
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>• Western Downs Regional Council - Register of Delegations</li> </ul>

Policy Version	Approval Date	Adopted/Approved
1	13/06/2016	Special Meeting of Council Adopt 2016/2017 Budget - 13 June 2016
2	19/06/2017	Special Meeting of Council Adopt 2016/2017 Budget - 19 June 2017
3	20/06/2018	Special Meeting of Council Adopt 2016/2017 Budget - 20 June 2018

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**POLICY OBJECTIVES/PURPOSE:**

The objectives of this policy are to:

- provide transparency by defining the obligations of credit facility holders
- making the processes used to recover overdue accounts, clear, simple to administer and cost effective; and
- provide equity by providing consistent processes to account holders with similar circumstances; and
- adhere to the debt collection guidelines developed by the *Australian Competition and Consumer Commission*; and
- comply with all relevant legislation including, but not limited to, the *Queensland Local Government Act 2009* and *Local Government Regulation 2012* and *Information Privacy Act 2009*.

**ORGANISATIONAL SCOPE:**

This policy applies to all debts (excluding rates and charges and gas consumption charges) owed to Western Downs Regional Council for the supply of goods and/or services.

**POLICY:**

Western Downs Regional Council is committed to the collection of debts owed to Council by customers for the supply of goods and services. This policy applies to, but is not limited to

- Hire of venues, parks, facilities and equipment
- Leases
- Tenancy Agreements
- Development Assessment applications
- Waste Management
- Licences
- Water and Gas installations
- Cemetery
- Private and Commercial Works
- Infringements
- Quarry products
- Road Maintenance Fees
- Other services supplied by the Council
- Other goods supplied by the Council

Council will show due diligence in application of administrative procedures relating to payment arrangements and the selection of various actions for the recovery of overdue debts owed for the supply of goods and services.

**Initial Recovery Action**

When an account becomes overdue (i.e. a monthly Statement is overdue for at least thirty (30) days) a reminder letter will be issued with the next Statement (i.e when the debt is at least 60 days overdue), advising that if the account remains unpaid, the account will be referred to Council's approved debt collection agency for further recovery action.

Should the debtor(s) fail to satisfy the outstanding balance as shown on the Statement included with the reminder notice within fourteen (14) days, the account may be passed to Council's debt collection agency for the collection of amounts above the Advanced Recovery Action Threshold.

Should the debtor(s) still fail to satisfy the outstanding balance as shown on the Statement after a sixty (60) day reminder letter is issued, Council may deny access to Council facilities and services.

### **Advanced Recovery Action**

When the outstanding balance of the account has reached the threshold for Advanced Recovery Action, and initial recovery actions have been completed without success, the account will be referred to Council's approved debt collection agency that shall follow the subsequent processes:

1. A letter will be sent to the debtor on the appointed debt collection agency's letterhead requesting full payment of the overdue account within fourteen (14) days.
2. If no response has been received within fourteen (14) days, another letter will be sent on Solicitor's letterhead requesting full payment of the overdue account within fourteen (14) days.
3.
  - a) Should the debtor fail to respond to either letter, Council will authorise the Debt Collection Agency to commence legal action for recovery of the debt through QCAT for outstanding amounts within the QCAT action recovery threshold; or
  - b) Should the debtor fail to respond to either letter, Council will authorise the Debt Collection Agency to commence legal action for recovery of the debt through the Magistrates Court for debts above the Magistrates Court action recovery threshold; and
  - c) Infringements that remain unpaid following the above recovery action in Step 1 and Step 2, may be referred to State Penalties Enforcement Registry (SPER) if required.
4. If the debt remains unpaid following service of the Magistrates Claim, Council will authorise the debt collection agency to apply for Judgement through the Magistrates Court and proceed with further recovery action.
5. Council, may at any time during the above proceedings, cease further supply of goods and/or services until account has been paid in full.

### **Payment Arrangements**

In some circumstances, Council may agree to a payment arrangement where the debt is requested to be paid in instalments.

Applications for payment arrangements shall be in writing on the approved form.

Only delegated officers in accordance with the Delegations Authority approved by Council may agree to recovery of debts by periodic part payment in an agreed timeframe. Payment arrangements will be reviewed on a regular basis to confirm compliance with Council policy.

### **Payment Arrangements in Default**

Where a payment arrangement is in default for a period of greater than twenty-eight (28) days, debt recovery will continue from the point that debt recovery was previously suspended.

A payment arrangement may be reinstated when the arrears of instalments are brought up to date.

A payment arrangement may be renegotiated where the customer has demonstrated substantial compliance with the original arrangement.

If a payment arrangement has defaulted more than once in the past financial year, a direct debit shall be the only payment method acceptable in order to have the agreement reinstated.

### **Direct Debits**

Applications for Direct Debit shall be in writing on the approved form.

Where there is a balance outstanding and a direct debit dishonours on more than one occasion, the direct debit will be cancelled and written advice issued including the balance outstanding to the ~~debtor~~ **property owner** advising that recovery action may commence. Direct debit dishonours will be considered on a case by case basis, taking into account the frequency of the dishonour and the circumstances of the dishonour.

#### **Deferment of Recovery Action**

Recovery action may be deferred for the following reasons:

- Deceased estates in probate
- Bankruptcy liquidations
- Approved hardship\*
- Special circumstances\*\*.

\*Approved hardship is determined after written submission and/or interview.

\*\*Special circumstances can be approved for overdue accounts that don't fall into any of the above categories that may benefit from the deferment of recovery action.

#### **Write Offs**

Debts that are considered irrecoverable, or where the cost of recovery is not economically viable, shall be written off according to the appropriate delegations.

### **Bad Debts Register**

All debt written off by Council must be recorded in a Bad Debts Register for regular review by Council's Accounts Receivable staff, who will advise other departments within Council to ensure no further credit is provided to debtors on this register.

### **RELATED LEGISLATION:**

- *Queensland Local Government Act 2009*
- *Local Government Regulation 2012*
- *Residential Tenancies and Rooming Accommodation Act 2008*
- *Australian Competition and Consumer Commission Debt Collection Guidelines*
- *Information Privacy Act 2009*

### **RELATED DOCUMENTS (LOCAL LAWS, POLICIES, DELEGATIONS ETC):**

Western Downs Regional Council - Register of Delegations

### **ATTACHMENTS:**

Nil

**DEFINITIONS:**

**QCAT:** Queensland Civil and Administrative Tribunal

**Debt** - amount owed for goods and/or services supplied by Western Downs Regional Council

**Outstanding Debt** - amount unpaid for at least 30 days for goods and/or services supplied by Western Downs Regional Council

**Debtor** - a person(s), Company, Trustee, or Commercial Enterprise that owes money for goods and/or services supplied by Western Downs Regional Council

**Recovery Action Thresholds:**

**Initial Recovery Action Threshold** – The total debt amount above which initial recovery actions will be triggered - \$5.00

**Advanced Recovery Action Threshold** – The total debt amount above which advanced recovery actions will be triggered following unsuccessful completion of initial recovery action - \$20.00. or any amount that remains outstanding for 120 days - whichever is the sooner

**QCAT Action Recovery Threshold** - The total debt amount which this court action will be triggered following unsuccessful completion of advanced recovery action will be less than \$1,000.00.

**Magistrates Court Action Recovery Threshold** - The total debt amount above which this court action will be triggered following unsuccessful completion of advanced recovery action - \$999.99.

**REVIEW TRIGGER:**

List of factors which require the policy to be reviewed eg:-

- Periodic review - (eg annual in line with budget or post-election) etc.
- Change in legislation; corporate plan, planning scheme etc affecting this policy
- Change in community priorities or circumstances relating to this policy.
- Natural Disaster

# Accounts Receivable Debt Collection - COUNCIL POLICY

<b>Effective Date</b>	1 July 2020
<b>Policy Owner</b>	<i>CFO - Financial Operations</i>
<b>Link to Corporate Plan</b>	Strategic Theme 1: Effective and Inclusive Governance
<b>Review Date</b>	<i>June 2021</i>
<b>Related Legislation</b>	<ul style="list-style-type: none"> <li>• Qld Local Government Act 2009</li> <li>• Local Government Regulation 2012</li> <li>• Residential Tenancies and Rooming Accommodation Act 2008</li> <li>• Australian Competition and Consumer Commission Debt Collection Guidelines</li> <li>• Information Privacy Act 2009</li> </ul>
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### **POLICY OBJECTIVES/PURPOSE:**

The objectives of this policy are to:

- provide transparency by defining the obligations of credit facility holders
- making the processes used to recover overdue accounts, clear, simple to administer and cost effective; and
- provide equity by providing consistent processes to account holders with similar circumstances; and
- adhere to the debt collection guidelines developed by the *Australian Competition and Consumer Commission*; and
- comply with all relevant legislation including, but not limited to, the *Queensland Local Government Act 2009* and *Local Government Regulation 2012* and *Information Privacy Act 2009*.

### **ORGANISATIONAL SCOPE:**

This policy applies to all debts (excluding rates and charges and gas consumption charges) owed to Western Downs Regional Council for the supply of goods and/or services.

### **POLICY:**

Western Downs Regional Council is committed to the collection of debts owed to Council by customers for the supply of goods and services. This policy applies to, but is not limited to

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## Accounts Receivable Debt Collection - COUNCIL POLICY

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## Accounts Receivable Debt Collection - COUNCIL POLICY

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### RELATED DOCUMENTS (LOCAL LAWS, POLICIES, DELEGATIONS ETC):

Western Downs Regional Council - Register of Delegations

### ATTACHMENTS:

Nil

## Accounts Receivable Debt Collection - COUNCIL POLICY

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### DEFINITIONS:

**QCAT:** Queensland Civil and Administrative Tribunal

**Debt** - amount owed for goods and/or services supplied by Western Downs Regional Council

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### REVIEW TRIGGER:

List of factors which require the policy to be reviewed eg:-

- Periodic review - (eg annual in line with budget or post-election) etc.
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- Natural Disaster

**Title** Corporate Services Report Adopt Complaints about the Chief Executive Officer (Section 48A of the Crime and Corruption Act 2001) - Council Policy

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**Date** 10 September 2020

**Responsible Manager** P. Greet, CUSTOMER SUPPORT AND GOVERNANCE MANAGER

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## Summary

To present the proposed Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy, for Council's consideration and adoption.

## Link to Corporate Plan

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.

## Material Personal Interest/Conflict of Interest

Nil

## Officer's Recommendation

That this Report be received and that:

1. Council adopt the Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy as proposed.

## Background Information

Section 48A of the *Crime and Corruption Act 2001* (the CC Act) commenced on 1 July 2014. Section 48A effectively requires agencies to have a policy for dealing with complaints of corrupt conduct that involve, or may involve, the 'public official'.

The *Complaints about the Chief Executive Officer (Section 48A of the Crime and Corruption Act 2001) - Council Policy* was adopted by Council at its Ordinary Meeting held 19 August 2020. The Policy was submitted to the Crime and Corruption Commission (CCC) for approval. The CCC has sought additional changes to clarify the support provided to the nominated person, align the clause regarding the nominated person to the CCC template and to remove potential ambiguity around the role of the nominated person through the document.

## Report

The *Complaints about the Chief Executive Officer (Section 48A of the Crime and Corruption Act 2001) - Council Policy* was submitted to the Crime and Corruption Commission (CCC) for approval and the CCC has sought additional amendments as follows:

1. section 3 under *Nominated Person* has been removed as this requirement is covered within the requirements of Section 1 for the nominated persons to deal with the complaint under the CC Act.

2. the sentence under *Complaints About the CEO* which reads "A complaint involving a reasonable suspicion of corrupt conduct may be reported to the nominated person" has been removed as an assessment of the complaint will be made by the nominated persons and not the complainant.
3. to ensure the policy provides clarity around the ability of the Mayor to exercise the authority, functions and power to deal with the complaint as the nominated person a change proposed is as follows:
  - a. Remove: "If the Customer Support and Governance Manager has responsibility to deal with the complaint, they:"
  - b. Insert: "The nominated person with the responsibility to deal with the complaint:"
4. Minor changes as marked up removing ambiguity around the role of the nominated person.

#### Consultation (Internal/External)

Julie Butner (A/Principal Lawyer) of the Crime and Corruption Commission (CCC) reviewed the revised policy and has proposed the recommended amendments prior to the policy being approved by the CCC. Previous revisions to the policy were approved by Malcolm Hinton (Principal Lawyer) of the Crime and Corruption Commission (CCC).

#### Legal/Policy Implications (Justification if applicable)

Pursuant to section 48A of the CC Act, Council must have a policy about how Council will deal with a complaint that involves, or may involve, corrupt conduct by its public official so that transparency and integrity are maintained. The CCC has published details of what this policy should include, and Council must consult with the Chairperson of the CCC in the development of this policy.

#### Budget/Financial Implications

Nil

#### **Conclusion**

The proposed Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy is recommended to Council for adoption.

#### **Attachments**

1. Policy Marked Up Proposed Amendments
2. Policy as Proposed

**Authored by:** P. Greet, CUSTOMER SUPPORT & GOVERNANCE MANAGER

# Complaints About the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy

<b>Effective Date</b>	Ordinary Meeting of Council - 19 August 2020
<b>Policy Owner</b>	Customer Support & Governance
<b>Link to Corporate Plan</b>	Strategic Priority - Financial Sustainability
<b>Review Date</b>	August 2024
<b>Related Legislation</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Crime and Corruption Act 2001</i> <i>Public Interest Disclosure Act 2010</i>
<b>Related Documents</b>	Complaints Management - Council Policy Complaints Management - Standard Work Practice (SWP) Confidentiality - Council Policy Code of Conduct

<b>Policy Version</b>	<b>Approval Date</b>	<b>Adopted/Approved</b>
1	20/11/2011	Approved by Chief Executive Officer (Organisational Policy)
2	20/11/2014	Approved by Chief Executive Officer (Organisational Policy)
3	19/08/2020	Ordinary Meeting of Council (Council Policy)

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# Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy

---

## **POLICY OBJECTIVES/PURPOSE:**

The Chief Executive Officer (CEO) is the public official of the Western Downs Regional Council within the meaning of the *Crime and Corruption Act 2001* (the CC Act). The objective of this policy is to set out how Council, including Councillors, employees and contractors will deal with a complaint (also information or matter) that involves or may involve corrupt conduct<sup>1</sup> of its public official as defined in the CC Act.

## **ORGANISATIONAL SCOPE:**

This policy applies:

1. if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of Council;
2. to all persons who hold an appointment in, or are employees of, the Council.

For the purpose of this policy a complaint includes information or a matter.

## **POLICY:**

The policy is designed to assist Council to:

1. Comply with section 48A of the *Crime and Corruption Act 2001*;
2. Promote public confidence in the way suspected corrupt conduct of the CEO for Council is dealt with (section 34(c) CC Act);
3. Promote accountability, integrity and transparency in the way Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

## **NOMINATED PERSON:**

Having regard to section 48A (2) and (3) of the CC Act, this policy nominates:

1. the Mayor and the Customer Support and Governance Manager as the nominated persons to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.
2. The :-
  - a. nominated persons will, with or without consulting the CCC, decide who will be the nominated person for a particular complaint; and
  - b. nominated person for that particular complaint will inform the CCC and the Council of the complaint, and include:-
    - i. the title of the person; and
    - ii. that they are the nominated person for the particular complaint.
- ~~3. The nominated person who is to deal with a particular complaint must notify the Crime and Corruption Commission of the complaint and is required to manage the complaint in accordance with the CC Act.~~
- ~~4.3. Once the Council nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the nominated person.~~

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<sup>1</sup> See section 15 of the *Crime and Corruption Act 2001*



# Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy

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## COMPLAINTS ABOUT THE CEO:

~~A complaint involving a reasonable suspicion of corrupt conduct may be reported to the nominated person~~

If a complaint may involve an allegation of corrupt conduct of the CEO of the Council, the complaint may be reported to:

1. either of the nominated person/s, or
2. a person to whom there is an obligation to report under an Act (this does not include an obligation imposed by sections 37, 38 and 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to either of the nominated person/s.

The Mayor may be contacted as follows:

Mail: Private and Confidential  
Mayor  
Western Downs Regional Council  
PO Box 551, Dalby Qld 4405  
Phone: 1300 268 624  
E-mail: paul.mcveigh@wdrc.qld.gov.au

The Customer Support and Governance Manager may be contacted as follows:

Mail: Private and Confidential  
Customer Support and Governance Manager  
Western Downs Regional Council  
PO Box 551, Dalby QLD 4405  
Phone: 1300 268 624  
E-mail: peter.greet@wdrc.qld.gov.au

If the nominated person dealing with a particular complaint reasonably suspects the complaint may involve corrupt conduct of the CEO, they are required to:

1. notify the CCC of the complaint, and
2. deal with the complaint, subject to the CCC's monitoring role, when —
  - a. directions issued under section 40 apply to the complaint, if any, or
  - b. pursuant to section 46, the CCC refers the complaint to the nominated person to deal with.

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:-

1. report the complaint to either of the nominated person/s as soon as practicable and may also notify the CCC; and
2. take no further action to deal with the complaint unless requested to do so by the nominated person/s who is responsible for dealing with the complaint.

If directions issued under section 40 apply to the complaint:-

1. the nominated person is to deal with the complaint; and
2. the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person who is responsible for dealing with the complaint.

# Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy

---

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the CEO is not required to be notified to the CCC under section 38, the nominated person must make a record of the decision that complies with section 40A of the CC Act.

## **CONFIDENTIALITY:**

Any persons responsible for dealing with the complaint about corrupt conduct (including external investigators) have a duty to maintain confidentiality in relation to the complaint.

The duty to maintain confidentiality extends to the identity of the person making the complaint, the person who is the subject of the complaint and sometimes even the existence of the complaint.

Consideration will also need to be given to whether the complainant is making a public interest disclosure and is therefore subject to the provisions of the *Public Interest Disclosure Act 2010*.

In particular, the following should be kept confidential:-

1. the identity of the source of the information (including names of any disclosers);
2. the identity of those involved in the investigation including witnesses; and
3. the nature and content of oral and documentary evidence gathered during the investigation.

## **RESOURCING THE NOMINATED PERSON:**

If pursuant to sections 40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint:

1. the Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately, and
2. the nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
  - a. authorisation under a law of the Commonwealth or the State, or
  - b. the consent of the nominated person responsible for dealing with the complaint
3. the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - a. purposes of the CC Act
  - b. the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with, and
  - c. the Council's statutory, policy and procedural framework.

~~If the nominated person with the Customer Support and Governance Manager has responsibility to deal with the complaint, they:~~

1. are delegated the same authority, functions and powers as the CEO to direct and control staff of the Council as if the nominated person is the CEO of the Council for the purpose of dealing with the complaint only;
2. are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of the Council for the purpose of dealing with the complaint; and
3. do not have any authority, function or power that cannot be delegated by either the Council or the CEO.

# Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy

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## **LIAISING WITH THE CCC**

The CEO is to keep the CCC and the nominated persons informed of:

1. the contact details for the public official/CEO and the nominated person/s; and
2. any proposed changes to this policy.

## **CONSULTATION WITH THE CCC**

The CEO will consult with the CCC when preparing any policy about how the Council will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.



# Complaints About the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy

<b>Effective Date</b>	Ordinary Meeting of Council - 19 August 2020
<b>Policy Owner</b>	Customer Support & Governance
<b>Link to Corporate Plan</b>	Strategic Priority - Financial Sustainability
<b>Review Date</b>	August 2024
<b>Related Legislation</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Crime and Corruption Act 2001</i> <i>Public Interest Disclosure Act 2010</i>
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## **POLICY OBJECTIVES/PURPOSE:**

The Chief Executive Officer (CEO) is the public official of the Western Downs Regional Council within the meaning of the *Crime and Corruption Act 2001* (the CC Act). The objective of this policy is to set out how Council, including Councillors, employees and contractors will deal with a complaint (also information or matter) that involves or may involve corrupt conduct<sup>1</sup> of its public official as defined in the CC Act.

## **ORGANISATIONAL SCOPE:**

This policy applies:

1. if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of Council;
2. to all persons who hold an appointment in, or are employees of, the Council.

For the purpose of this policy a complaint includes information or a matter.

## **POLICY:**

The policy is designed to assist Council to:

1. Comply with section 48A of the *Crime and Corruption Act 2001*;
2. Promote public confidence in the way suspected corrupt conduct of the CEO for Council is dealt with (section 34(c) CC Act);
3. Promote accountability, integrity and transparency in the way Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

## **NOMINATED PERSON:**

Having regard to section 48A (2) and (3) of the CC Act, this policy nominates:

1. the Mayor and the Customer Support and Governance Manager as the nominated persons to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.
2. The :-
  - a. nominated persons will, with or without consulting the CCC, decide who will be the nominated person for a particular complaint; and
  - b. nominated person for that particular complaint will inform the CCC and the Council of the complaint, and include:-
    - i. the title of the person; and
    - ii. that they are the nominated person for the particular complaint.
3. Once the Council nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the nominated person.

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<sup>1</sup> See section 15 of the *Crime and Corruption Act 2001*

# Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy

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## COMPLAINTS ABOUT THE CEO:

If a complaint may involve an allegation of corrupt conduct of the CEO of the Council, the complaint may be reported to:

1. either of the nominated persons, or
2. a person to whom there is an obligation to report under an Act (this does not include an obligation imposed by sections 37, 38 and 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to either of the nominated persons.

The Mayor may be contacted as follows:

Mail: Private and Confidential  
Mayor  
Western Downs Regional Council  
PO Box 551, Dalby Qld 4405  
Phone: 1300 268 624  
E-mail: paul.mcveigh@wdrc.qld.gov.au

The Customer Support and Governance Manager may be contacted as follows:

Mail: Private and Confidential  
Customer Support and Governance Manager  
Western Downs Regional Council  
PO Box 551, Dalby QLD 4405  
Phone: 1300 268 624  
E-mail: peter.greet@wdrc.qld.gov.au

If the nominated person dealing with a particular complaint reasonably suspects the complaint may involve corrupt conduct of the CEO, they are required to:

1. notify the CCC of the complaint, and
2. deal with the complaint, subject to the CCC's monitoring role, when —
  - a. directions issued under section 40 apply to the complaint, if any, or
  - b. pursuant to section 46, the CCC refers the complaint to the nominated person to deal with.

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:-

1. report the complaint to either of the nominated persons as soon as practicable and may also notify the CCC; and
2. take no further action to deal with the complaint unless requested to do so by the nominated person who is responsible for dealing with the complaint.

If directions issued under section 40 apply to the complaint:-

1. the nominated person is to deal with the complaint; and
2. the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person who is responsible for dealing with the complaint.

# Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy

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Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the CEO is not required to be notified to the CCC under section 38, the nominated person must make a record of the decision that complies with section 40A of the CC Act.

## **CONFIDENTIALITY:**

Any persons responsible for dealing with the complaint about corrupt conduct (including external investigators) have a duty to maintain confidentiality in relation to the complaint.

The duty to maintain confidentiality extends to the identity of the person making the complaint, the person who is the subject of the complaint and sometimes even the existence of the complaint.

Consideration will also need to be given to whether the complainant is making a public interest disclosure and is therefore subject to the provisions of the *Public Interest Disclosure Act 2010*.

In particular, the following should be kept confidential:-

1. the identity of the source of the information (including names of any disclosers);
2. the identity of those involved in the investigation including witnesses; and
3. the nature and content of oral and documentary evidence gathered during the investigation.

## **RESOURCING THE NOMINATED PERSON:**

If pursuant to sections 40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint:

1. the Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately, and
2. the nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
  - a. authorisation under a law of the Commonwealth or the State, or
  - b. the consent of the nominated person responsible for dealing with the complaint
3. the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - a. purposes of the CC Act
  - b. the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with, and
  - c. the Council's statutory, policy and procedural framework.

The nominated person with the responsibility to deal with the complaint:

1. are delegated the same authority, functions and powers as the CEO to direct and control staff of the Council as if the nominated person is the CEO of the Council for the purpose of dealing with the complaint only;
2. are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of the Council for the purpose of dealing with the complaint; and
3. do not have any authority, function or power that cannot be delegated by either the Council or the CEO.

# Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy

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## **LIAISING WITH THE CCC**

The CEO is to keep the CCC and the nominated persons informed of:

1. the contact details for the public official/CEO and the nominated person/s; and
2. any proposed changes to this policy.

## **CONSULTATION WITH THE CCC**

The CEO will consult with the CCC when preparing any policy about how the Council will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.





**Title** Corporate Services Report Request Additional Funding Leo Gordon Apex Park, Meandarra

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**Date** 1 September 2020

**Responsible Manager** A. Ritchie, FACILITIES MANAGER

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### Summary

This Report is to seek Council's direction regarding the Leo Gordon Apex Park Meandarra upgrade project.

### Link to Corporate Plan

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.

### Material Personal Interest/Conflict of Interest

Nil

### Officer's Recommendation

That this Report be received, and that Council approve an increase of \$49,000 to the Capital budget allocation for this project to complete the scope of works as intended.

### Background Information

In April 2020, Council endorsed an Accelerated Infrastructure Program as part of the COVID-19 Recovery Package. Included within this parcel of works was a project to upgrade facilities and landscape at the Leo Gordon Apex Park at Meandarra. The scope for the park improvements took into consideration visual impacts, operational, safety, accessibility requirements whilst ensuring the natural setting is retained. The park is located across from the designated caravan and camping area and is popular with travellers who utilise the park and facilities during their stay.

The project budget is \$75,000 and is currently 100% funded through the COVID W4Q Funding Program. The scope of works for this project includes:

- two new picnic shelters and picnic table settings,
- relocation of existing seating to the caravan park across the road,
- new shelter over existing BBQ,
- new concrete paths between shelters for ease of access for elderly and disabled patrons,
- total upgrade of the existing garden,
- new tree plantings, and
- turf and irrigation throughout.

### Report

In June 2020, members of the Meandarra Community attended an onsite information session at the park providing feedback on the scope of works. There was strong support for the project with common agreement that many components of the park had aged or were in poor condition. The upgrade of the park was recognised as an opportunity to better connect the park with the adjacent caravan, camping and open spaces as well as providing the community with valued recreational spaces.

Request for quotations were subsequently sought from appropriate contractors. Three quotations were received, with the lowest totalling \$124,000 (excluding GST). This represents an additional \$49,000 over the original budget approved.

The upgrades proposed for this park are conservative, will deliver equitable access, safety enhancements and numerous social and economic benefits. It is recommended that Council approve an additional \$49,000 to meet the original scope. If this is not endorsed, the scope of works will require significant reduction to remain within the allocated budget, however this would likely result in an unsatisfactory outcome for both project deliverables and in terms of community anticipation.

Consultation (Internal/External)

Meandarra Community

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

If approved, Council will need to make a budget provision of \$49,000 to complete the scope of works in its entirety.

**Conclusion**

It is recommended that Council provides an additional budget allocation of \$49,000 to deliver the full scope of works for the Leo Gordon Apex Park Meandarra upgrade project.

**Attachments**

1. Leo Gordon Apex Park - Scope of Works

**Authored by:** S. Shelton, FACILITIES PROJECT MANAGER

## Leo Gordon Apex Park Project Scope of Works (developed in consultation with the Meandarra Community)

The facilities and presentation of the site is poor. The open spaces are dry and dusty with equipment that is worn and obsolete. In addition, the ground is extremely compacted making it difficult to sustain plants, trees and turf.



2 x new picnic settings and shelters including new concrete slabs:



New BBQ shelter to be installed over existing BBQ:





Replace existing tyres at the front of the hall with new raised garden beds:



New concrete pathways to go between shelters and BBQ area:



Existing garden to be upgraded with new plants, soil, mulch & irrigation:



Remove and relocate 2 x aluminium seating sets across the road to the campgrounds including new concrete pads and demolition of existing:





**Additional works across the site:**

- Turf and irrigation
- New topsoil
- New signage
- Remove existing, unused waste receptacles
- Replacement of plumbing fixtures
- Planting of 8 new advanced trees





**Title** Corporate Services Report Tara Pool Precinct Masterplan Update

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**Date** 8 September 2020

**Responsible Manager** A. Ritchie, FACILITIES MANAGER

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### **Summary**

The purpose of this Report is to provide Council with an update on action taken to date with respect to the Tara Pool Precinct Masterplan project.

### **Link to Corporate Plan**

Strategic Priority: Active Vibrant Communities

- Our parks, open spaces, and community facilities are well utilised and connect people regionally.

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.

### **Material Personal Interest/Conflict of Interest**

Nil

### **Officer's Recommendation**

That this Report be received and noted.

### **Background Information**

Condition assessments for six of Council's major pools and aquatic centres were undertaken by an external engineer in March 2019. Council subsequently received advice that the concourse at the Tara Pool had been compromised due to concrete spalling. A tender process to replace the concourse was undertaken but it was determined that the required investment was not viable given the works would not offer any substantive extension of life expectancy. It was proposed to undertake an alternative remedial approach for a lesser financial impost which would ensure the pool remained functional for a further twelve months for safe public use while investigating a longer-term replacement strategy.

### **Report**

On 27 April 2020, Council adopted its COVID-19 Recovery Package which included a budget allocation of \$3M for a 25 metre pool at Tara. In addition, a provision of was \$10,000 was made in the 2020-21 budget for the development of a Masterplan at the Tara Pool.

The services of external specialist consultants were secured to undertake stakeholder engagement as part of the Masterplan development. They are familiar with the Western Downs having undertaken several projects and studies in partnership with Council over recent years. Their team comprises numerous professionals who have specialist leisure facility planning, managing and operating expertise and have delivered numerous aquatic facility projects across the country.

Stakeholder engagement was initially planned to be facilitated at the Tara Pool on 27 August 2020. As part of the process it was proposed for a survey to be made available for interested residents to submit their feedback.

At the Council meeting held on 19 August 2020, Council resolved that, as part of its community engagement, engineering and financial feasibility scoping of the Tara replacement pool project Council investigate various options including, but not limited to:

1. Replacing the pool with a 50M pool with lane numbers and widths the same or greater than current pool size
2. Repairing the existing 50M pool
3. Replacing the pool with a 25M pool suitable for club and school district carnivals and recreational uses

The external consultant communicated their concern about this decision, the implications on the stakeholder engagement and withdrew from the community engagement for the project.

Council officers are in the process of actioning this resolution of Council and procuring the services of a specialist consultant to assist with community engagement.

#### Consultation (Internal/External)

Specialist consultants

#### Legal/Policy Implications (Justification if applicable)

Nil

#### Budget/Financial Implications

Council has made a budget provision of \$10,000 for the development of a Masterplan and \$3M for the replacement of the pool. Costs associated with the revised scope of works being undertaken by the external consultants will be met from the \$3M budget provision.

#### **Conclusion**

Western Downs Regional Council recognises the importance of providing quality recreational and sporting facilities for the community. The development of a Masterplan for the Tara Pool Precinct will provide Council with a clear strategy for the redevelopment of the pool with due consideration to asset management, financial implications, land use planning, design and functional mix, community needs and expectations and future expansion / growth potential.

#### **Attachments**

Nil

**Authored by:** K. Goss, FACILITIES PROGRAM MANAGER

**Title** Infrastructure Services - Commercial Works - Council Policy

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**Date** 10 September 2020

**Responsible Manager** B. Barnett, SENIOR WORKS MANAGER

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### Summary

The purpose of this Report is to seek Council's approval to adopt the Commercial Works - Council Policy.

### 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 this Report be received and that:

1. Council adopt the Commercial Works - Council Policy.

### Background Information

Council has an existing Commercial Works - Council Policy to provide direction in the agreement and execution of commercial works including the supply of goods and services.

### Report

Council's Policy framework provides for the periodic review of all Council policies. Reviews may also be triggered by a change in community priorities, a change in Council procedures or may be driven by legislative changes.

The Commercial Works - Council Policy was adopted at Council's Ordinary Meeting held 16 July 2014, with a periodic review date of 17 August 2016 and as such has been reviewed to ensure organisational relativity and legislative compliance.

The amendments include minor administration changes as well as an amendment to set a default minimum target profit margin of 10%.

### Consultation (Internal/External)

The following departments were consulted in relation to this review:-

- Works

### Legal/Policy Implications (Justification if applicable)

This policy is proposed to be reviewed in September 2024, unless a review trigger warrants earlier review.

### Budget/Financial Implications



A default minimum target profit margin will be set at 10%, however the profit margin can be adjusted with appropriate approval by the relevant General Manager.

### **Conclusion**

The Commercial Works - Council Policy has been reviewed with proposed amendments provided to Council for consideration and approval.

### **Attachments**

1. Amended Commercial Works - Council Policy (Marked Up); and
2. Amended Commercial Works - Council Policy (Clean Version)

**Authored by:** Brianna Barnett, SENIOR WORKS MANAGER



# Commercial Works - Council Policy

<b>Effective Date</b>	<del>17 August 2016</del> <u>23 September 2020</u> - Ordinary Meeting of Council
<b>Policy Owner</b>	<del>Works Principal (Civil Works)</del> <u>Senior Works Manager</u>
<b>Link to Corporate Plan</b>	<del>Strategic Theme 1: Effective and Inclusive Governance</del> <u>Financial Sustainability</u>
<b>Review Date</b>	<del>July 2020</del> <u>September 2024</u>
<b>Related Legislation</b>	<i>Local Government Act 2009</i>
<b>Related Documents</b>	Contract and Tender Suite Fees and Charges

Policy Version	Approval Date	Adopted/Approved
1	16/07/2014	Ordinary Meeting of Council
2	17/08/2016	Ordinary Meeting of Council

This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.**



## 1. PURPOSE

To provide direction in the agreement and execution of commercial works including the supply of goods and services.

## 2. SCOPE

This policy provides direction to staff in the principles in which Council will undertake commercial works on behalf of Council to better ensure that works are fully recovered and profitable.

## 3. POLICY

### 3.1 Entering into Commercial Works Arrangements

Council officers will only negotiate, tender or enter into commercial arrangements to provide goods and services where it is a cost plus, lump sum or schedule of rates arrangement that has been approved by the relevant officer giving due consideration to Council's availability, capacity and risk profile.

### 3.2 Profit

~~The Chief Executive officer will determine the~~ The default minimum target profit margin for commercial works is 10%. ~~H-however, from time to time. The~~ the minimum profit margin may be increased from the minimum altered on a project by project basis, with appropriate approval from the relevant General Manager.

### 3.3 Formation of Works, Contracts and Payments

Council will only undertake commercial works where an appropriate written agreement or contract has been discharged by all relevant parties or a full payment has been made in advance by the applicant. Officers are required to utilise the appropriate contract mechanism to undertake the works giving due consideration to the value and risks involved. All payments unless otherwise negotiated are to be received within a maximum 28 days of invoice.

Council reserves the right to decline any commercial works and where Council wishes to reduce credit risk; it may require partial upfront payment or other acceptable form of guarantee.





# Commercial Works - Council Policy

<b>Effective Date</b>	23 September 2020- Ordinary Meeting of Council
<b>Policy Owner</b>	Senior Works Manager
<b>Link to Corporate Plan</b>	Financial Sustainability
<b>Review Date</b>	September 2024
<b>Related Legislation</b>	<i>Local Government Act 2009</i>
<b>Related Documents</b>	Contract and Tender Suite Fees and Charges

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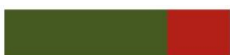
### 3.2 Profit

The default minimum target profit margin for commercial works is 10%, however the minimum profit margin may be altered on a project by project basis with appropriate approval from the relevant General Manager.

### 3.3 Formation of Works, Contracts and Payments

Council will only undertake commercial works where an appropriate written agreement or contract has been discharged by all relevant parties or a full payment has been made in advance by the applicant. Officers are required to utilise the appropriate contract mechanism to undertake the works giving due consideration to the value and risks involved. All payments unless otherwise negotiated are to be received within a maximum 28 days of invoice.

Council reserves the right to decline any commercial works and where Council wishes to reduce credit risk; it may require partial upfront payment or other acceptable form of guarantee.



**Title** **Infrastructure Services - Disaster Recovery Funding Arrangements February 2020 Heavy Rainfall and Flooding Event - Reconstruction of Essential Public Assets**

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**Date** 14 September 2020

**Responsible Manager** B. Barnett, SENIOR WORKS MANAGER

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### **Summary**

The purpose of this Report is to provide Council with an update in regards to Queensland Reconstruction Authority - Disaster Recovery Funding Arrangements for the Western Downs Region and Council's Plant Eligibility Rates following Industry Benchmarking Assessment.

### **Link to Corporate Plan**

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

- A safe and well maintained road network connects our region.

### **Material Personal Interest/Conflict of Interest**

Nil

### **Officer's Recommendation**

That this Report be received.

### **Background Information**

Following the widespread rainfall across the Western Downs Region in February 2020, substantial damage was incurred on Western Downs Regional Council's transport network.

As part of Queensland Reconstruction Authority's (QRA) Disaster Recovery Funding Arrangements (DRFA) Council can apply for financial assistance to help communities recover from eligible disasters, such as flooding.

### **Report**

Council officers have inspected WDRC's transport network and utilising the Works Maintenance software, REFLECT, collected the defects on the network to compile QRA funding submissions, particularly Immediate Restoration works as well as Reconstruction of Essential Public Assets (REPA) claims.

A joint In-Field Assessment (IFA) was completed by Council staff and QRA assessors for the following REPA submissions.

Submission ID	District	Submission Type	Submission Value
WDRC.0005.1920G.REC	Miles	REPA	\$1,035,846.54
WDRC.0006.1920G.REC	Chinchilla	REPA	\$409,163.37
WDRC.0007.1920G.REC	Tara	REPA	\$443,619.22
WDRC.0008.1920G.REC	Dalby	REPA	\$1,562,021.82
WDRC.0009.1920G.REC	Wandoan	REPA	\$3,464,347.14
WDRC.00010.1920G.REC	Miscellaneous (All Regions)	REPA	TBC
		<b>Estimated Total Value</b>	<b>\$7,500,000</b>

The Miscellaneous submission outstanding is due in the next month and will include any defects that have appeared in the transport network after the original submission were prepared. The value of this submission is likely to be approximately \$250,000 - \$500,000.

In addition to the REPA submission, WDRC are in the process of collating and finalising a submission for:

- Counter Disaster Operations (CDO) which includes the costs in establishing the evacuation centres etc, at estimated submission value of \$22,474.21; and
- Immediate Reconstruction Works of Public Assets (value to be confirmed)

QRA have provided a letter confirming that the following REPA submissions have been assessed and deemed eligible for reconstruction funding.

Submission ID	District	Submission Type	QRA Approval Status	Eligible Project Costs
WDRC.0005.1920G.REC	Miles	REPA	Approved	\$1,034,642.63
WDRC.0006.1920G.REC	Chinchilla	REPA	Approved	\$403,803.37
WDRC.0007.1920G.REC	Tara	REPA	Approved	\$438,867.01
WDRC.0008.1920G.REC	Dalby	REPA	Approved	\$1,554,554.61
WDRC.0009.1920G.REC	Wandoan	REPA	Approved	\$3,417,753.47
WDRC.00010.1920G.REC	Miscellaneous (All Regions)	REPA	TBC	
	<b>Total Eligible Project Costs</b>			<b>\$6,849,621.09</b>
	<b>WDRC Trigger Contribution</b>			<b>\$476,130.00</b>
	<b>QRA Approved Funding Amount</b>			<b>\$6,373,491.09</b>

The QRA REPA Project Funding Schedules have been signed for 5 regional submission, signalling the acceptance of the approvals and a Project Funding Agreement has been formed in accordance with the Head Agreement.

Council are responsible for the funding contribution up to WDRC's specified Maximum Trigger Point, which for FY2019/20 is \$476,130.

In addition to the QRA REPA funding schedules being approved, Council have received advice in July 2020, that QRA have reviewed WDRC's plant assessment through a benchmarking process, with a significant increase to WDRC's plant rate eligibility.

QRA has updated its framework to align with the industry, whilst also referencing historically achieved plant and equipment benchmark rates at both regional and state levels where applicants are unable to provide data for individual plant components.

For Western Downs, the revised plant assessment is based on new information supplied by Council in 2019. This has resulted in an increase in Council's plant eligibility from 89% to 100%.

This is a great outcome for Western Downs meaning that any disaster recovery work carried out Council, including Emergent Works and REPA, will see the equipment cost of the work fully refunded.

#### Consultation (Internal/External)

External consultation with Queensland Reconstruction Authority (QRA)

#### Legal/Policy Implications (Justification if applicable)

Nil

#### Budget/Financial Implications

Reimbursement of eligible project expenditure upon successful completion including post completion verification and audit.

Council are responsible for the funding contribution up to WDRC's specified Maximum Trigger Point, which for FY2019/20 is \$476,130.

An increase in plant eligibility from 89% to 100%.

#### **Conclusion**

1. The Queensland Reconstruction Authority - Disaster Recovery Funding Arrangements for the Western Downs Region following the February 2020 Rainfall and Flooding Event Reconstruction of Essential Public Assets have been approved.
2. Western Downs Regional Council's Plant Eligibility Rates following Industry Benchmarking Assessment have been reviewed by Queensland Reconstruction Authority, resulting in an increase in Council's eligibility from 89% to 100% for REPA submissions.

#### **Attachments**

Nil

**Authored by:** Brianna Barnett, SENIOR WORKS MANAGER



**Title** Infrastructure Services - Naming Council Roads and Streets - Council Policy

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**Date** 10 September 2020

**Responsible Manager** B. Barnett, SENIOR WORKS MANAGER

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### Summary

The purpose of this Report is to seek Council's approval to adopt the Naming Council Roads and Streets - Council Policy.

### Link to Corporate Plan

Strategic Priority: Great Liveability  
- A safe and well maintained road network connects our region.

### Material Personal Interest/Conflict of Interest

Nil

### Officer's Recommendation

That this Report be received and that:

1. Council adopt the Naming Council Roads and Streets - Council Policy

### Background Information

Council has an existing Naming Council Roads and Streets Policy that outlines the guidelines for naming newly constructed roads and streets or the renaming of an existing road or street under the control of Western Downs Regional Council.

All developed roads and streets require a single and unique name for identification purposes for all road users and residents.

The existing policy establishes an approved list of road and street name extensions and provides a guideline to ensure that road and street names are appropriate.

### Report

Council's Policy framework provides for the periodic review of all Council policies. Reviews may also be triggered by a change in community priorities, a change in Council procedures, or may be driven by legislative changes.

The Naming Council Roads and Streets - Council Policy was adopted at Council's Ordinary Meeting held 19 November 2009 with a periodic review date of 17 August 2016 and as such has been reviewed to ensure organisational relativity and legislative compliance.

The amendments include minor administration changes as well as an amendment to include that preferred names for new roads can be provided to Council at the time of Development Application.

Consultation (Internal/External)

The following departments were consulted in relation to this review:-

- Planning and Development
- Technical Services
- Works

Legal/Policy Implications (Justification if applicable)

This policy is proposed to be reviewed in September 2024, unless a review trigger warrants earlier review.

Budget/Financial Implications

Nil

**Conclusion**

The Naming Council Roads and Streets - Council Policy has been reviewed with proposed amendments provided to Council for consideration and approval.

**Attachments**

1. Amended Naming Council Roads and Streets - Council Policy (Marked Up); and
2. Amended Naming Council Roads and Streets - Council Policy (Clean Version)

**Authored by:** Brianna Barnett, SENIOR WORKS MANAGER



# Naming Council Roads and Streets - Council Policy

<b>Effective Date</b>	23 September 2020- Ordinary Meeting of Council
<b>Policy Owner</b>	Senior Works Manager
<b>Link to Corporate Plan</b>	Great Liveability
<b>Review Date</b>	September 2024
<b>Related Legislation</b>	<i>Local Government Act 2009</i> <i>Planning Act 2016</i> <i>Place Name Act 1994</i>
<b>Related Documents</b>	AS1742.5 - Manual of Uniform Traffic Control Devices - street name and community facility name signs AS 4212 - Geographic Information Systems - data dictionary for transfer of street addressing information AS/NZS 4819:2011 - Geographic Information - rural and urban addressing Western Downs Regional Council Local Law No.1 (Administration) 2011 Western Downs Regional Council Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011 Western Downs Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

## 1. PURPOSE

- To provide guidelines for the naming of newly constructed roads and streets or the renaming of an existing road or street under the control of Western Downs Regional Council.
- Establish an approved list of road and street name extensions (ie. street, road, avenue).
- Ensure road and street names are appropriate.
- Adopt applicable standards and legislation.

## 2. SCOPE

This policy applies to all existing and proposed public roads in the Western Downs Regional Council administrative area that are under the control of Western Downs Regional Council.

This policy is applicable to Council Officers making recommendations to the Council for the naming or renaming of Council roads and streets.

## 3. POLICY

### 3.1 Process of the Selection of Road and Street Names

#### *New Development*

1. The applicant is to submit a list of three (3) preferred names and reasons for selecting names for each of the roads within the relevant development. The applicant must receive approval of the names prior to Council sealing the survey plans, alternatively this can be undertaken at the time of Development Application.
2. The relevant Officer within the Planning and Environment Department is to check whether the preferred names comply with this policy.
3. If the names do not comply with the policy, the applicant is to be notified and asked to submit a revised list that is in accordance with this policy.
4. If the names do comply with the policy, the preferred list is then submitted to the Planning Manager and referred to the Mayor for approval (as per the delegation register).
5. Providing that the submitted names comply with this policy and no adverse reason is identified that should cause the names to be rejected, the applicant will be notified that the names are acceptable.

#### *Existing Roads*

1. The naming/renaming process of existing roads is to be avoided where possible due to the excessive database changes that are triggered by a name change and the possible non-acceptance by affected land owners.
2. For the renaming of existing roads, a report will be prepared by the Infrastructure Services relevant Department for consideration by Council giving details of potential names and the results of consultation with the affected resident/property owners.
3. The time when a changed name applies shall be a date when all protocols associated with the name change are complete.

### 3.2 Requirements for the Naming of Road and Street Names

- a. Name duplication within the local government area should be avoided. If possible duplication of names in proximity to adjacent local government areas should also be avoided.
- b. Roads crossing Council boundaries should have a single and unique name.
- c. Names should be appropriate to the physical, historical or cultural character of the area concerned.



- d. The local Aboriginal Community should be contacted so as to confirm correct meaning and aptness when using Aboriginal names.
- e. Names which are offensive or likely to give offence, incongruous (out of place) or commercial in nature are to be avoided.
- f. Names should be reasonably easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public.
- g. Unduly long names and names composed more than two words are not permitted.
- h. The use of given names and/or initials is not permitted.
- i. Where it is intended that a road have the same name as a place or feature with an approved geographical name, then particular care should be taken to ensure that the correct spelling is adopted.
- j. Where names have been changed or corrupted by long established local usage it is not usually advisable to attempt to restore the original form. The spelling which is sanctioned by general usage should generally be adopted.
- k. Generally road names proposed or approved shall not contain:
  1. Abbreviations
  2. Hyphens
  3. Apostrophes
  4. Use of 'The' as a prefix; or
  5. Initials.
- l. Names of property developers and their family may be considered appropriate should they meet the preferred sources criteria.
- m. Consideration should also be given to:
  - Road hierarchy or function;
  - Street addressing; and
  - Road layout (for example: If a standard 'tee' intersection is modified to give priority to the vertical leg of the 'tee', the road name and house numbering should also follow the priority road).
- n. Roads within separate stages of a development are not to have the same name unless the road is a continuation of an existing road in compliance with this policy.
- o. Road name designations are to be in accordance with the road name designations in this policy.
- p. Long street names should not be allocated to short roads as the inclusion of such names on street directories and other maps can result in name crowding difficulties for the mapmakers and confusion or uncertainty for the people using the maps.
- q. Council may in certain areas adopt a list of preferred local street names which reflect the traditional street naming protocols of the areas considered (ie. Chinchilla, Brigalow – with names of long standing resident families who have contributed to the community).

### 3.3 Road Name Designations

Every blind (no through) road shall be named "Court" or "Close" or other similar name, but not Road, Street, Avenue or Crescent.

**Lane** – short, narrow cul-de-sac, maximum of three (3) lots

**Court** – Cul-de-sac, generally a maximum of twenty (20) lots

**Close** – Cul-de-sac, generally a maximum of twenty (20) lots

**Street** – principal name designation for urban areas

**Crescent** – must have a pronounced curve in alignment, maximum of 75 allotments

**Drive** - trunk collector or collector road of some significance, greater than 75 lots (or part thereof if part of a staged subdivision), can include a no-through (blind) road

Road - **principal name designation for major roads and roads in rural areas**



#### 4. Definitions

In this policy:-

- "Developer" means a person, persons or company that has submitted a development application to Council
- "Community" means the residents of Western Downs Regional Council
- "Council" means Western Downs Regional Council
- "Nominated person" means the Officer from Council's Planning and Environment Department assigned to assess road name compliance
- "Property owner" means the registered owner of the relevant parcel of land
- "Road" means a local government controlled road and does not include state controlled roads
- "Private road" means a road that is on private property that is not under the control of Council





# Naming Council Roads and Streets - Council Policy

<b>Effective Date</b>	<del>17 August 2016</del> <u>23 September 2020</u> - Ordinary Meeting of Council
<b>Policy Owner</b>	<del>Works Principal (Civil Works)</del> <u>Senior Works Manager</u>
<b>Link to Corporate Plan</b>	<del>Strategic Theme 6: Balanced Growth</del> <u>Great Liveability</u>
<b>Review Date</b>	<del>July 2020</del> <u>September 2024</u>
<b>Related Legislation</b>	<p><i>Local Government Act 2009</i></p> <p><del><i>Sustainable Planning Act 2009</i></del> <u><i>Planning Act 2016</i></u></p> <p><i>Place Name Act 1994</i></p>
<b>Related Documents</b>	<p>AS1742.5 - Manual of Uniform Traffic Control Devices - street name and community facility name signs</p> <p>AS 4212 - Geographic Information Systems - data dictionary for transfer of street addressing information</p> <p>AS/NZS 4819:2011 - Geographic Information - rural and urban addressing</p> <p>Western Downs Regional Council Local Law No.1 (Administration) 2011</p> <p>Western Downs Regional Council Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011</p> <p>Western Downs Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011</p>

## 1. PURPOSE

- To provide guidelines for the naming of newly constructed roads and streets or the renaming of an existing road or street under the control of Western Downs Regional Council.
- Establish an approved list of road and street name extensions (ie. street, road, avenue).
- Ensure road and street names are appropriate.
- Adopt applicable standards and legislation.

## 2. SCOPE

This policy applies to all existing and proposed public roads in the Western Downs Regional Council administrative area that are under the control of Western Downs Regional Council.

This policy is applicable to Council Officers making recommendations to the Council for the naming or renaming of Council roads and streets.

## 3. POLICY

### 3.1 Process of the Selection of Road and Street Names

#### *New Development*

1. The applicant is to submit a list of three (3) preferred names and reasons for selecting names for each of the roads within the relevant development. The applicant must receive approval of the names prior to Council sealing the survey plans, alternatively this can be undertaken at the time of Development Application.
2. The relevant Officer within the Planning and Environment Department is to check whether the preferred names comply with this policy.
3. If the names do not comply with the policy, the applicant is to be notified and asked to submit a revised list that is in accordance with this policy.
4. If the names do comply with the policy, the preferred list is then submitted to the Planning Manager and referred to the Mayor for approval (as per the delegation register).
5. Providing that the submitted names comply with this policy and no adverse reason is identified that should cause the names to be rejected, the applicant will be notified that the names are acceptable.

#### *Existing Roads*

1. The naming/renaming process of existing roads is to be avoided where possible due to the excessive database changes that are triggered by a name change and the possible non-acceptance by affected land owners.
2. For the renaming of existing roads, a report will be prepared by the Engineering-Infrastructure Services relevant Department for consideration by Council giving details of potential names and the results of consultation with the affected resident/property owners.
3. The time when a changed name applies shall be a date when all protocols associated with the name change are complete.

### 3.2 Requirements for the Naming of Road and Street Names

- a. Name duplication within the local government area should be avoided. If possible duplication of names in proximity to adjacent local government areas should also be avoided.
- b. Roads crossing Council boundaries should have a single and unique name.
- c. Names should be appropriate to the physical, historical or cultural character of the area concerned.





- d. The local Aboriginal Community should be contacted so as to confirm correct meaning and aptness when using Aboriginal names.
- e. Names which are offensive or likely to give offence, incongruous (out of place) or commercial in nature are to be avoided.
- f. Names should be reasonably easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public.
- g. Unduly long names and names composed more than two words are not permitted.
- h. The use of given names and/or initials is not permitted.
- i. Where it is intended that a road have the same name as a place or feature with an approved geographical name, then particular care should be taken to ensure that the correct spelling is adopted.
- j. Where names have been changed or corrupted by long established local usage it is not usually advisable to attempt to restore the original form. The spelling which is sanctioned by general usage should generally be adopted.
- k. Generally road names proposed or approved shall not contain:
  1. Abbreviations
  2. Hyphens
  3. Apostrophes
  4. Use of 'The' as a prefix; or
  5. Initials.
- l. Names of property developers and their family may be considered appropriate should they meet the preferred sources criteria.
- m. Consideration should also be given to:
  - Road hierarchy or function;
  - Street addressing; and
  - Road layout (for example: If a standard 'tee' intersection is modified to give priority to the vertical leg of the 'tee', the road name and house numbering should also follow the priority road).
- n. Roads within separate stages of a development are not to have the same name unless the road is a continuation of an existing road in compliance with this policy.
- o. Road name designations are to be in accordance with the road name designations in this policy.
- p. Long street names should not be allocated to short roads as the inclusion of such names on street directories and other maps can result in name crowding difficulties for the mapmakers and confusion or uncertainty for the people using the maps.
- q. Council may in certain areas adopt a list of preferred local street names which reflect the traditional street naming protocols of the areas considered (ie. Chinchilla, Brigalow – with names of long standing resident families who have contributed to the community).

### 3.3 Road Name Designations

Every blind (no through) road shall be named "Court" or "Close" or other similar name, but not Road, Street, Avenue or Crescent.

**Lane** – short, narrow cul-de-sac, maximum of three (3) lots

**Court** – Cul-de-sac, generally a maximum of twenty (20) lots

**Close** – Cul-de-sac, generally a maximum of twenty (20) lots

**Street** – principal name designation for urban areas

**Crescent** – must have a pronounced curve in alignment, maximum of 75 allotments

**Drive** - trunk collector or collector road of some significance, greater than 75 lots (or part thereof if part of a staged subdivision), can include a no-through (blind) road

Road - **principal name designation for major roads and roads in rural areas**



#### 4. Definitions

In this policy:-

- "Developer" means a person, persons or company that has submitted a development application to Council
- "Community" means the residents of Western Downs Regional Council
- "Council" means Western Downs Regional Council
- "Nominated person" means the Officer from Council's Planning and Environment Department assigned to assess road name compliance
- "Property owner" means the registered owner of the relevant parcel of land
- "Road" means a local government controlled road and does not include state controlled roads
- "Private road" means a road that is on private property that is not under the control of Council



**Title** **Infrastructure Services - Naming Public Assets - Council Policy**

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**Date** 10 September 2020

**Responsible Manager** B. Barnett, SENIOR WORKS MANAGER

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### Summary

The purpose of this Report is to seek Council's approval to adopt the Naming Public Assets - Council Policy.

### Link to Corporate Plan

Strategic Priority: Active Vibrant Communities

- We are a region without boundaries, united in community pride.

Strategic Priority: Great Liveability

- A safe and well maintained road network connects our region.

### Material Personal Interest/Conflict of Interest

Nil

### Officer's Recommendation

That this Report be received and that:

1. Council adopt the Naming Public Assets - Council Policy

### Background Information

Council requested a policy be developed to standardise a process and guidelines for naming public assets following an information session in November 2019.

On occasions, Council receives requests to name or re-name new or existing public assets (e.g. bridges)

### Report

A new policy has been developed to provide guidelines for the naming of newly constructed or existing public assets, excluding roads (Roads are covered under the 'Naming Council Roads and Streets - Council Policy') under the control of Western Downs Regional Council.

### Consultation (Internal/External)

The following stakeholders were consulted in relation to this review:-

- WDRC Councillors
- Executive Management Team

### Legal/Policy Implications (Justification if applicable)

Council's Policy framework provides for the periodic review of all Council policies. Reviews may also be triggered by a change in community priorities, a change in Council procedures or may be driven by legislative changes.

This policy is proposed to be reviewed in September 2024 unless a review trigger warrants earlier review.

Budget/Financial Implications

Nil

**Conclusion**

The Naming Public Assets - Council Policy has been developed and provided to Council for consideration and approval.

**Attachments**

1. Naming Public Assets - Council Policy (DRAFT)

**Authored by:** Brianna Barnett, SENIOR WORKS MANAGER



# Naming Public Assets - Council Policy

<b>Effective Date</b>	27 September 2020 - Ordinary Meeting of Council
<b>Policy Owner</b>	Senior Works Manager
<b>Link to Corporate Plan</b>	Active Vibrant Communities & Financial Sustainability
<b>Review Date</b>	September 2024
<b>Related Legislation</b>	<i>Local Government Act 2009</i> <i>Planning Act 2016</i> <i>Place Name Act 1994</i>
<b>Related Documents</b>	AS1742.5 - Manual of Uniform Traffic Control Devices - street name and community facility name signs AS 4212 - Geographic Information Systems - data dictionary for transfer of street addressing information AS/NZS 4819:2011 - Geographic Information - rural and urban addressing Western Downs Regional Council Local Law No.1 (Administration) 2011 Western Downs Regional Council Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011 Western Downs Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

## 1. PURPOSE

- To provide guidelines for the naming of newly constructed or existing public assets excluding roads (Roads are covered under the 'Naming Council Roads and Streets' Council Policy) under the control of Western Downs Regional Council.
- Ensure proposed names are appropriate.
- Adopt applicable standards and legislation.

## 2. SCOPE

This policy applies to all existing and proposed public assets in the Western Downs Regional Council administrative area that are under the control of Western Downs Regional Council.

This policy is applicable to Council Officers making recommendations to the Council for the naming or renaming of Council assets.

## 3. POLICY

### 3.1 Process of the Selection of Public Asset Names

#### *Unnamed Asset*

1. When an applicant requests the consideration for naming of an asset, they must provide the proposed name and justification regarding the application to name an asset.
2. The relevant Officer within the relevant Department is to check whether the preferred names comply with this policy.
3. The relevant Officer will provide an estimate of cost to name the asset and shall seek Council's direction as to whether the asset is to be formally named.
4. If Council resolves to not name the asset, the applicant will be contacted to advise of this outcome.
5. If Council resolves to consider naming the asset, the following stages of the process will occur.
  - a. Nominations for names will be sought from the community over a four-week period with the campaign advertised on social media and Council's website. The original applicant will be advised that Council is seeking community feedback and other nominations.
  - b. Following the close of the campaign period, the nominations will be collated and the nominations including the justifications reviewed including background checks on the nominations to review suitability of nomination.
  - c. If a shortlisted name does not comply with the policy, refer section 3.2, consultation will occur with the applicant providing guidance to submit a revised name, i.e. Incorrect or disputed spelling, punctuation amendments etc.
  - d. Providing that the submitted names comply with this policy and no adverse reason is identified, the relevant department will provide a report to Council to decide on the preferred name.
  - e. If no proposed names comply with the policy, Council officers will refer the decision back to Council to determine whether Council wishes to re-consider naming the asset.
6. The applicant will be notified in writing of the final Council decision.



**Existing Assets**

1. The naming or re-naming process of existing assets is generally discouraged and will only be considered under very compelling circumstances.
2. For the re-naming of existing assets, a report will be prepared by the relevant Department for consideration by Council providing details on why the re-naming the asset is proposed, details of potential names and a cost estimate to seek Council's direction as to whether the asset is to be formally renamed.
3. If Council resolves to not re-name the asset, the applicant will be contacted to advise of this outcome.
4. If Council resolves to consider re-naming the asset the following stages of the process will occur.
  - a. Nominations for names will be sought from the community over a four-week period with the campaign advertised on social media and Council's website. The original applicant will be advised that Council is seeking community feedback and other nominations.
  - b. Following the close of the campaign period, the nominations will be collated and the nominations including the justifications reviewed including background checks on the nominations to review suitability of nomination.
  - c. If a shortlisted name does not comply with the policy, refer section 3.2, consultation will occur with the applicant providing guidance to submit a revised name, i.e. Incorrect or disputed spelling, punctuation amendments etc.
  - d. Providing that the submitted names comply with this policy and no adverse reason is identified, the relevant department will provide a report to Council to decide on the preferred name.
  - e. If no proposed names comply with the policy, Council officers will refer the decision back to Council to determine whether Council wishes to re-consider re-naming the asset.
5. The applicant will be notified in writing of the final Council decision.
6. The time when a changed name applies shall be a date when all protocols associated with the name change are complete. Public notifications will be distributed via social media and Council's website.

**3.2 Requirements for the Naming Public Assets**

1. Name duplication within the local government area should be avoided, this includes assets in different assets categories (i.e. roads and bridges). If possible, duplication of names in proximity to adjacent local government areas should also be avoided.
2. Assets (e.g. Bridges) crossing Council boundaries should have a single and unique name and consultation shall occur with the applicable neighbouring Council.
3. Names should be appropriate to the physical, historical or cultural character of the area concerned.



4. The local Aboriginal Community should be contacted to confirm correct meaning and aptness when using Aboriginal names.
5. Names which are offensive or likely to give offence, incongruous (out of place) or commercial in nature are to be avoided.
6. Names should be reasonably easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public.
7. Unduly long names and names composed more than two words are to be avoided.
8. Where it is intended that the asset have the same name as a place or feature with an approved geographical name, then particular care should be taken to ensure that the correct spelling is adopted.
9. Where names have been changed or corrupted by long established local usage it is not usually advisable to attempt to restore the original form. The spelling which is sanctioned by general usage should generally be adopted.

#### 4. Definitions

In this policy:-

"Applicant"	means a person, persons or company that has submitted an application to Council
"Community"	means the residents of Western Downs Regional Council
"Council"	means Western Downs Regional Council
"Property owner"	means the registered owner of the relevant parcel of land
"Public asset/asset"	means a local government-controlled public asset such as bridges and community centres but does not include State Government Assets.





**Title** **Infrastructure Services - Private Access Council Policy**

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**Date** 10 September 2020

**Responsible Manager** B. Barnett, SENIOR WORKS MANAGER

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### **Summary**

The purpose of this Report is to seek Council's approval to adopt the Private Access - Council Policy.

### **Link to Corporate Plan**

Strategic Priority: Great Liveability  
- A safe and well maintained road network connects our region.

### **Material Personal Interest/Conflict of Interest**

Nil

### **Officer's Recommendation**

That this Report be received and that:

1. Council adopt the Private Access - Council Policy

### **Background Information**

Council has an existing Private Access - Council Policy to define the areas of responsibility for design, construction and maintenance standards for vehicular accesses to properties in urban and rural areas.

### **Report**

Council's Policy framework provides for the periodic review of all Council policies. Reviews may also be triggered by a change in community priorities, a change in Council procedures, or may be driven by legislative changes.

The Private Access - Council Policy was adopted at Council's Ordinary Meeting held 30 November 2011, with a periodic review dates of 17 August 2016 and 15 March 2017 and as such has been reviewed to ensure organisational relativity and legislative compliance.

The amendments include minor administration changes as well as an amendment to clarify the property owner's area of responsibility for maintenance of their private (property) access.

### Consultation (Internal/External)

The following departments were consulted in relation to this review:-

- Technical Services
- Works - Maintenance

### Legal/Policy Implications (Justification if applicable)

Clear delineation of the property owner's and Council's areas of responsibility for ongoing maintenance of vehicular access adjoining Council roads.

This policy is proposed to be reviewed in September 2024, unless a review trigger warrants earlier review.

Budget/Financial Implications

Nil

**Conclusion**

The Private Access - Council Policy has been reviewed with proposed amendments provided to Council for consideration and approval.

**Attachments**

1. Amended Private Access - Council Policy (Marked Up); and
2. Amended Private Access - Council Policy (Clean Version)

**Authored by:** Brianna Barnett, SENIOR WORKS MANAGER

# Private Access - Council Policy

<b>Effective Date</b>	23 September 2020 - Ordinary Meeting Council
<b>Policy Owner</b>	Senior Works Manager
<b>Link to Corporate Plan</b>	Great Liveability
<b>Review Date</b>	September 2024
<b>Related Legislation</b>	Local Government Act 2009 Planning Act 2016
<b>Related Documents</b>	Western Downs Regional Council Local Law No. 1 (Administration) 2011 Western Downs Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 Western Downs Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011  AS1742 Manual of Uniform Traffic Control Devices Road Hierarchy Table

Policy Version	Approval Date	Adopted/Approved
1	30/11/2011	Ordinary Meeting of Council
2	17/08/2016	Ordinary Meeting of Council
3	15/03/2017	Ordinary Meeting of Council

This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.**

# Private Access - Council Policy

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## 1. PURPOSE

The purpose of this policy is to define the areas of responsibility for design, construction and maintenance standards for vehicular accesses to properties in urban and rural areas.

## 2. SCOPE

This policy applies to all private and commercial property vehicular accesses from Council controlled roads in the Western Downs Regional Council area.

The policy does not override conditions associated with a development under the Planning Act 2016 or for vehicular access from a state controlled road.

## 3. POLICY

### New Property Access

A new access to a property cannot be constructed without an application to and permit from Council. It is the responsibility of the property owner/applicant to construct and maintain the access in accordance with Council's standards and specifications. The costs of construction of any vehicular crossover or driveway shall be borne by the property owner/applicant.

The *Permit to Construct Turnout to Property* application form can be obtained from Council's Customer Service Centres. The following information is required to be submitted with the application:

- i. Name of property owner/applicant
- ii. Address
- iii. Telephone number
- iv. Property description and location
- v. Location of vehicular access
- vi. Adjacent road
- vii. Type of access - i.e. gravel, bitumen culvert
- viii. Locality map

All driveways, vehicular crossovers and accesses shall be constructed in accordance with Council's standard drawings, and a copy is available at the Council's Customer Service Centres.

In considering the application, Council will review aspects as described in Council's Local Laws and Subordinate Local Laws:-

- i. Location and size of proposed works
- ii. Location and depth of services
- iii. Standard of footpath
- iv. Safety of motorists, pedestrians and cyclists
- v. Existing vegetation
- vi. Future infrastructure and roadworks construction
- vii. The number of accesses.

Drainage through or over the property access will be the responsibility of the landowner that the access serves. The levels of the property access must not restrict or redirect the drainage flow of stormwater through or over the property access that may cause the water to collect and become stagnant.



# Private Access - Council Policy

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## **Commercial & Industrial Accesses**

Upgrade of an existing commercial and industrial property access require application to and permit from Council's Technical Services Corridor Management.

The number of accesses permitted for each property will be reviewed at time of application and Council's preference is that properties are limited to a singular access. Application for multiple vehicular accesses for a single property will be assessed on a case by case basis.

Council will inspect the completed works to ensure all specifications and conditions are met.

## **Existing Property Access – Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

It is the property owner's responsibility to maintain the property access in a safe and serviceable condition at all times and at the owner's expense.

Property accesses, crossings or driveways existing before the adoption of this Policy will not be required to be upgraded to the current standard unless the state of repair requires attention.

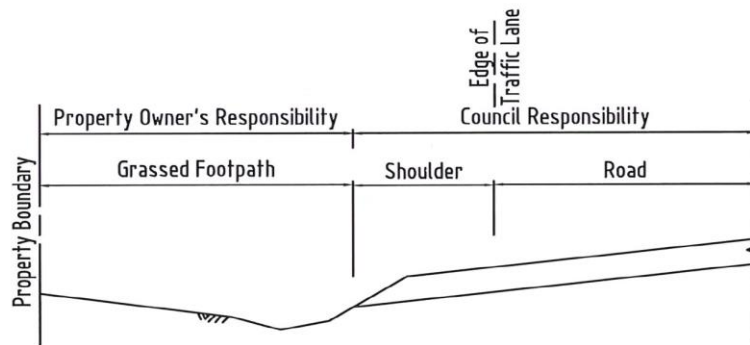
## **Property Owner's/Applicant Area of Responsibility**

The property owner's or applicant's area of responsibility for maintaining a property access is specified as per diagrams below:

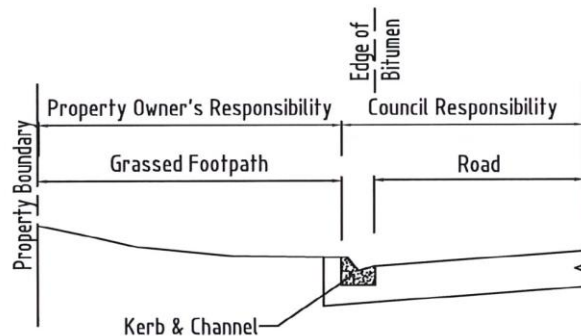
**Figure 2: Property Owner's / Applicant's Area of Responsibility for the ongoing Maintenance of the property access.**



# Private Access - Council Policy



RURAL ACCESS



URBAN ACCESS

## **Disused Property Access - Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

Disused accesses shall be removed by the property owner when directed by Council to do so, and the costs will be incurred by the property owner.

## **Unauthorised Property Access - Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

Where a property owner constructs an unauthorised vehicular access, driveway or crossing without Council approval, in accordance with this Policy the owner may be issued with a Council letter requesting the property owner to rectify the situation. The costs associated with this action will be borne by the property owner.

Where a safety concern or drainage problem is caused by an unauthorised or inadequately maintained property entrance, Council may take action to remedy the cause of concern without reference to the property owner or occupier. At the discretion of Council any identified unlawful drainage structure may require removal and levels reinstated to ensure that the natural overland flow path of stormwater is able to flow unrestricted through the table drain, and the cost incurred shall be borne by the property owner.

## **Council Drainage and Table Drain Maintenance**

When Council undertakes drainage and table drain maintenance Council approved property accesses will be reinstated to a standard that existed prior to the works being done.



# Private Access - Council Policy

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However where an access contains a culvert, pipe, asphalt or bitumen, Council will maintain drainage to within three (3) metres of both sides of the property access when undertaking drainage maintenance of the adjoining road.

## **Deviation from the Policy**

Any variance from this policy and associated procedures must have Council's written approval prior to commencement of any works.



# Private Access - Council Policy

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## **New and Existing Property Access from a State-Controlled Road.**

All property accesses on State Controlled roads require approval from the Department of Transport and Main Roads (DTMR). All applications for a new property access or maintenance of an existing property access from a State Controlled road should be directed to the Department of Transport and Main Roads.

## **New Road Works or Infrastructure Works**

Where Council constructs a new road, reconstructs an existing road, or upgrades infrastructure (services), Council will ensure the existing property access is reinstated to a standard equivalent to the relevant standard drawing at no cost to the property owner.





# Private Access - Council Policy

<b>Effective Date</b>	<del>30 November 2011</del> <u>23 September 2020 - Ordinary Meeting Council</u>
<b>Policy Owner</b>	<del>Works Principal (Civil Works)</del> <u>Senior Works Manager</u>
<b>Link to Corporate Plan</b>	<del>Strategic Theme 8: Accessible and Connected Places</del> <u>Great Liveability</u>
<b>Review Date</b>	<del>March 2022</del> <u>September 2024</u>
<b>Related Legislation</b>	Local Government Act 2009 <u>Sustainable Planning Act 2009</u> <u>Planning Act 2016</u>
<b>Related Documents</b>	Western Downs Regional Council Local Law No. 1 (Administration) 2011 Western Downs Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 Western Downs Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011  AS1742 Manual of Uniform Traffic Control Devices  Road Hierarchy Table

<b>Policy Version</b>	<b>Approval Date</b>	<b>Adopted/Approved</b>
1	30/11/2011	Ordinary Meeting of Council
2	17/08/2016	Ordinary Meeting of Council
3	15/03/2017	Ordinary Meeting of Council

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# Private Access - Council Policy

---

## 1. PURPOSE

The purpose of this policy is to define the areas of responsibility for design, construction and maintenance standards for vehicular accesses to properties in urban and rural areas.

## 2. SCOPE

This policy applies to all private and commercial property vehicular accesses from Council controlled roads in the Western Downs Regional Council area.

The policy does not override conditions associated with a development under the ~~Sustainable Planning Act 2009~~ Planning Act 2016 or for vehicular access from a state controlled road.

## 3. POLICY

### New Property Access

A new access to a property cannot be constructed without an application to and permit from Council. It is the responsibility of the property owner/applicant to construct and maintain the access in accordance with Council's standards and specifications. The costs of construction of any vehicular crossover or driveway shall be borne by the property owner/applicant.

The *Permit to Construct Turnout to Property* application form can be obtained from Council's Customer Service Centres. The following information is required to be submitted with the application:

- i. Name of property owner/applicant
- ii. Address
- iii. Telephone number
- iv. Property description and location
- v. Location of vehicular access
- vi. Adjacent road
- vii. Type of access - i.e. gravel, bitumen culvert
- viii. Locality map

All driveways, vehicular crossovers and accesses shall be constructed in accordance with Council's standard drawings, and a copy is available at the Council's Customer Service Centres.

In considering the application, Council will review aspects as described in Council's Local Laws and Subordinate Local Laws:-

- i. Location and size of proposed works
- ii. Location and depth of services
- iii. Standard of footpath
- iv. Safety of motorists, pedestrians and cyclists
- v. Existing vegetation
- vi. Future infrastructure and roadworks construction
- vii. The number of accesses.

Drainage through or over the property access will be the responsibility of the landowner that the access serves. The levels of the property access must not restrict or redirect the drainage flow of stormwater through or over the property access that may cause the water to collect and become stagnant.



# Private Access - Council Policy

## Commercial & Industrial Accesses

Upgrade of an existing commercial and industrial property access require application to and permit from Council's Technical Services Corridor Management.

~~All new commercial and industrial accesses for a new development will be referred to Council's Planning & Environment Manager for approval.~~

The number of accesses permitted for each property will be reviewed at time of application and Council's preference is that properties are limited to a singular access. Application for multiple vehicular accesses for a single property will be assessed on a case by case basis.

Council will inspect the completed works to ensure all specifications and conditions are met.

## Existing Property Access – Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

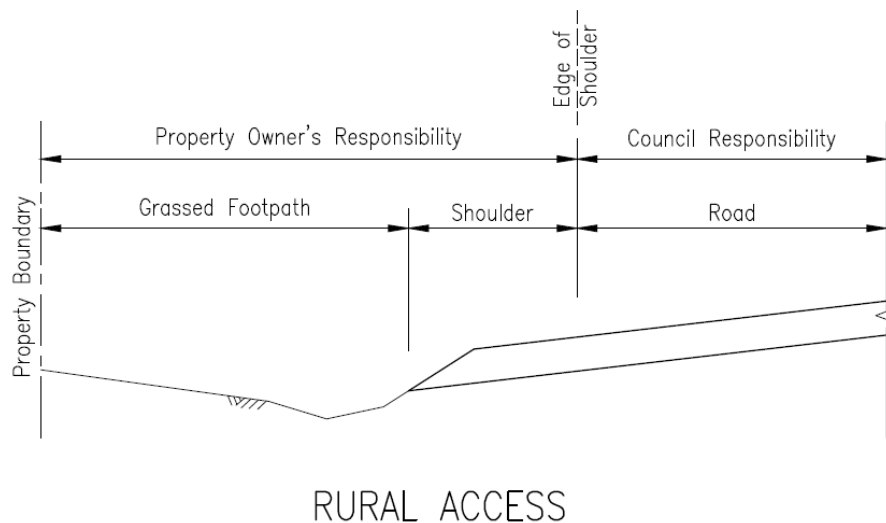
It is the property owner's responsibility to maintain the property access in a safe and serviceable condition -at all times and at the owner's expense.

Property accesses, crossings or driveways existing before the adoption of this Policy will not be required to be upgraded to the current standard unless the state of repair requires attention.

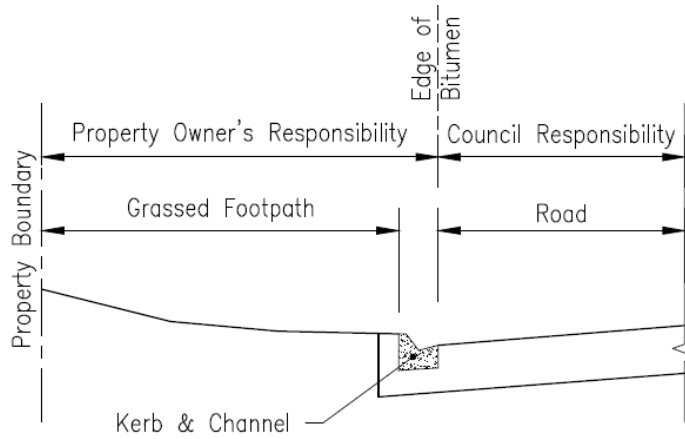
## Property Owner's/Applicant Area of Responsibility

The property owner's or applicant's area of responsibility ~~for maintaining a~~ property access is specified as per diagrams below:-

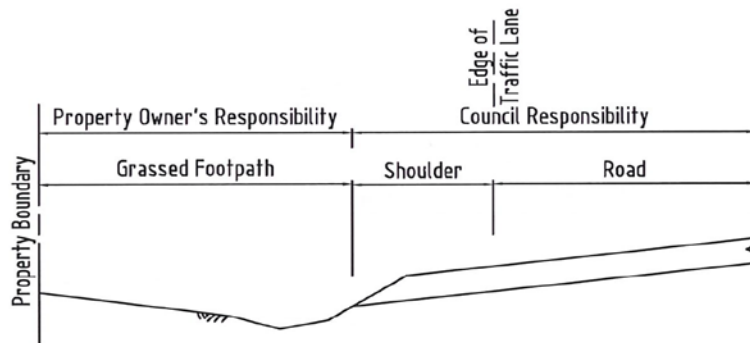
Figure 2: Property Owner's / Applicant's Area of Responsibility for the ongoing Maintenance of the property access.



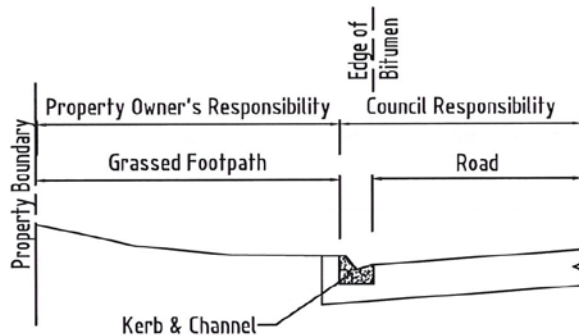
# Private Access - Council Policy



URBAN ACCESS



RURAL ACCESS



URBAN ACCESS

**Disused Property Access - Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

Disused accesses shall be removed by the property owner when directed by Council to do so, and the costs will be incurred by the property owner.

**Unauthorised Property Access - Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**



# Private Access - Council Policy

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Where a property owner constructs an unauthorised vehicular access, driveway or crossing without Council approval, in accordance with this Policy the owner may be issued with a Council letter requesting the property owner to rectify the situation. The costs associated with this action will be borne by the property owner.

Where a safety concern or drainage problem is caused by an unauthorised or inadequately maintained property entrance, Council may take action to remedy the cause of concern without reference to the property owner or occupier. At the discretion of Council any identified unlawful drainage structure may require removal and levels reinstated to ensure that the natural overland flow path of stormwater is able to flow unrestricted through the table drain, and the cost incurred shall be borne by the property owner.

## **Council Drainage and Table Drain Maintenance**

When Council undertakes drainage and table drain maintenance Council approved property accesses will be reinstated to a standard that existed prior to the works being done.

However where an access contains a culvert, pipe, asphalt or bitumen, Council will maintain drainage to within three (3) metres of both sides of the property access when undertaking drainage maintenance of the adjoining road.

## **Deviation from the Policy**

Any variance from this policy and associated procedures must have Council's written approval prior to commencement of any works.



# Private Access - Council Policy

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## **New and Existing Property Access from a State-Controlled Road.**

All property accesses on State Controlled roads require approval from the Department of Transport and Main Roads [\(DTMR\)](#). All applications for a new property access or maintenance of an existing property access from a State Controlled road should be directed to the Department of Transport and Main Roads.

## **New Road Works or Infrastructure Works**

Where Council constructs a new road, reconstructs an existing road, or upgrades infrastructure (services), Council will ensure the existing property access is reinstated to a standard equivalent to the relevant standard drawing at no cost to the property owner.



# Private Access - Council Policy

<b>Effective Date</b>	23 September 2020 - Ordinary Meeting Council
<b>Policy Owner</b>	Senior Works Manager
<b>Link to Corporate Plan</b>	Great Liveability
<b>Review Date</b>	September 2024
<b>Related Legislation</b>	Local Government Act 2009 Planning Act 2016
<b>Related Documents</b>	Western Downs Regional Council Local Law No. 1 (Administration) 2011 Western Downs Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 Western Downs Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011  AS1742 Manual of Uniform Traffic Control Devices Road Hierarchy Table

Policy Version	Approval Date	Adopted/Approved
1	30/11/2011	Ordinary Meeting of Council
2	17/08/2016	Ordinary Meeting of Council
3	15/03/2017	Ordinary Meeting of Council

This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.**

# Private Access - Council Policy

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## 1. PURPOSE

The purpose of this policy is to define the areas of responsibility for design, construction and maintenance standards for vehicular accesses to properties in urban and rural areas.

## 2. SCOPE

This policy applies to all private and commercial property vehicular accesses from Council controlled roads in the Western Downs Regional Council area.

The policy does not override conditions associated with a development under the Planning Act 2016 or for vehicular access from a state controlled road.

## 3. POLICY

### New Property Access

A new access to a property cannot be constructed without an application to and permit from Council. It is the responsibility of the property owner/applicant to construct and maintain the access in accordance with Council's standards and specifications. The costs of construction of any vehicular crossover or driveway shall be borne by the property owner/applicant.

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- ii. Address
- iii. Telephone number
- iv. Property description and location
- v. Location of vehicular access
- vi. Adjacent road
- vii. Type of access - i.e. gravel, bitumen culvert
- viii. Locality map

All driveways, vehicular crossovers and accesses shall be constructed in accordance with Council's standard drawings, and a copy is available at the Council's Customer Service Centres.

In considering the application, Council will review aspects as described in Council's Local Laws and Subordinate Local Laws:-

- i. Location and size of proposed works
- ii. Location and depth of services
- iii. Standard of footpath
- iv. Safety of motorists, pedestrians and cyclists
- v. Existing vegetation
- vi. Future infrastructure and roadworks construction
- vii. The number of accesses.

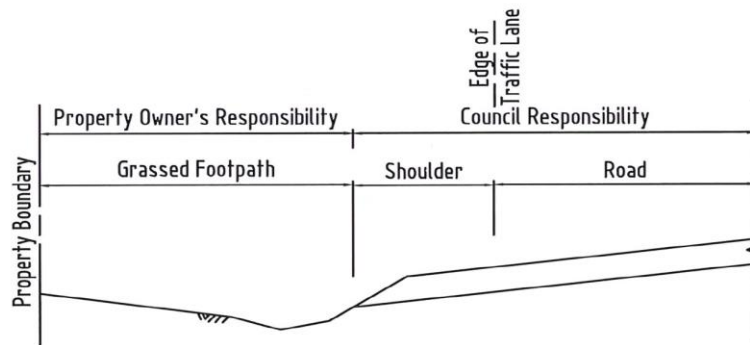
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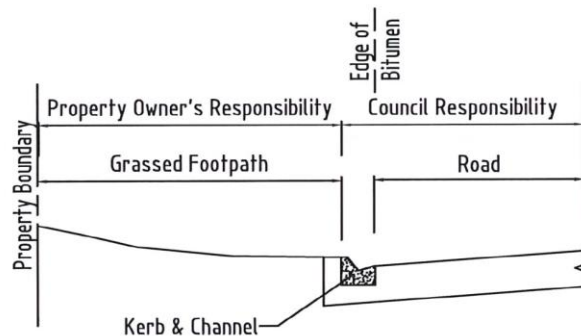




# Private Access - Council Policy



RURAL ACCESS



URBAN ACCESS

## **Disused Property Access - Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

Disused accesses shall be removed by the property owner when directed by Council to do so, and the costs will be incurred by the property owner.

## **Unauthorised Property Access - Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

Where a property owner constructs an unauthorised vehicular access, driveway or crossing without Council approval, in accordance with this Policy the owner may be issued with a Council letter requesting the property owner to rectify the situation. The costs associated with this action will be borne by the property owner.

Where a safety concern or drainage problem is caused by an unauthorised or inadequately maintained property entrance, Council may take action to remedy the cause of concern without reference to the property owner or occupier. At the discretion of Council any identified unlawful drainage structure may require removal and levels reinstated to ensure that the natural overland flow path of stormwater is able to flow unrestricted through the table drain, and the cost incurred shall be borne by the property owner.

## **Council Drainage and Table Drain Maintenance**

When Council undertakes drainage and table drain maintenance Council approved property accesses will be reinstated to a standard that existed prior to the works being done.





# Private Access - Council Policy

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## **New and Existing Property Access from a State-Controlled Road.**

All property accesses on State Controlled roads require approval from the Department of Transport and Main Roads (DTMR). All applications for a new property access or maintenance of an existing property access from a State Controlled road should be directed to the Department of Transport and Main Roads.

## **New Road Works or Infrastructure Works**

Where Council constructs a new road, reconstructs an existing road, or upgrades infrastructure (services), Council will ensure the existing property access is reinstated to a standard equivalent to the relevant standard drawing at no cost to the property owner.



**Title** **Infrastructure Services Report Lease Renewal Off-Street Carpark at 56 Condamine Street Dalby**

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**Date** 14 September 2020

**Responsible Manager** S. Fitzgerald, WORKS MANAGER MAINTENANCE

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### Summary

This report has been prepared to provide Council information in relation to a lease renewal of land currently used as a carpark, located at 56 Condamine Street, Dalby.

#### Link to Corporate Plan

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.

#### Material Personal Interest/Conflict of Interest

Nil

#### Officer's Recommendation

That this report be received and that:

1. Council do not pursue renewal of a lease on Lot 1 on RP896388 for use as a public carpark due to its infrequent use by the general public.

#### Background Information

Council currently leases 56 Condamine Street, Dalby (Lot 1 on RP896388) for use as an off-street public carpark from The Presbyterian Church of Queensland. The Lessor has approached Council to renew this lease as it is due to expire on 31 December 2020

This carpark was constructed by Council as part of the original lease agreement in order to provide off-street parking in central Dalby for public use.

The current lease is for a 5-year term and expires 31 December 2020. The terms of the lease are:

1. Rent is \$1 per annum payable on demand.
2. The Lessor reserves exclusive use of four (4) parking bays for its use.
3. The Lessor may close the carpark to the public while funeral services are being held at the church, with reasonable notice of closure given to members of the public.

4. The Lessee shall maintain at its expense the demised premises to a standard as determined from time to time by the Lessee's Engineer whilst the demised premises is under the direct control of the Lessee.

The Dalby Presbyterian Church Committee of Management have indicated that they are willing to renew the lease on these terms.

## **Report**

This area was originally developed by Council to increase the number of public car parks available in central Dalby during business hours. At that time, a number of car parks were removed to allow another development to proceed. Council entered into a lease of this land as a means to offset some of those losses.

A traffic count of the site was conducted in August 2020 to assess the public use of the carpark, with a total of 30 vehicles accessing the carpark for the week assessed. The vast majority of these vehicles were using the carpark over the weekend or at times when the Presbyterian Church was in use.

If the Council does not renew the lease, the carpark will revert to the property owner and no longer be available to the public. Any minor maintenance required, such as pothole patching, would be undertaken prior to exiting the lease.

Should Council renew this lease agreement, renewal of the bitumen seal and line marking would be required within the next few years. The expected cost of these renewals is approximately \$22,000. If Council decides to renew the lease, it would be advantageous to gain the full value of the expenditure and extend the lease.

### Consultation (Internal/External)

Council's General Counsel and Property Management Officer have approached the Works Department for direction on whether renewal of this lease agreement should be sought, prompting this report to Council for direction on the lease renewal.

No public consultation has been conducted in relation to the retention or otherwise of the carpark.

### Legal/Policy Implications (Justification if applicable)

Nil

### Budget/Financial Implications

Should this lease be renewed, Council will be required to maintain the carpark infrastructure. This will include renewal of the seal and line marking within 1 to 2 years at an expected cost of \$22,000. This maintenance cost will be ongoing.

## **Conclusion**

The vast majority of vehicles using the carpark relate to the use of the Presbyterian Church and public use of the carpark is extremely limited.

It is recommended that Council do not renew the lease agreement for the off-street carpark at 56 Condamine Street, Dalby.

## **Attachments**

1. Signed Lease Lot 1 RP896388 56 Condamine Street Dalby; and
2. Site Plan 56 Condamine Street Carpark.

**Authored by:** Sam Robertson, ACTING WORKS MANAGER MAINTENANCE

Dealing Number



OFFICE USE ONLY

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. **Lessor** **Lodger** (Name, address, E-mail & phone number) **Lodger Code**  
THE PRESBYTERIAN CHURCH OF QUEENSLAND

2. **Lot on Plan Description** **County** **Parish** **Title Reference**  
LOT 1 ON RP896388 AUBIGNY DALBY 50117886

3. **Lessee** (include tenancy if more than one)  
Given names Surname/Company name and number  
WESTERN DOWNS REGIONAL COUNCIL

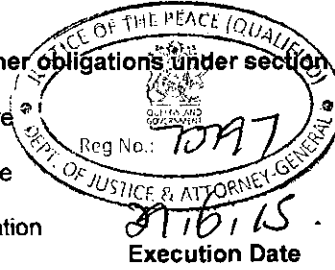
4. **Interest being leased**  
FEE SIMPLE

5. **Description of premises being leased**  
PART OF THE LAND AS SHOWN ON THE SKETCH HEREIN

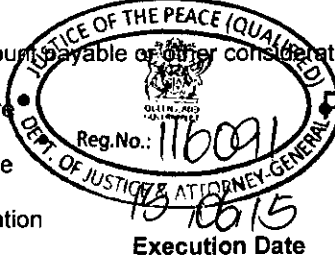
6. **Term of lease** **7. Rental/Consideration**  
Commencement date/event: 1 /01/2015 \$1.00 per annum payable on demand  
Expiry date: 31 /12 /2020 and/or Event:  
#Options:  
#Insert nil if no option or insert option period (eg 3 years or 2 x 3 years)

8. **Grant/Execution**  
The Lessor leases the premises described in item 5 to the Lessee for the term stated in item 6 subject to the covenants and conditions contained in:- \*the attached schedule; \*the attached schedule and document no.  
\* document no. ; \*Option in registered Lease no. has not been exercised.

\* delete if not applicable  
Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994  
*Boon* signature  
*Barbara Anne Evans* full name  
*JP (QWL)* qualification  
Witnessing Officer *David G* Lessor's Signature  
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)



9. **Acceptance**  
The Lessee accepts the lease and acknowledges the amount payable or other considerations for the lease.  
*Vade Kelly Notndurft* signature  
*Vade Kelly Notndurft* full name  
*JP (QWL)* qualification  
Witnessing Officer *Philip Adrian Berting* Lessee's Signature  
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)



CHIEF EXECUTIVE OFFICER



**Title Reference**

**1. DEFINITIONS**

In this Lease, the following words have these meanings unless the contrary intention appears:

**"Lessor"** means the party set out at item 1 of the Form 7 adopting this Schedule and shall where the context admits extend to and include in the case of a corporation its successors in title and assigns and in the case of a natural person or persons their and each of their respective heirs, executors, administrators and assigns.

**"Demised Premises"** means the whole of the land described at item 5 of the Form 7 adopting this Schedule.

**"Rental Year"** shall mean each period of twelve (12) months from the commencement date set out at Item 6 of the Form 7 adopting this Schedule.

**"Lessee"** means the party set out at Item 3 of the Form 7 adopting this Schedule and shall where the context admits extend to and include in the case of a corporation its successors in title and assigns and in the case of a natural person or persons their and each of their respective heirs, executors, administrators and assigns.

**2. PAYMENT OF RENT**

The Lessee shall pay to the Lessor the annual rental set out at Item 7 of the Form 7 upon demand.

**3. LESSEE'S WORKS**

The Lessee has constructed at it's own cost and expenses a carpark on the demised premises to a suitable standard (i.e. bitumen, linemarking, drainage, security lighting, landscaping etc.) for public carparking. On the expiration of the Lease the carpark as constructed will become the property of the Lessor.

**4. LESSEE'S IMPROVEMENTS**

The Lessee may effect further improvements to the demised premises beyond those provided for in Clause 3 at its own cost and expense at any time during the term of this Lease. The Lessee shall remove all such improvements erected by the Lessee during the term of the Lease at the expiration of the Lease unless the Lessor shall agree in writing to the improvements remaining on the demised premises. The Lessee shall reinstate the demised premises on removing such improvements to the original condition of the demised premises prior to the erection of the improvements.

**5. CARE OF DEMISED PREMISES**

The Lessee shall care for the demised premises in the manner of a reasonable tenant.

**6. LESSEE'S LIABILITY**

The Lessee agrees to indemnify the Lessor against all losses damages and expenses which it may sustain expend or be put to by reason or on account of any neglect, misconduct or misperformance on the part of the Lessee of any covenants agreements conditions provisos and reservations contained in this Lease and to be observed and performed by it or by reason or on account of any act default misconduct or default of any servant agent or licensee of the Lessee.

**7. PUBLIC RISK INSURANCE**

The Lessee at all times during the continuance of this Lease will effect and keep current in respect of the demised premises a public risk insurance policy in an amount being not less than \$25,000,000. The Lessee may discharge its obligations under this clause by insuring under a global policy covering more than one property, or by self insuring.

**Title Reference**

**8. REGULATIONS, ORDINANCES AND LOCAL LAWS**

The Lessee shall at its own expense at all times during the Lease term duly and punctually comply with conform to and observe the provisions of any statutes, regulations, ordinances or local laws having application to the demised premises.

**9. USE OF DEMISED PREMISES**

**9.1** Subject to Clauses 9.2, 9.3 and 9.4 the Lessee shall be permitted to use the demised premises for public car parking and also for any other purposes for which the demised premises may lawfully be used.

**9.2** The Lessor reserves exclusive use of four (4) parking bays for its use.

**9.3** The Lessor may close the carpark to the public while funeral services are being held at the church. The Lessor will ensure that reasonable notice of closure is given to members of the public.

**9.4** The Lessor reserves the right to terminate this lease at any time upon giving two (2) months notice in writing.

**10. MAINTENANCE OF DEMISED PREMISES**

The Lessee shall maintain at its expense the demised premises to a standard as determined from time to time by the Lessee's Engineer for such time as the demised premises is under the direct control of the Lessee, it being the intention of the parties that any sub-lessee be responsible for maintaining the demised premises during any period of sub-letting.

**11. QUIET ENJOYMENT**

The Lessor covenants with the Lessee that if the Lessee shall pay the rental reserved by this Lease and shall observe and perform the covenants and conditions on the Lessee's part contained in this Lease then the Lessee shall peacefully hold and enjoy the demised premises without any interruption by the Lessor or any persons claiming through or in trust for it.

**12. ACCESS**

Subject to Clause 9 the Lessee and members of the general public shall have unrestricted twenty four (24) hours a day access to the demised premises.

**13. LESSOR TO PAY RATES ETC**

The Lessor shall pay all rates, charges, assessments, levies or taxes levied charged assessed or imposed or in respect of the demised premises or against the Lessor or Lessee in respect of the demised premises by any Government, Local Government or other competent authority.

**14. DEFAULT AND TERMINATION - LESSOR'S RIGHTS**

**14.1** A default event occurs if the Lessee does not comply with any obligation under this Lease within twenty-eight (28) days after the Lessee has received written notice of the breach.

**14.2** If a default event occurs, the Lessor may end this Lease by fourteen (14) days written notice to the Lessee if the default is not remedied within the fourteen (14) days.

**14.3** For the purposes of section 124 of the Property Law Act 1974 (Qld.) fourteen (14) days is the period set by this Lease.

**Title Reference**

**15. DEFAULT AND TERMINATION - LESSEE'S RIGHTS**

**15.1** If the Lessor is in breach of this Lease:

- (a) The Lessee may give to the Lessor a notice of the breach and if the Lessor does not remedy that breach within twenty eight (28) days of receipt of the notice, the Lessee may remedy the breach and the Lessor must pay to the Lessee all reasonable costs incurred by the Lessee in relation to remedying the breach within seven (7) days of demand; and
- (b) If the breach of this Lease remains unremedied for twenty eight (28) days after the Lessee has given to the Lessor a notice of the breach, the Lessee may terminate this Lease.

**15.2** If the Lessee has remedied a breach of the Lessor and the Lessor has not paid to the Lessee the reasonable costs incurred in relation to remedying the breach within fourteen (14) days of demand, the Lessee may deduct from the rental the amount of those costs.

**15.3** The exercise by the Lessee of any of its rights under this Lease is without liability to the Lessee and does not prejudice any of the Lessee's rights under this Lease, at law or otherwise.

**16. RESOLUTION OF DISPUTES**

All disputes arising out of this Lease shall be referred to the decision of a person ("Expert") to be appointed by the president of the Australian Institute of Arbitrators at the request of either or both parties. The person must act as an expert and not as an arbitrator and must consider any written submissions made by the Lessor and the Lessee. The Expert's decision is final and binds the parties. Each party must pay one half of the Expert's costs and disbursements.

**17. COSTS AND STAMP DUTY**

The Lessee shall pay all costs charges and expenses of the preparation, completion, execution, stamping and registration of this Lease (including the costs of any survey and Plan required and the examination, lodgement and registration fees for such Plan).

**18. INTERPRETATION**

**18.1** In this Lease unless the contrary intention appears:

- (a) a reference in this Lease to another instrument includes any variation or replacement of any of them; and
- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments re-enactments or replacements of any of them occurring at any time before or after the date of this Lease; and
- (c) the singular includes the plural and vice versa; and
- (d) the word "person" includes a firm, a body corporate, an unincorporated association or an authority; and
- (e) a reference to a person includes a reference to the persons, executors, administrators, successors, substitutes (including without limitation, persons taking by novation) and assigns; and
- (f) an agreement, representation or warranty in favour of 2 or more persons is for the benefit of them jointly and severally; and
- (g) an agreement, representation or warranty on the part of 2 or more persons binds them jointly and severally; and
- (h) a reference to anything (including, without limitation, any amount) is a reference to the whole and each part of it and a reference to a group of persons is a reference to all of them collectively, to any 2 or more of them collectively and to each of them individually; and

**Title Reference**

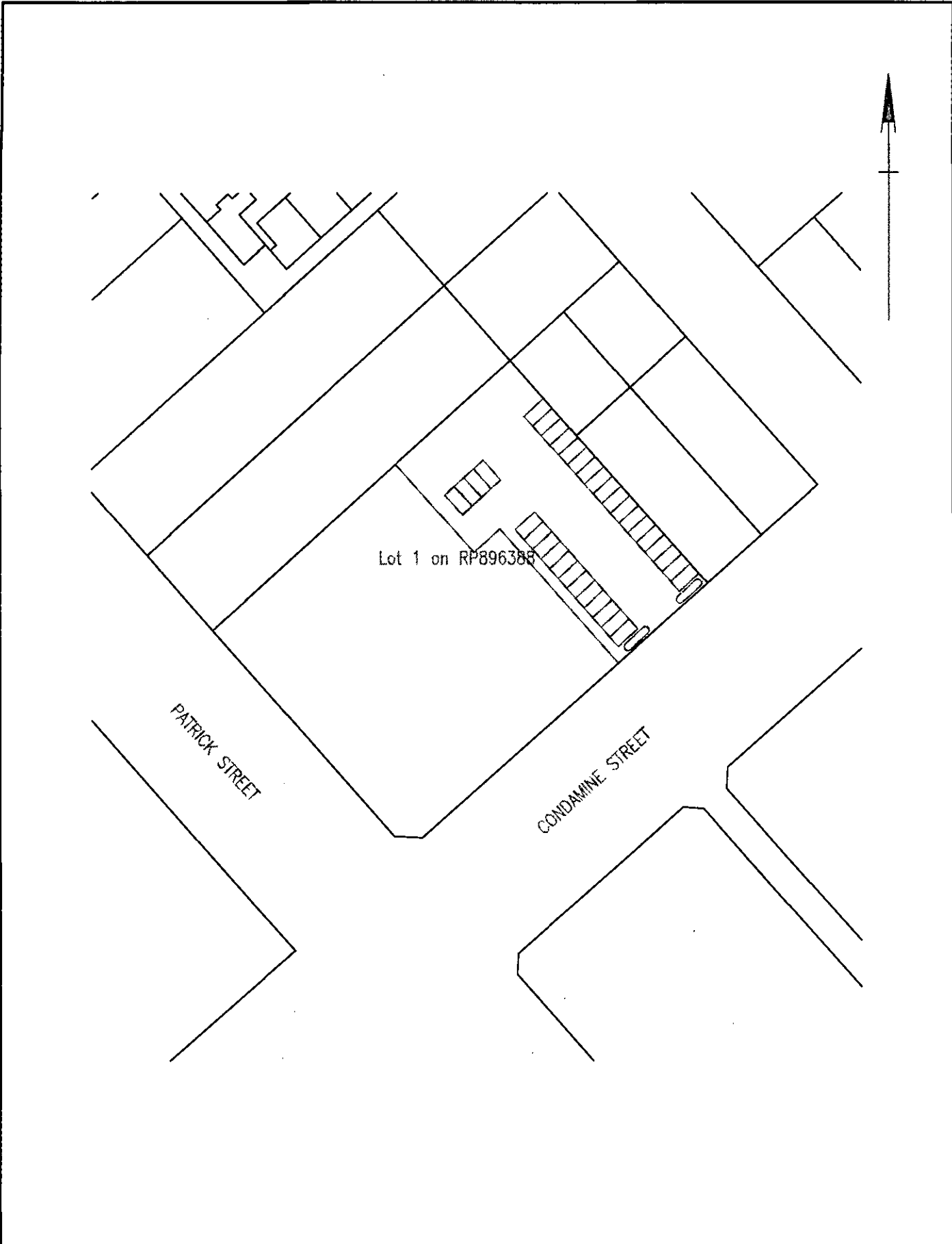
(i) a reference to a clause is to a clause in this Lease.

**18.2** Headings are inserted for convenience and do not affect the interpretation of this Lease.

**18.3** A provision of this Lease which is void, voidable by any party unenforceable or illegal must be read down to the extent required to give the provision legal effect.

**18.4** This Lease constitutes the entire agreement between the parties and supersedes all previous negotiations and agreements in relation to the transaction.

**18.5** If and when any inconsistency exists between these provisions and those implied by the Property Law Act 1974 as amended or by any other Statute, the provisions hereof shall prevail over those implied by any of the said Statutes to the extent permitted by law.



Revisions	Drn by	Date
A	Original Issue	

**WESTERN DOWNS** REGIONAL COUNCIL

Car Park Plan  
 Lot 1 on RP896388  
 56 Condamine Street, Dalby

DRAWN W.D.R.C	
DESIGNED N.A.	
CHECKED S. Forbes	
EXAMINED G. Parsons	
RECOMMENDED S. Hegedus RPEQ. 5234	
TECHNICAL SERVICES MANAGER	
SCALE: 1:1000 PLAN 1 of 1	DATE 26/11/2014
Works Order No. N.A.	Plan No. 2...

Computer Location S:\Engineering Services\Works - Dalby Down\Misc\Presb Church Car Park\_sketch plan.dwg





**Title** **Community and Liveability Report COVID-19 Recovery Package  
Desexed Dog Registration Fee**

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**Date** 10 September 2020

**Responsible Manager** T. Summerville, PLANNING AND ENVIRONMENT MANAGER

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### Summary

This report provides Council with an update on the success of the waived dog registration fees for desexed animals as part of the COVID-19 Recovery Package.

### Link to Corporate Plan

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.

### Material Personal Interest/Conflict of Interest

Nil

### Officer's Recommendation

That this report be received and noted.

### Background Information

As part of Western Downs Regional Council's \$50m COVID-19 Recovery Package, many of Council's Fees and Charges were reduced to \$0 to assist businesses and households and to stimulate the local economy.

One of the fees categories that was waived were Dog Registration applications and renewals, specifically for desexed dog categories.

### Report

Following the adoption of the COVID-19 Recovery Package, the community were notified of the waived desexed dog registration item through social media and other outlets. A copy of the Facebook post is contained as an attachment to this report.

This proposal received widespread positive feedback and comments, with very high levels of engagement on Facebook, with 17,073 people reached and 371 reactions, comments or shares. Additionally, positive comments were received including:

*Much appreciated, thank you!*

*WDRC thank you for that, every bit helps 😊*

A message from the Mayor to promote the initiative was also provided with the registration renewal, and remains available on Council's website.

Whilst the intention of the recovery package was to support local residents, this dog registration item has an additional community benefit in terms of an incentivisation for dog desexing. It is widely understood that the desexing of dogs improves an animal's temperament; it reduces the propensity for wandering and aggression, it reduces negative community interactions (i.e. dogs on heat causing community disturbances) and reduces unwanted litters.

Whilst Council's registration fees previously provided a financial incentive for the desexing of an animal (in terms of a heavily discounted registration fee for desexed animals), the free registration offer has provided an even greater financial incentive of up to \$110 for dog owners to have their dog desexed.

As a result, Council has observed the overall dog desexing rate has increased from an average of 58% (July 2019) to current rate of 66%.

As well, for the dogs newly registered with Council since 1 July 2020, 75% of dogs have been desexed.

It is noted that some local vets have advised that they have experienced a significant increase in customers seeking animal desexing procedure, and Council's statistics confirm this increase.

In previous years, efforts were made via the Innovation Lab process to reduce the 'red tape' associated with the renewal of dog registration, with smart notices being introduced instead of the issue of hardcopy renewals via regular post. This was expanded recently to include the e-services platform for registration renewals.

In addition to the existing smart notice/e-services renewal platforms, the opportunity was taken to further refine the administrative requirements for the customer for the renewal of their dog registration. In previous years, registration tags have been reissued each year, and where a customer may use online smart notice renewals, this still required the posting of a new tag back to the customer.

This year we have converted existing registration tags to 'lifetime' tags which avoids administration and associated postage costs. Additionally, where no changes were required (i.e. to dog owners' phone numbers, email address etc), the renewal notices were able to be 'automatically' renewed for keepers of registered dogs given there was no financial transaction required.

#### Consultation (Internal/External)

Nil

#### Legal/Policy Implications (Justification if applicable)

Nil

#### Budget/Financial Implications

The revenue loss associated with the waiving of dog registration fees for desexed dogs was anticipated to be in the order of \$121,750.

#### **Conclusion**

Council's COVID-19 Recovery Package has been recognised as an exceptional program to assist the local economy during this pandemic period. As part of the package, the free dog registration for desexed dogs has been greatly appreciated by the community.

It is clear the initiative has been appreciated by those dog owners who already have registered animals, but more significantly there has been an increase in the rate of desexed dogs, providing a long term animal management benefit long after it concludes.



**Attachments**

1. Western Downs Regional Council Facebook Post 9 May 2020

**Authored by:** T. Summerville, PLANNING AND ENVIRONMENT MANAGER.



Western Downs Regional Council



9 May · 🌐

We know our furry-friends are a huge part of the family so we've waived all desexed dog registrations until June 2021 as part of our Recovery Package

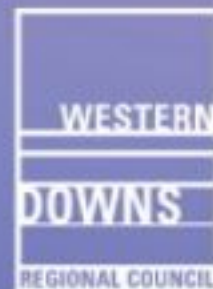


To find out more about how we're providing support for households visit our website at [www.wdrc.qld.gov.au/recovery](http://www.wdrc.qld.gov.au/recovery)

# DESEXED DOG REGISTRATION FEE WAIVER



For more information visit [wdrc.qld.gov.au/recovery](http://wdrc.qld.gov.au/recovery)



**Title** **Community and Liveability Report Drive-In Movie Nights at Tara and Miles**

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**Date** 9 September 2020

**Responsible Manager** C. Barnard, COMMUNITIES MANAGER

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### **Summary**

This report is to inform Council on the recent success of the Drive-In Movie nights.

### **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 this report be received and noted.

### **Background Information**

The Community Activation team is continually looking into ways in which we can engage our community and still have the opportunity to host events that can be delivered in a COVID safe way. Therefore, it was decided to bring a new initiative to our region in the form of Drive-In Movie nights.

### **Report**

For the first time, Western Downs Regional Council partnered with a company 'Starry Nights Outdoor Movies' to bring a new initiative to our region. Residents from across the region had the opportunity to experience and enjoy an outdoor Drive-In movie experience featuring The Lion King, 2019 Live Edition. This film was a photorealistic computer-animated remake of Disney's traditionally animated 1994 film of the Lion King.

While it was a little windy for Meerkats, there was no need to worry because the Drive-In Movie nights went ahead. Local residents enjoyed the movie from the comfort of their vehicles.

On Friday 21 August 2020 over 50 vehicles and 216 people cruised into the Tara Showgrounds and parked up for a night where they were taken on a journey to the Pridelands and joined in the fun with Simba, Timon & Pumba.

The Tara State College P & C catered for the event which was a huge success; they were able to raise about \$700 for the school. Also, the Tara Emergency Service Cadets were a great assistance with the gate and parking of vehicles in a drive-in theatre fashion.

Miles hosted the event on Saturday 22 August 2020 with over 55 vehicles and 177 people lined up on Centenary Oval. The Miles Football Club had their canteen operating along with Ludwig & Will Coffee Van. The Year 12 students also sold bags of popcorn as a fundraiser.

Overall, this new initiative was very successful and well received by the community with lots of positive feedback and requests for more Drive-In movie nights in the future.

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

**Conclusion**

Community Activation plays a vital role in creating active vibrant communities and great liveability. This initiative has demonstrated a strong alignment to Council's Corporate Plan and has achieved strong engagement from residents right across the region.

**Attachments**

1. Photos of the event

**Authored by:** K.Beil, COMMUNITY ACTIVATION & EVENTS COORDINATOR









**Title** Executive Services Report Cr M.J. James Notice of Motion Development of a Communications and Community Engagement Strategy

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**Date** 16 September 2020

**Responsible Manager** R. Musgrove, CHIEF EXECUTIVE OFFICER

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### Summary

The purpose of this Report is to bring to Council's attention the Notice of Motion from Councillor M.J. James entitled " Cr M.J. James Notice of Motion Development of a Communications and Community Engagement Strategy ".

### Link to Corporate Plan

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.

### Material Personal Interest/Conflict of Interest

Nil

### Officer's Recommendation

That Council resolves to develop and adopt a Communication and Community Engagement Strategy to be prepared in consultation with Councillors.

### Background Information

Councillor M.J. James provided on 16 September 2020, a Notice of Motion for Council to consider at its Ordinary Meeting to be held on Wednesday, 23 September 2020.

### Report

Attachment 1 - Notice of Motion dated 16 September 2020.

### Consultation (Internal/External)

Nil

### Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

**Conclusion**

That the attached Notice of Motion from Councillor M.J. James be received, and that Council's direction be provided.

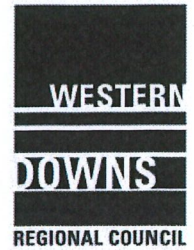
**Attachments**

1. Councillor M.J. James Notice of Motion dated 16 September 2020.

**Authored by:** A. Lyell, EXECUTIVE SERVICES ADMINISTRATION OFFICER



**TITLE:** Councillor Megan James Notice of Motion for the Development of a Communication and Community Engagement Strategy  
**DATE:** 16 September 2020  
**PREPARED BY:** Cr. Megan James



## **PURPOSE**

The purpose of this strategy is to achieve improved community engagement and communications to enhance Council's delivery of services, projects and programs.

## **BACKGROUND**

Strong and effective engagement and communication with our community strengthens relationships, facilitates community support, increases participation, boosts community pride, and improves community awareness of Council activities.

### **What are the aims?**

- Provide clarity around when, why and how we inform and engage community/stakeholders
- Empower WDRC teams and ensure consistent approach
- Help manage community expectations when it comes to how Council will inform/engage
- Provide Councillors with confidence that appropriate engagement has been or will be undertaken on projects/decisions coming before Council - resulting in better decision making.
- Create a culture whereby it becomes common practice to ask - what stakeholders will be impacted by, or can inform, this decision?

### **Why do we need it?**

- Councillors have a legislative obligation to ensure "Meaningful community engagement" is one of the Principles of Local Government
- WDRC has a community engagement policy but it appears to be out of date / overdue for review.
- It will save us time and money - unnecessary community consultation can be incredibly costly and time wasting. Without a proper strategy, WDRC may end up "consulting" when "informing" would have been appropriate.
- We will achieve better outcomes - Appropriate engagement allows valuable community ideas to be incorporated on important projects. It encourages us to bring the community with us, preventing us from just "informing" when "collaboration" is warranted.
- It will improve consistency in our approach across all divisions
- We want to be a Council that is at the forefront of best practice. There is precedence of Councils that have successfully adopted a communications and/or community engagement strategy. Many use the Internationally recognised International Association for Public Participation model as a basis (This was the model LGAQ briefed WDRC Councillors on at a recent update.)  
[https://iap2.org.au/wp-content/uploads/2020/01/2018\\_IAP2\\_Spectrum.pdf](https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf)
- This strategy would help inform our approach with the way we move forward with our Corporate planning in 2021.

## **PROPOSED RECOMMENDATION**

***Council resolves to develop and adopt a COMMUNICATION AND COMMUNITY ENGAGEMENT STRATEGY to be prepared in consultation with Councillors.***