

Ordinary Meeting of Council

***Held at Western Downs Regional Council's
Miles Leichhardt Centre***

On Thursday, 19 September 2024

Commencing at 9:30am

J. Taylor
CHIEF EXECUTIVE OFFICER

19 September 2024

Ordinary Meeting of Council Agenda

Location: **Miles Leichhardt Centre**
 29 Dawson Street
 Miles QLD 4415

Pages

1. DECLARATION OF MEETING OPENING

2. OPENING PRAYER AND MINUTE SILENCE

3. APOLOGIES

4. CONGRATULATIONS

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 15 August 2024

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The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Thursday, 15 August 2024.

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

7. DECLARATIONS OF CONFLICTS OF INTEREST

8. PRESENTATION OF PETITIONS BY COUNCILLORS

9. MAYORAL UPDATE

9.1 Executive Services Mayoral Report August 2024

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The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of August 2024.

10. **CONFIDENTIAL ITEMS**

Section 254J of the Local Government Regulation 2012 in relation to Closed meetings provides:

(1) A local government may resolve that all or part of a meeting of the local government be closed to the public.

(2) A committee of a local government may resolve that all or part of a meeting of the committee be closed to the public.

(3) However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—

(a) the appointment, discipline or dismissal of the chief executive officer;

(b) industrial matters affecting employees;

(c) the local government's budget;

(d) rating concessions;

(e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;

(f) matters that may directly affect the health and safety of an individual or a group of individuals;

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

(h) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967;

(i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

(4) However, a local government or a committee of a local government must not resolve that a part of a local government meeting at which a decision mentioned in section 150ER(2), 150ES(3) or 150EU(2) of the Act will be considered, discussed, voted on or made be closed.

(5) A resolution that a local government meeting be closed must—

(a) state the matter mentioned in subsection (3) that is to be discussed; and

(b) include an overview of what is to be discussed while the meeting is closed.

(6) A local government or a committee of a local government must not make a resolution (other than a procedural resolution) in a local government meeting, or a part of a local government meeting, that is closed.

10.1 EXECUTIVE SERVICES

- 10.1.1 Executive Services Confidential Report Proposed Compulsory Acquisition of Easement for Water Reticulation Purposes
Objection Hearing Outcome
The purpose of this report is:
- a. to inform Council of the landowner's objections to the compulsory acquisition of an easement for water reticulation purposes on Lot 315 Crown Plan A342795 ("**the Land**") in accordance with the provisions of the *Acquisition of Land Act 1967* ("**ALA**");
 - b. to discuss and explain the reasons why Council should make the recommended resolution.
- 10.1.2 Executive Services Confidential Report Dalby Aerodrome
Proposed Lease - GB Shaw & Co Pty Ltd - Lease T
The purpose of this report is to consider a request to enter a lease for the area surveyed as Lease T at the Dalby Aerodrome with GB Shaw & Co Pty Ltd.
- 10.1.3 Executive Services Confidential Report Proposed Disposal of Two Properties: 1 & 2 RP5565137 Day Street, Tara and Lot 6 RP184124 Retreat Road, Kowguran
The purpose of this report is to seek a resolution from Council to dispose of two properties owned by the Council.
- 10.1.4 Executive Services Confidential Report Proposed Lease for EV Charging Station in Bell Park - Tesla
The Purpose of this Report is to:
- a. inform Council as to the circumstances of a proposed lease of a portion of land located at Jacob Bell Park, more particularly described as Lot 121 on D924 (the **Land**), for the purpose of a charging station for electric vehicles.
 - b. invite Council to resolve to grant the lease and delegate its negotiation and signing to the Chief Executive Officer.

10.2 CORPORATE SERVICES

10.3 COMMUNITY AND LIVEABILITY

- 10.3.1 **Community and Liveability Confidential Report Re Further Evaluation of Tenders for MM02-24-25 for Waste Facility Operations**
This report is to re-present the results of a suite of operational tenders that relate to Council's Waste Operations, and for Council to decide to award tenders and form contracts, as a follow up report to the matters considered at the 18 July 2024 Ordinary Meeting.

10.4 **INFRASTRUCTURE SERVICES**

11. **DEPUTATION**

12. **PLANNING**

- 12.1 **(030.2024.156.001) Community and Liveability Report Development Application for Material Change of Use for Caretaker's Accommodation at Lot 7 on SP175181 at 246 Aerodrome Road Chinchilla Tango Oilfield Solutions Pty Ltd C/- Swep Consulting** 28
The purpose of this Report is for Council to decide the proposed development for a Material Change of Use for a Caretaker's Accommodation at Lot 7 on SP175181, 246 Aerodrome Road, Chinchilla.

13. **EXECUTIVE SERVICES**

- 13.1 **Executive Services Report Road Closure Application - Portion of Pluto Street, whole of Mercury Street and portion of Earth Street, Fairyland** 49
The purpose of this report is to seek Council's decision in relation to an application to permanently close a portion of Pluto Street, the whole of Mercury Street, and a portion of Earth Street (the **Application**) pursuant to section 68 of the *Local Government Act 2009* (Qld) (**LGA**).
- 13.2 **Executive Services Report - Road Closure Application D705 Louisa Street - Dalby Christian College** 77
The purpose of this report is to determine an application for the permanent road closure of a portion of Louisa Street Dalby, the road corridor along the eastern boundary of Lot 2 SP281018 and the western boundary of Lot 1 on SP250095 (S705-Louisa Street). The permanent road closure application was lodged by Christian Community Ministries Property Ltd (**CCMP**), as Trustee for The Christian Community Ministries Property Trust.
- 13.3 **Executive Services Report Bunya Mountains Community Association Inc Request to lease an Area of Russell Park** 84
The purpose of this report is to seek Council's direction on a proposal of the Bunya Mountains Community Association Inc to lease part of Russell Park for the purpose of a community centre.
- 13.4 **Executive Services Report Outstanding Actions August 2024** 141
The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 15 August 2024.

13.5	Executive Services Chief Executive Officer Report August 2024	148
	The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Chief Executive Officer during the month of August 2024.	

14. CORPORATE SERVICES

14.1	Corporate Services Report Write Off Outstanding Unrecoverable Accounts Receivable 2024	151
	The purpose of this report is to seek Council's approval to write off outstanding amounts which have been deemed unrecoverable. The write-offs of gas, infringements, and accounts receivable relate to amounts that have been provided for in the 2023-24 financial statements.	
14.2	Corporate Services Report Review Councillor Expenses Reimbursement - Council Policy	163
	The purpose of this report is to present the proposed <i>Councillor Expenses Reimbursement - Statutory Policy</i> for adoption as a result of a review of the <i>Councillor Expenses Reimbursement - Council Policy</i> .	
14.3	Corporate Services Report Review Councillors as Portfolio Spokespersons - Council Policy	180
	The purpose of this report is to present the proposed <i>Councillor Portfolios - Community Policy</i> for adoption as a result of a review of the <i>Councillors as Portfolio Spokespersons - Council Policy</i> .	
14.4	Corporate Services Report Review Investigation - Council Policy	192
	The purpose of this report is to present the proposed <i>Councillor Investigation - Statutory Policy</i> for adoption as a result of a review of the <i>Investigation - Council Policy</i> .	
14.5	Corporate Services Report Review Meetings - Council Policy	224
	The purpose of this report is to present the proposed <i>Western Downs Regional Council Meetings Procedure</i> for adoption as a result of a review of the existing <i>Meetings - Council Policy</i> .	
14.6	Corporate Services Report Audit Committee Meeting 12 August 2024	278
	The purpose of this report is to provide Council with the report of the Western Downs Regional Council Audit Committee Meeting held on 12 August 2024.	
14.7	Corporate Services Financial Report August 2024	284
	The purpose of this report is to provide Council with the Financial Report for the period ending 31 August 2024, seek approval to carry-over capital projects not completed in the 2023-24 financial year to the 2024-25 financial year and approve the inclusion of three new fees to the fees and charges register.	

15. INFRASTRUCTURE SERVICES

15.1	Infrastructure Services Works August 24/25 Capital Works Progress Update	297
	The purpose of this Report is for the Works Department to provide an update to Council regarding the 2024/25 Capital Works Program for the month of August 2024	

16. COMMUNITY AND LIVEABILITY

16.1	Community and Liveability Report Endorse Arts and Culture Strategy and Public Arts Strategy	301
	The purpose of this report is to seek Council's endorsement of the Arts and Culture Strategy 2024-2029 and the Public Arts Strategy 2024-2029.	

17. NOTICES OF MOTION

17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

17.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

18. URGENT GENERAL BUSINESS

19. MEETING CLOSURE

Title **Adopt Ordinary Meeting of Council Minutes 15 August 2024**

Date 6 September 2024

Responsible Manager J. Taylor, CHIEF EXECUTIVE OFFICER

Summary

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Thursday, 15 August 2024.

Link to Corporate Plan

Nil

Material Personal Interest/Conflict of Interest

There are no declarations of material personal interest/conflicts of interest.

Officer's Recommendation

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 15 August 2024, copies of which have been circulated to Members, be taken as read and confirmed.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Attachments

1. Copy of Unconfirmed Minutes of the Ordinary Meeting of Council held on Thursday, 15 August 2024.

Authored by: B. Donald SENIOR EXECUTIVE OFFICER



Ordinary Meeting of Council Minutes

Date: Thursday, 15 August, 2024
Time: 9:30 am
Location: WDRC - Customer Service Centre
6 Henderson Rd, Wandoan QLD 4419

Councillors: Cr. A. N. Smith
Cr. K. A. Bourne
Cr. P. T. Saxelby
Cr. K. A. Maguire
Cr. M. J. James
Cr. O. G. Moore
Cr. S. Bougoure
Cr. S. J. Condon
Cr. G. M. Olm

Officers: J. Taylor, Chief Executive Officer
G. Cook, General Manager (Infrastructure Services)
D. Fletcher, General Manager (Community & Liveability)
B. Bacon, General Manager (Corporate Services)
Bridget Donald, Senior Executive Officer

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.39AM.

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

There were no apologies.

4. CONGRATULATIONS

Cr. K.A. Maguire

Congratulations to Bonnie Attwooll from Meandarra represented Qld in lawn bowls at the St John's Bowls Club Sydney. Bonnie played in Sydney in the under 25 women shield winning 2 games to 1.

Bonnie came back from a shocking injury in rugby sevens to take up bowls. Bonnie had such a great experience that she is now hoping to be able to represent Australia in the future.

Cr. M. James

Congratulations to Simone Silcock, the Wandoan Show Society and South West sub-chamber representative, as the Showgirls' Choice winner at the Brisbane Exhibition (Ekka).

and to

Steve and Bridget McVeigh of "Loch Eaton" near Dalby who won the 2024 Cotton Australia 'AgriRisk' High Achiever award announced at the Australian cotton Conference.

Cr. O.G. Moore

Congratulations to the Tara Festival of Culture and Camels Committee on the recent record-breaking delivery of the recent 2024 Festival.

and to

Condamine State School Parents and Citizens for hosting its 51st annual Football Netball carnival. This successful event saw sixty-four (64) teams, comprising approximately 750 players, twenty (20) umpires and referees, and 120 coaches and managers and numerous volunteers contribute to a very successful day. A remarkable achievement for a small school of twenty-six (26) children.

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 18 July 2024

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Thursday, 18 July 2024.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. G. M. Olm

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 18 July 2024, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

Cr. O.G. Moore

Agenda Item 13.1: Question to GM C&L, Daniel Fletcher. Query on Illegal Dumping risks and previous historical dumping sites across the region, information to be brought back to Councillors.

7. DECLARATIONS OF CONFLICTS OF INTEREST

13.2 Executive Services Report Discharge of Covenant No. 713534733 Registered Over Lot 1SP219064 and Lot 4RP866852, Waikola

Cr. S. J. Condon

In accordance with Chapter 5B of the *Local Government Act 2009*, Cr. S. J. Condon informed the meeting of a declarable conflict of interest in respect to this matter due to

He has in the past and may in the future work for Brigodoon Cattle company.

Having given due consideration to his position he determined that he would leave the meeting while the matter is discussed and voted on.

8. PRESENTATION OF PETITIONS BY COUNCILLORS

There were no petitions presented by Councillors.

9. MAYORAL UPDATE

9.1 Executive Services Mayoral Report July 2024

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of July 2024.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. M. J. James

That this Report be received and noted.

CARRIED

10. CONFIDENTIAL ITEMS

Section 254J of the Local Government Regulation 2012 in relation to Closed meetings provides:

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(a) the appointment, discipline or dismissal of the chief executive officer;

(b) industrial matters affecting employees;

(c) the local government's budget;

(d) rating concessions;

(e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;

(f) matters that may directly affect the health and safety of an individual or a group of individuals;

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

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COUNCIL RESOLUTION - CLOSE MEETING

Moved By Cr. K. A. Maguire

Seconded By Cr. K. A. Bourne

That Council resolve to close the Meeting in accordance with Section 254J (a - i) of the *Local Government Regulation 2012* at 9:58am to discuss the following Confidential Reports:

1. Executive Services Confidential Report Chinchilla Aerodrome Proposed Lease to KWF Services Pty Ltd

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. S. J. Condon

Seconded By Cr. K. A. Maguire

Move out of Confidential

CARRIED

That Council resolve to reopen the Meeting at 10.00am.

10.1 EXECUTIVE SERVICES

10.1.1 Executive Services Confidential Report Chinchilla Aerodrome Proposed Lease to KWF Services Pty Ltd

The purpose of this Report is to consider the surrender of "Lease O" at the Chinchilla Aerodrome by Cameron Obst, and to offer the lease of "Lease O" to KWF Services Pty Ltd.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. P. T. Saxelby

That this Report be received, and Council resolve to:

1. delegate authority to the Chief Executive Officer, who may further delegate to General Counsel, to provide a letter of consent to KWF Services Pty Ltd for their application to Recreational Aviation Australia to operate a flight training school at Chinchilla Aerodrome;
2. conditional on KWF Services Pty Ltd's application being approved:
 - a. surrender of Lease O and accept a shorter notice period of 14 days as stipulated in clause 12.11 of the current lease agreement; and
 - b. delegate authority to the Chief Executive Officer to negotiate and sign all documents necessary to finalise the surrender of Lease O;
3. conditional on KWF Services Pty Ltd's application being approved by Recreational Aviation Australia:
 - a. apply the airport exception in section 236(1)(c)(vii) of the *Local Government Regulations 2012* (Qld) to enter a new lease for Lease O at the Chinchilla Aerodrome;
 - b. offer KWF Services Pty Ltd a ten-year lease over the portion of land and the Chinchilla Aerodrome known as Lease O, on the terms set out in this Report; and
 - c. delegate authority to the Chief Executive Officer to negotiate and sign all documents necessary to the execution of Lease O with KWF Services Pty Ltd.

CARRIED

10.2 CORPORATE SERVICES

10.3 COMMUNITY AND LIVEABILITY

10.4 INFRASTRUCTURE SERVICES

12. PLANNING

12.1 (035.2024.297.001) Community and Liveability Report Development Application Reconfiguring a Lot of Lot 1 on SP342050 at 2 Sara Street Tara Western Downs Regional Council C/- Sweb Consulting

The purpose of this Report is for Council to decide the proposed development for Reconfiguring a Lot (1 lot into 2 lots and Access Easement) on land described as Lot 1 on SP342050 and situated at 2 Sara Street, Tara.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. S. Bougoure

That this Report be received and that:

1. The application for Reconfiguring a Lot (1 lot into 2 lots and Access Easement) on land described as Lot 1 on SP342050 and situated at 2 Sara Street, Tara be approved, subject to the following conditions:

APPROVED PLAN

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

Plan No., Sheet No.	Plan Title and Details	Dated
SP342060, Sheets 1 & 2 of 2	Plan of Lots 1 & 2 and Proposed EMT C in Lot 2 Cancelling Lot 1 on SP342050, prepared by Cottrell Cameron & Steen Surveys Pty Ltd	24/4/2024

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

3.1 Operational Work.

APPROVED DEVELOPMENT

4. The approved development is Reconfiguring a Lot (1 lot into 2 lots and Access Easement) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

5. All conditions of the approval shall be complied with before Council's endorsement of the Plan of Survey (Form 18B), unless otherwise noted within these conditions.
6. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

7. The Plan of Survey (Form 18B) 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

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.

INFRASTRUCTURE CHARGES

9. All infrastructure charges including those associated with Council's Sewer, 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.

LOT/STREET NUMBERING

10. The numbering of all approved lots shall remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).
11. The developer must make a request to Council for street numbering within 30 days of registration of the Survey Plan with the Titles Office.

LANDSCAPING – MISCELLANEOUS

12. 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.
13. 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

14. 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 works required in connection with the development.
15. Submit to Council, certification from a Registered Professional Engineer of Queensland (RPEQ-Civil) that all works authorised by this development approval and any related approval issued by Council have been designed and constructed in accordance with the requirements of the development approval.

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 works associated with the development.

STORMWATER MANAGEMENT

18. Provide overland flow paths that do not adversely 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 as part of the proposed development.

WATER SUPPLY

21. Install a separate water service connection to each lot as per Council's standards and requirements. Any upgrades to the reticulated water supply network required to adequately service the lots will be at the respective lot owner's expense.

SEWER

22. Ensure that Council's reticulated sewer network extends through to proposed Lot 1 to enable a property connection, and make any necessary upgrades to Council's reticulated sewer network as required. Any sewer extension/upgrades shall be subject to an Operational Work application.

VEHICLE ACCESSES

23. Existing vehicle accesses are to be maintained.

SERVICES - EXISTING CONNECTIONS

24. Ensure that all services provided to all existing buildings on proposed new lots are wholly located within the lot it serves.

EROSION AND SEDIMENT CONTROL - GENERAL

25. 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.
26. 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.

ENVIRONMENTAL HEALTH

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

27.1 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;

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

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

Timing: During construction and on-maintenance period and the establishment period of landscaping or areas disturbed during construction.

28. 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:

28.1 uncontaminated overland stormwater flow; and

28.2 uncontaminated stormwater to the stormwater system.

Timing: Prior to commencement of any works on-site, during works on-site and maintained for the period of the use of the development site.

EASEMENT

29. Provide a reciprocal access easement having a minimum width of 8.529 metres from Sara Street to proposed Lot 1 burdening proposed Lot 2 to the benefit of proposed Lot 1.

ADVISORY NOTES

NOTE 1 - Currency 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 reconfiguring a lot - if a plan for the reconfiguration that, under the Land Title Act, is required to be given to the local government within -

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

*(ii)if no period is stated - **4 years** after the approval starts to have effect."*

NOTE 2 - Aboriginal Cultural Heritage

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

<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 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 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 - Flood Hazard

The property is located within the Low, Medium and High Flood Hazard Areas on the Flood Hazard Overlay Map in the Western Downs Planning Scheme 2017 incorporating Amendment 1. Where the floor levels are not elevated above the defined flood level, the buildings may be subject to inundation during a flood event.

CARRIED

13. EXECUTIVE SERVICES

13.1 Executive Services Report Request Amendment Acceptance Trusteeship New Reserve for Drainage Part Lot 3 SP160431 Jandowae

The purpose of this Report is to seek Council's acceptance of one of the options put forward by the Department of Resources (DoR). Council has been advised that legislative changes that went before Parliament have affected the proposed creation of the Drainage Reserve previously proposed.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore
Seconded By Cr. G. M. Olm

That this report be received, and Council resolves to:

1. advise that it is still agreeable to accept appointment as Trustees with creation of a Reserve for "Community Facility Purposes" on the northern boundary of Lot 3 SP160431; and
2. to delegate authority to the Chief Executive Officer to negotiate and sign all documents necessary to achieve the trustee appointment.

CARRIED

Cr S. Condon left the meetings at 10.07am.

13.2 Executive Services Report Discharge of Covenant No. 713534733 Registered Over Lot 1SP219064 and Lot 4RP866852, Waikola

The purpose of this report is to seek Council's consent to discharge covenant No. 713534733 registered over Lot 1 SP219064 and Lot 4 on RP866852 Waikola.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That this report be received and that the Council resolves as follows:

1. Council consent to the discharge of covenant No. 713534733 on Lot 1 SP219064 and Lot 4 on RP866852;

Council delegate authority to the CEO to execute, and register with the Queensland Titles Office, all relevant documents relating to the discharge of the covenant No. 713534733.

CARRIED

Cr. S. Condon rejoined the meeting at 10.09am.

13.3 Executive Services Chief Executive Officer Report July 2024

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Chief Executive Officer during the month of July 2024.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. O. G. Moore

That this Report be received.

CARRIED

13.4 Executive Services Report Outstanding Actions June 2024

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 18 July 2024.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That this Report be received.

CARRIED

13.5 Executive Services Quarterly Report January to March 2024

The purpose of this Report is to provide Council with a summary of the Executive Services Division's strategic and operational activities for the fourth quarter of the 2023-2024 financial year.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Maguire

That this report be received and noted.

CARRIED

11. DEPUTATION

11.1 Our Lady of the Southern Cross College, Dalby

Students presenting: Nadine Garside, Kirra Utz-Kruske and Shannon Larsen

Staff in Gallery - Tamara Creeley

Students presented a PowerPoint on the benefits of placing the Dalby Cultural Centre within Thomas Jack Park. Benefits proposed included: promoting social inclusion, engaging the Youth, providing Dalby with a social identity, promoting economic growth, and providing opportunities for those within the community who are not predisposed to sport. A flyer was shared with those in attendance.

11.2. Mr Rodney Harth

Mr Harth requested Council to consider selling Lot 27SP159192 located in Wandoan. Mr Harth has previously leased this portion of land.

PROCEDURAL MOTION

Moved By Cr. A. N. Smith

Cr Smith moved that we adjourn for morning tea.

Meeting adjourned at 10.43am.

Meeting resumed at 11.01am.

14. CORPORATE SERVICES

14.1 Corporate Services Report Proposed Water Charge Relief

The purpose of this report is to discuss a request for a water charge relief which is greater than that contemplated by the *Water Meters – Council Policy*.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. P. T. Saxelby

That Council resolves to grant a water charge relief of \$13,742.31 based on deemed consumption since the replacement of the water meter.

CARRIED

14.2 Corporate Services Financial Report July 2024

The purpose of this report is to provide Council with the Financial Report for the period ending 31 July 2024.

COUNCIL RESOLUTION

Moved By Cr. S. J. Condon

Seconded By Cr. S. Bougoure

That Council resolves to receive the July 2024 Financial Report.

CARRIED

14.3 Corporate Services Quarterly Report April to June 2024

The purpose of this Report is to provide Council with a summary of the Corporate Services Division's strategic and operational activities for the fourth quarter of the 2023-2024 financial year.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That Council resolves to receive the Corporate Services Quarterly Report for the period of April to June 2024.

CARRIED

14.4 Corporate Services Report Quarter Four 2023-24 Operational Plan and Enterprise Risk Management Review

The purpose of this report is to provide Council with the fourth and final quarter progress in achieving the actions outlined in the *2023-24 Operational Plan* and the status of the strategic risks which Council manages under the *Enterprise Risk Management Framework*.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. G. M. Olm

That Council resolves to receive the *Quarter Four 2023-24 Operational Plan and Enterprise Risk Management Review*.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Quarterly Report April to June 2024

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

COUNCIL RESOLUTION

Moved By Cr. G. M. Olm

Seconded By Cr. O. G. Moore

That this report be received.

CARRIED

16. COMMUNITY AND LIVEABILITY

16.1 Community and Liveability Report Item to be considered at the 2024 LGAQ Annual Conference

This report proposes the rescission of a part of a resolution adopted by Council at its Ordinary Meeting of 18 July 2024 and the adoption of a replacement resolution pertaining to infrastructure development framework for the upcoming 2024 Local Government Association of Queensland (LGAQ) Annual Conference.

The LGAQ is convening its Annual Conference from Monday, 21 October to Wednesday, 23 October 2024, in Brisbane. Proposed motions to the conference require formal council resolutions before being submitted to the LGAQ for inclusion in the conference agenda. This report has been prepared to supplement a previously adopted motion following advice from the LGAQ.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. K. A. Bourne

That Council resolves to:

1. rescind 1(a) of resolution 16.2 from Council's Ordinary Meeting of 18 July 2024, pertaining to '*Re-orientate Infrastructure Development Assessment Frameworks: Propose enhancements to the existing frameworks to better meet contemporary needs and challenges*'; and
2. endorse the motion contained in Attachment One for submission to the Local Government Association of Queensland for consideration at the 2024 LGAQ Annual Conference:
 - a. Adopt Infrastructure Australia's Assessment Framework for Water Infrastructure Projects to align with the expected economic or design life and incorporate long-term modelling to ensure accurate benefit projections over the asset's life, ensuring a comprehensive evaluation of costs and benefits.

CARRIED

16.2 Community and Liveability Report Football Dalby Oval Naming Recommendation

The purpose of this Report is to seek Council's approval to formally name the Football Dalby Oval 'Don McPherson Oval'.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. M. J. James

That this Report is received, and Council approve for the Football Dalby Oval to be formally named 'Don McPherson Oval'.

CARRIED

16.3 Western Downs Futures Auspice Agreement

The purpose of this report is for Council to adopt the Auspice Agreement between Western Downs Regional Council and Western Downs Futures in order for Western Downs Futures to operate under the umbrella of Western Downs Regional Council until such time as Western Downs Futures becomes its own legal entity.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. K. A. Bourne

That this Report be received, and Council authorise the Chief Executive Officer to negotiate, make necessary amendments, and execute the Auspice Agreement between Western Downs Regional Council (the Auspicor) and Western Downs Futures (the Auspicee) and include an expiration date of 30 June 2026.

CARRIED

16.4 Western Downs Futures Quarterly Report Apr-Jun 2024

The purpose of this Report is to present the Western Downs Futures Quarterly Report from April - June 2024.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That Council receive the April-June 2024 Quarterly Report for Western Downs Futures, presented by the Interim Steering Committee.

CARRIED

16.5 Community and Liveability Quarterly Report April to June 2024

The purpose of this Report is to provide Council with an update in relation to the Community and Liveability Division's strategic and operational activities for the fourth quarter of the 2023/2024 Financial Year.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. P. T. Saxelby

That Council resolve to receive the Community and Liveability Quarterly Report for the period April to June 2024.

CARRIED

17. NOTICES OF MOTION

17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

There were no notices of motion/business for consideration

17.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

There were no notices of motion for the next meeting.

18. URGENT GENERAL BUSINESS

18.1 Dalby Cultural Centre Concept Design

As we continue our community engagement process regarding the Dalby Cultural Centre, we have received valuable feedback from our community members that underscores important concerns about the designated parkland area. These concerns pertain specifically to the areas permitted for construction within the current site plan and areas where construction would compromise resident's amenity.

In light of this feedback, it is crucial that we consider adjustments to ensure the Dalby Cultural Centre is positioned in the most optimal location. Our goal is to strike the right balance, one that provides an efficient design footprint for the Centre while preserving essential greenspace and protecting significant trees.

To achieve this, it is proposed that we authorise our design team to explore the possibility of substituting certain areas within the current exclusion zone with other areas where legitimate concerns have been raised. This approach would allow us to reallocate square meterage from the exclusion zone, thus maintaining the available design area of 2,500 square meters and enabling a more effective and community-aligned concept design.

For context, the lots adjacent to 47 Bunya Street—specifically 49 Bunya Street (951sqm) and Lot 2RP135017 (which could be considered as 51 Bunya Street (951sqm))—are included in this consideration and in effect becomes a soft substituted exclusion area.

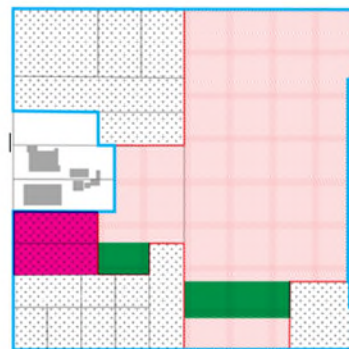
This amendment ensures that the Dalby Cultural Centre not only meets the needs of our community and residents within the park today but also preserves the character and natural beauty of our parklands for generations to come

Attachment One

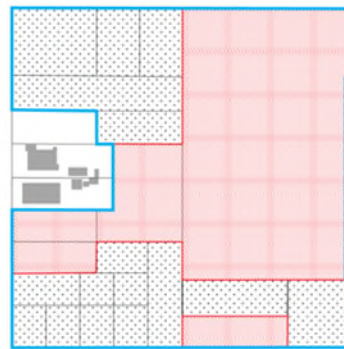
Existing Thomas Jack Park Precinct Site



Proposed Site Amendment



New Proposed Thomas Jack Park Precinct Site



COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. S. J. Condon

That Council authorises the Chief Executive Officer to instruct the Dalby Cultural Centre design team to include a concept design option that substitutes the area of land within 3RP135017 and 2RP135017, as depicted in diagram two (Attachment One) and totalling 1,902 square metres, with the area of land within 6RP135017 and 3RP294272, as depicted in diagrams two and three (Attachment One) and totalling 1,902 square metres, noting that the total maximum development footprint will remain at 2,500 square metres.

CARRIED (7 to 2)

For (6): Cr. K. A. Bourne, Cr. P. T. Saxelby, Cr. K. A. Maguire, Cr. M. J. James, Cr. S. J. Condon, and Cr. G. M. Olm

Against (2): Cr. O. G. Moore, and Cr. S. Bougoure

19. MEETING CLOSURE

The Meeting concluded at 12.08PM.

UNCONFIRMED

Title **Executive Services Mayoral Report August 2024**

Date 9 September 2024

Responsible Manager J. Taylor, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of August 2024.

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

Nil

Report

Meetings, delegations and forums attended by the Mayor during the month of August 2024:

Date	Who/Where	Details
1 August 2024	<ul style="list-style-type: none"> Councillor Information Sessions 	Dalby
7 August 2024	<ul style="list-style-type: none"> Radio Interview with 4WK 	Phone
12 August 2024	<ul style="list-style-type: none"> Audit Committee Meeting 	Dalby
13 August 2024	<ul style="list-style-type: none"> Meeting with local resident Planning & Pre-Agenda Meeting Councillor Information Sessions 	Dalby Dalby Dalby
14 August 2024	<ul style="list-style-type: none"> Chinchilla Year Ahead Breakfast Radio Interview with 4WK Meeting with EQUIS 	Chinchilla Phone Dalby
15 August 2024	<ul style="list-style-type: none"> Ordinary Meeting of Council Councillor Information Sessions 	Wandoan Wandoan
21 August 2024	<ul style="list-style-type: none"> Radio Interview with 4WK Meeting with Shell Meeting with Three Plus Meeting with BOM Regional Leaders Panel - Queensland Renewables 	Phone Brisbane Brisbane Brisbane Teams
22 August 2024	<ul style="list-style-type: none"> Meeting with Welcoming Cities 	Brisbane

	<ul style="list-style-type: none"> • Meeting with Omega • Meeting with Queensland Resource Council • Meeting with Senex Energy • Meeting with Southern Cross Care 	Brisbane Brisbane Brisbane Brisbane
24 August 2024	• Heart of Australia Gala Ball	Brisbane
27 August 2024	<ul style="list-style-type: none"> • Meeting with Condamine Balonne Water Committee • Dalby Christian College Book Week Celebrations 	Dalby Dalby
28 August 2024	• Radio Interview with 4WK	Phone

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

The forgoing represents activities undertaken by the Mayor during the month of August 2024.

Attachments

Nil

Authored by: Hailey Wex, Executive Officer to the Mayor

Title (030.2024.156.001) Community and Liveability Report Development Application for Material Change of Use for Caretaker's Accommodation at Lot 7 on SP175181 at 246 Aerodrome Road Chinchilla Tango Oilfield Solutions Pty Ltd C/- Swep Consulting

Date 3 September 2024

Responsible Manager T. Summerville, PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use for a Caretaker's Accommodation at Lot 7 on SP175181, 246 Aerodrome Road, Chinchilla.

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- We aggressively attract business and investment opportunities.
- Our region is a recognised leader in agribusiness, energy, and manufacturing.
- We deliver water security to enable future economic growth.
- We proactively advance our region as a tourism destination.
- Our business and industry actively live and buy local.

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- We focus on proactive, sustainable planning for the future.
- Our people are skilled and values driven to make a real difference.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The application for a Material Change of Use to establish Caretaker's Accommodation on land described as Lot 7 on SP175181 at situated at 246 Aerodrome Road, Chinchilla be approved, subject to the following conditions:

APPROVED PLANS

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

Plan No., Reference	Plan Title and Details	Dated
Job No. 20230063, Plan No. SD-050, Revision B	Site Plan, prepared by WD Building Design, as amended in red by Council on 29/08/2024	15-08-2023
2022-006b-001, Revision A	Caretaker's Floor Plan, prepared by Swep Consulting	14/03/2024
2022-006b-002, Revision A	Elevations, prepared by Swep Consulting	14/03/2024

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 the commencement of any works associated with the process:
 - 3.1 Building Works; and
 - 3.2 Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use for Caretaker's Accommodation on the property.

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.

FEES AND CHARGES

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

MAINTENANCE

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

INFRASTRUCTURE CHARGES

8. All infrastructure charges including those associated with Council's Water, Sewer, 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.

VISUAL AND GENERAL AMENITY

9. Any graffiti on buildings or structures associated with the development must be immediately removed.
10. The buildings and the site must be maintained in a clean and tidy manner at all times.
11. 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.

VISUAL PRIVACY TO BEDROOM WINDOWS

12. Durable, fixed and permanent external screening devices (eg shutters or lattice screens) having a maximum transparency of 25% shall be erected on windows or directly in front of windows facing the hardstand areas and vehicle parking and manoeuvring areas, prior to occupation of the development.

Timing: Prior to commencement of the use and maintained at all times thereafter.

CLOTHES DRYING AREAS

13. Clothes drying areas shall be fully screened from the Industrial Use areas on the site and adjoining properties by a solid screen of suitable height and width.

REFUSE STORAGE AREAS

14. Refuse bin storage areas must be screened from public view. Where bin storage occurs outside any buildings, such storage areas shall be screened with a minimum 1.5 metre high solid screen fence or wall.

WASTE MANAGEMENT

15. 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*.

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 adversely alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
19. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

WATER SUPPLY

20. Provide a potable water supply for the development independent of Council's water reticulation system. Monitor water quality continuously to ensure compliance with Australian Drinking Water Guidelines - current edition and enHealth Guidance of Use of Standards for Potable Water.

ON-SITE WASTEWATER DISPOSAL

21. Connect the development to an on-site wastewater disposal system, in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.
22. Obtain a Development Permit for Plumbing Work for the on-site wastewater treatment system.

PARKING AND ACCESS - GENERAL

23. Provide an additional car parking space for the Caretaker's Accommodation, separate from the Medium Impact Industry and Warehouse (Laydown Yard) parking within the site.
24. 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.

ELECTRICITY AND TELECOMMUNICATIONS

25. Maintain connection of the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

26. 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.
27. 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.

ADVISORY NOTES

NOTE 1 - Currency Period

A part of a development approval lapses at the end of the currency period. The standard currency period, as stated in Section 85 of the *Planning Act 2016*, applies to this approval as outlined below:

- "Material Change of Use (**6 years** after the approval starts to have effect)."

NOTE 2 - Aboriginal Cultural Heritage

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

NOTE 3 - General Environmental Duty

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

NOTE 4 - General Safety of Public During Construction

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

NOTE 5 - Property Note (Audit of Conditions)

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

NOTE 6 - Duty to Notify of Environmental Harm

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

NOTE 7 - Infrastructure Charges Notice

An Infrastructure Charges Notice is attached.

Background Information

1. Site Context

The property is legally described as Lot 7 on SP175181, located at 246 Aerodrome Road, Chinchilla. The subject site has an area of 10ha and a 223.69m frontage to Aerodrome Road.

The elevation of the property slopes from the northern to the southern boundaries of the site. The highest point of the property is located along the Aerodrome Road frontage.

The subject land is improved by an existing Dwelling House and ancillary sheds located on the north-western part of the property. The site has limited vegetation in the northern part of the property, whilst the remainder of the property has been previously cleared of vegetation.

The property is located within the Medium Impact Industry Zone of the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme) and is identified as being subject to the Natural Resources Overlay of the Planning Scheme.

The subject land is directly adjoined by the following properties:

- Lot 14 on SP175180, 53 Barker's Road, which is located to the south of the subject site and within the Rural Zone of the Planning Scheme. This property features an existing residence, two existing domestic sheds and a rural dam.
- Lot 6 on SP168212, 226 Aerodrome Road, which is located to the west of the subject site and within the Community Facilities Zone of the Planning Scheme. This property contains Council's Chinchilla Works Depot and is subject to existing Material Change of Use Development Approval 030.2016.441.001.
- Lot 8 on SP175181, 266 Aerodrome Road, which is located to the east of the subject site and is within the Community Facilities Zone of the Planning Scheme. This property is used for Council's Water Treatment Plant and is subject to an existing Material Change of Use Development Approval 030.2014.843.001.

The subject site is located within an industrial locality that is not serviced by Council's reticulated sewer or water networks. The existing residence is serviced by an on-site effluent disposal system and potable water is provided via water tanks on the property. The land is connected to reticulated electricity and telecommunication networks.

2. Approval History

On 27 July 2021 it was decided to approve Development Application 030.2021.243.001 for a Material Change of Use to establish Medium Impact Industry and Warehouse (Laydown Yard) on the subject site.

On 28 March 2024 it was decided to approve Development Application 050.2024.103.001 for a Minor Change to the existing approval for Material Change of Use (030.2021.243.001) to establish Medium Impact Industry and Warehouse (Laydown Yard). This approval increased the number of buildings on-site.

Report

1. Details

Application No: 030.2024.156.001		Assessment No: 13892	Subject Ref: AD6.6.2 & LG7.6.1
Historic Approvals - Minor Change: 050.2024.103.001			
Original Approval: 030.2021.243.001			
Assessing Officer:	Jenny Cameron PLANNING OFFICER DEVELOPMENT ASSESSMENT		
PART 1: APPLICATION			
Applicant:	Tango Oilfield Solutions Pty Ltd C/- Swep Consulting		
Owner:	Hove Rentals Pty Ltd atf Austex Family Super Fund		
Site Address:	246 Aerodrome Road, Chinchilla		
Site Area:	10ha		
Real Property Description:	Lot 7 on SP175181		
Proposed Development:	Caretaker's Accommodation (105.6m ² with 72m ² Deck) ancillary to existing Medium Impact Industry and Warehouse (Laydown Yard)		
Category of Assessment:	Impact		
Type of Application:	Material Change of Use		
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1		
Zone:	Medium Impact Industry		
Precinct:	N/A		
Overlays:	<div><div><div>• Extractive Industry</div><div>• Agricultural Land Classification</div><div>• Water Resource Catchment</div><div>• Road Hierarchy</div></div><div><div>- Authority to Prospect 676</div><div>- Petroleum Lease 185</div><div>- Class A</div><div>- Groundwater Vulnerability Area</div><div>- Access</div></div></div>		
Pre-lodgement Meeting	No	Date: N/A	
Application Lodgement Date:	14/03/2024		
Properly Made Application:	Yes	Date: 26/03/2024	
Action Notice Issued:	Yes	Date: 26/03/2024	
Required Action Taken:	Yes	Date: 26/03/2024	
Confirmation Notice Issued:	Yes	Date: 02/04/2024	
PART 2: REFERRALS	N/A		
PART 3: INFORMATION REQUEST			
Information Request Issued:	Yes	Date: 05/04/2024	
Applicant's Response:	Yes	Date: 13/06/2024	
PART 4: PUBLIC NOTIFICATION			
Comment Period:	From 28/06/2024	To 18/07/2024	
Notice of Compliance with Public Notification Received:	Yes	25/07/2024	
Submissions:	Yes	One properly made	
Applicant's Response to Submission Received:	Yes	05/08/2024	
Submission Consideration Period:	From 26/07/2024	To 08/08/2024	
PART 5: DECISION PERIOD			
Date Commenced:	09/08/2024		
Decision Due Date:	23/09/2024		

2. Assessment

2.1 Assessment against Western Downs Planning Scheme 2017 incorporating Amendment 1

ASSESSMENT MATTERS	
<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> Western Downs Planning Scheme 2017 incorporating Amendment 1 Medium Impact Industry Zone Code Natural Resources Overlay Code Infrastructure Services Code Transport Access and Parking Code Accommodation Activities Code 	
<p>The development was assessed against all the assessment benchmarks listed above and complies with all of these, with the exceptions listed below.</p>	
Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
Accommodation Activities Code	
<p>AO12.1</p> <p>Caretaker's accommodation comprises a dwelling with a maximum gross floor area of 100m².</p>	<p>The proposed Caretaker's Accommodation has a gross floor area (GFA) of 105.6m² and has a 72m² deck off the entry. This size does not comply with the 100m² size limitations of AO12.1 in the Accommodation Activities Code.</p>
<p>AO12.2</p> <p>Caretaker's accommodation must be located where non-residential activities are carried out on the site and the use has a demonstrated need for a caretaker to be on-site on a permanent basis.</p>	<p>Caretaker's Accommodation is located where non-residential activities are carried out on the site, with a demonstrated need for a Caretaker to be on-site on a permanent basis as per AO12.2 of the Accommodation Activities Code.</p>
<p>AO12.3</p> <p>Only one Caretaker's accommodation is established on a site.</p>	<p>Only one Caretaker's Accommodation is proposed for the site, as per AO12.3 of the Accommodation Activities Code. The existing dwelling does not form part of the approved development.</p>
	<p>It is considered that the proposed development complies with the requirements of Performance Outcome 12 of the Accommodation Activities Code - "PO12 The provision of Caretaker's Accommodation does not compromise the role, function or operation of the Zone".</p>

2.2 Medium Impact Industry Zone Code

Caretaker's Accommodation is identified as a consistent use within the Medium Impact Industry Zone, as per the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The development proposal has demonstrated compliance with the building height, site coverage, setbacks and building material design requirements of the Zone Code.

The proposed Caretaker's Accommodation is ancillary to the approved Medium Impact Industry and Warehouse (Laydown Yard) and will not compromise the operation of existing industrial uses, nor prevent the establishment of any further industrial uses within the locality.

Subject to the recommended conditions, the development is considered to comply with the Medium Impact Industry Zone Code.

2.3 Overlays

Natural Resources Overlay Code

The property is identified as Class A Agricultural Land and a Groundwater Vulnerability Area within the Overlay Mapping of the Planning Scheme.

The property is not located within the Rural Zone and as a result, the application does not require further assessment against the Natural Resources Overlay Code.

2.4 Development Codes

Accommodation Activities Code

The Accommodation Activities Code is assessed in the table above. The proposed development is considered to comply with the Accommodation Activities Code.

Transport, Access and Parking Code

The proposed changes to the development do not include changes to existing vehicle crossovers.

An additional parking space is provided for the Caretaker's Accommodation use. This space is to be separated from the Medium Impact Industry and Warehouse (Laydown Yard) parking.

The development is consistent with the Transport, Access and Parking Code, subject to the recommended conditions of approval.

Infrastructure Services Code

The property is not located within an area that is serviced by Council's reticulated water or sewer network. The proposed development will be connected to the reticulated electricity and telecommunication networks. The proposed development will be connected to the existing on-site water supply and waste disposal system. The stormwater will be collected and overflow released to a lawful point of discharge.

The development complies with the Infrastructure Services Code, subject to the recommended conditions of approval.

3. Other Relevant Matters

3.1 Public Notification

The proposed development is Impact Assessable and required public notification. Public Notification was undertaken in accordance with the requirements of the *Planning Act 2016* and Development Assessment Rules 1.3.

The applicant:

- published a notice in the Western Downs Town & Country on 27 June 2024;
- placed a notice on the frontage of the land on 27 June 2024; and
- notified the adjoining land owners on 25 June 2024.

At the conclusion of the Public Notification Period, Council had received one properly made submission.

The submission was provided to the applicant and the applicant has provided a response regarding the submission received.

Council's Assessing Officer has considered the matters raised in the submission received, and the applicant's response to the submission, in the Table of Submissions attached to this Report (Attachment 4).

3.2 Infrastructure Charges

Infrastructure charges are levied in accordance with Council's Infrastructure Charges Resolution (No. 7.1) 2017 (Infrastructure Charges Resolution). The property is located within Charge Area A of the Infrastructure Charges Resolution.

Caretaker's Accommodation (3 bedroom Dwelling Unit) incurs an adopted charge of \$25,200.00 per Dwelling Unit for the sewer, water, stormwater, transport and parks networks. As the site is not connected to water or sewer networks, the infrastructure charges for the proposed development is \$15,120.00.

There are no credits available, as this has been used for the approved Medium Impact Industry and Warehouse (Laydown Yard).

An Infrastructure Charges Notice will be attached to the approval reflecting the infrastructure charges for the development (Attachment 3)

Consultation (Internal/External)

Internal

Council's Consultant Development Engineer has been consulted regarding appropriate conditions for the proposal.

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

External

The application did not trigger referral to an external entity.

Legal/Policy Implications (Justification if applicable)

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

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) *Schedule 1 states -*
 - (a) *matters that may be appealed to -*
 - (i) *either a tribunal or the P&E Court; or*
 - (ii) *only a tribunal; or*
 - (iii) *only the P&E Court; and*
 - (b) *the person -*
 - (i) *who may appeal a matter (the **appellant**); and*
 - (ii) *who is a respondent in an appeal of the matter; and*

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

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the *Human Rights Act*) requires public entities "to act and make decisions in a way compatible with human rights".

There are no human rights implications associated with this Report.

Conclusion

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. It is considered that the proposed development is consistent with the intent of the Western Downs Planning Scheme 2017 incorporating Amendment 1, and therefore is recommended for approval, subject to conditions.

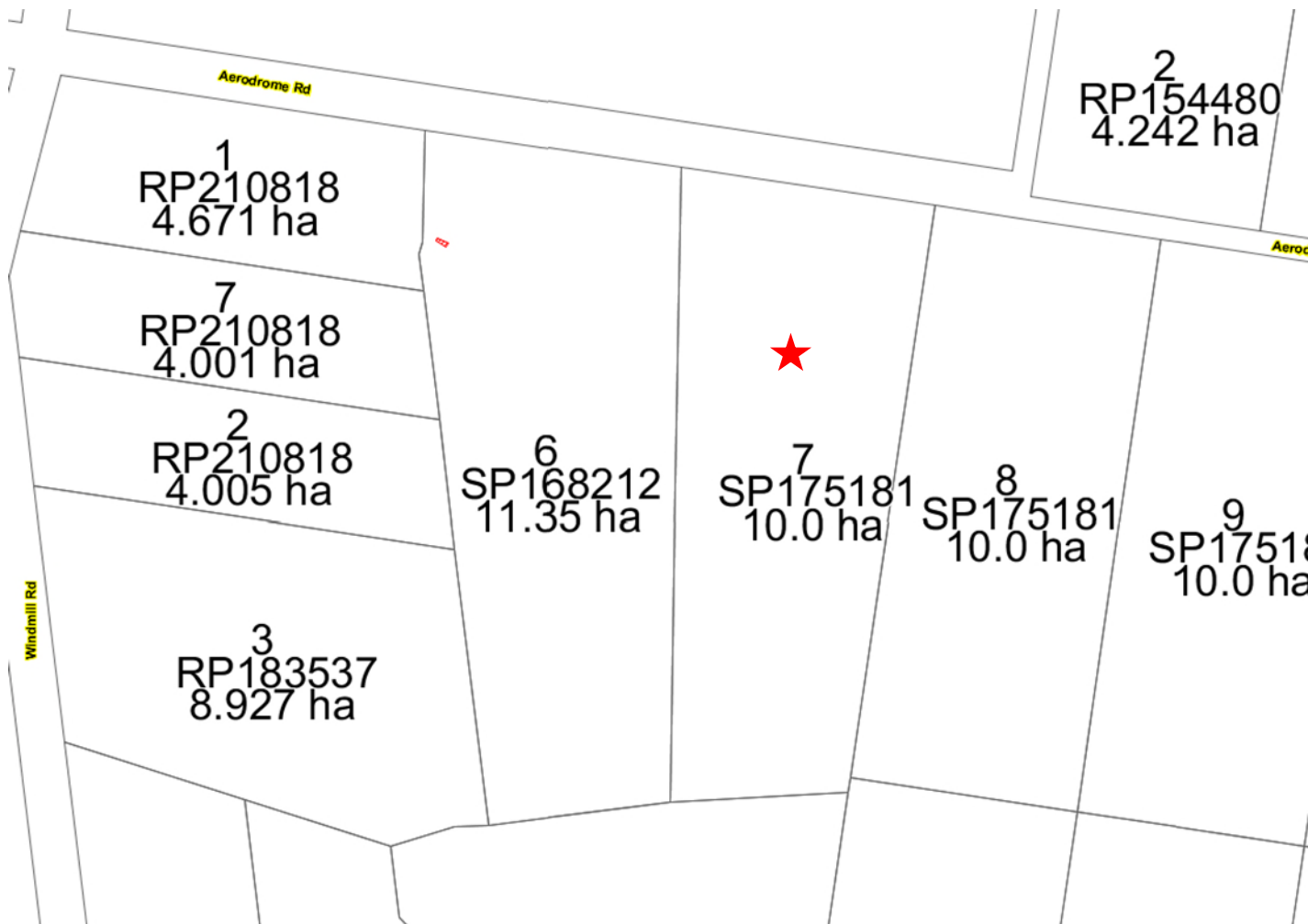
Attachments

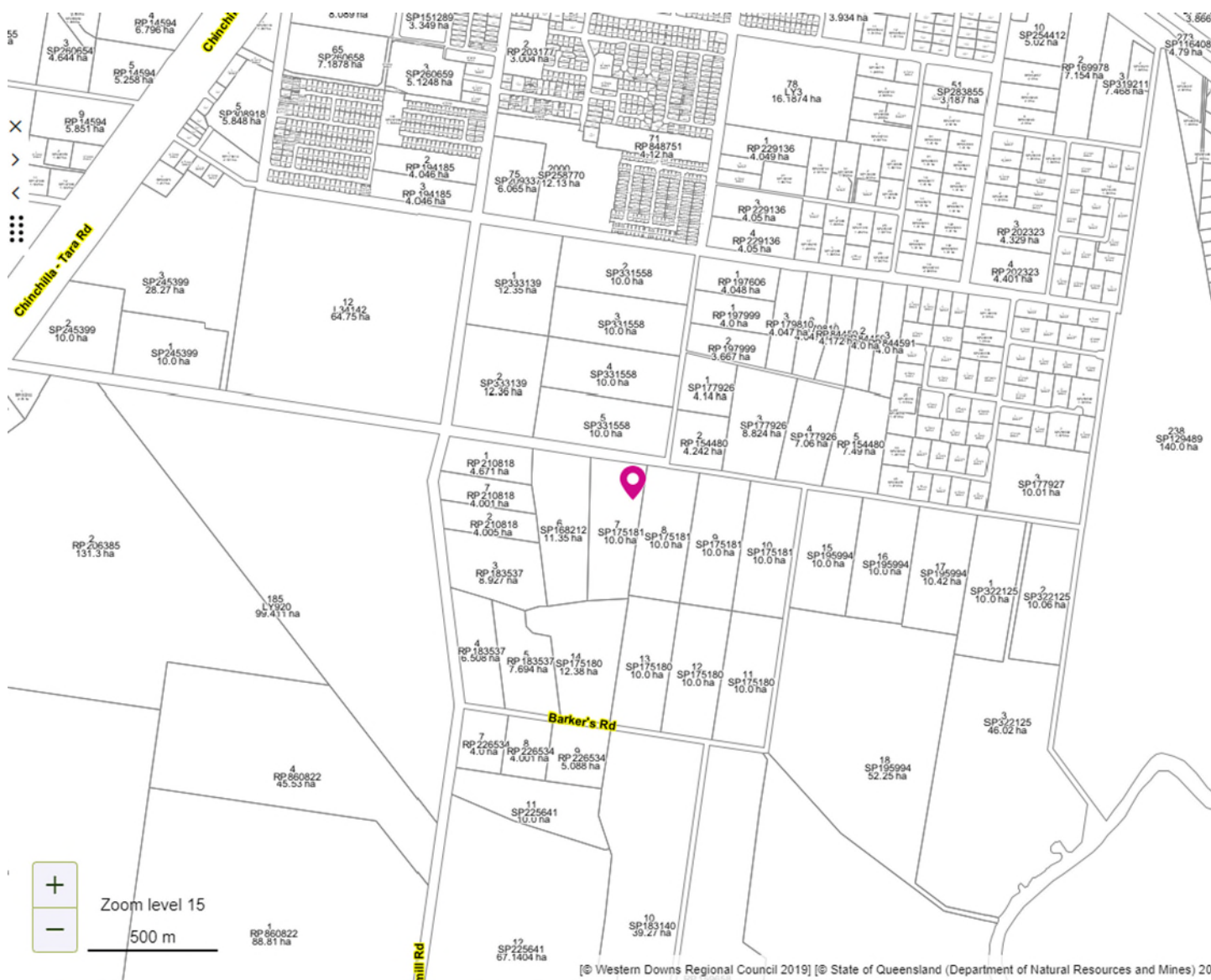
1. Locality Plans
2. Proposal Plans
3. Infrastructure Charges Notice
4. Table of Submission

Authored by: Jenny Cameron
PLANNING OFFICER DEVELOPMENT ASSESSMENT

Attachment 1 - Locality Plans

Lot and Plan Maps

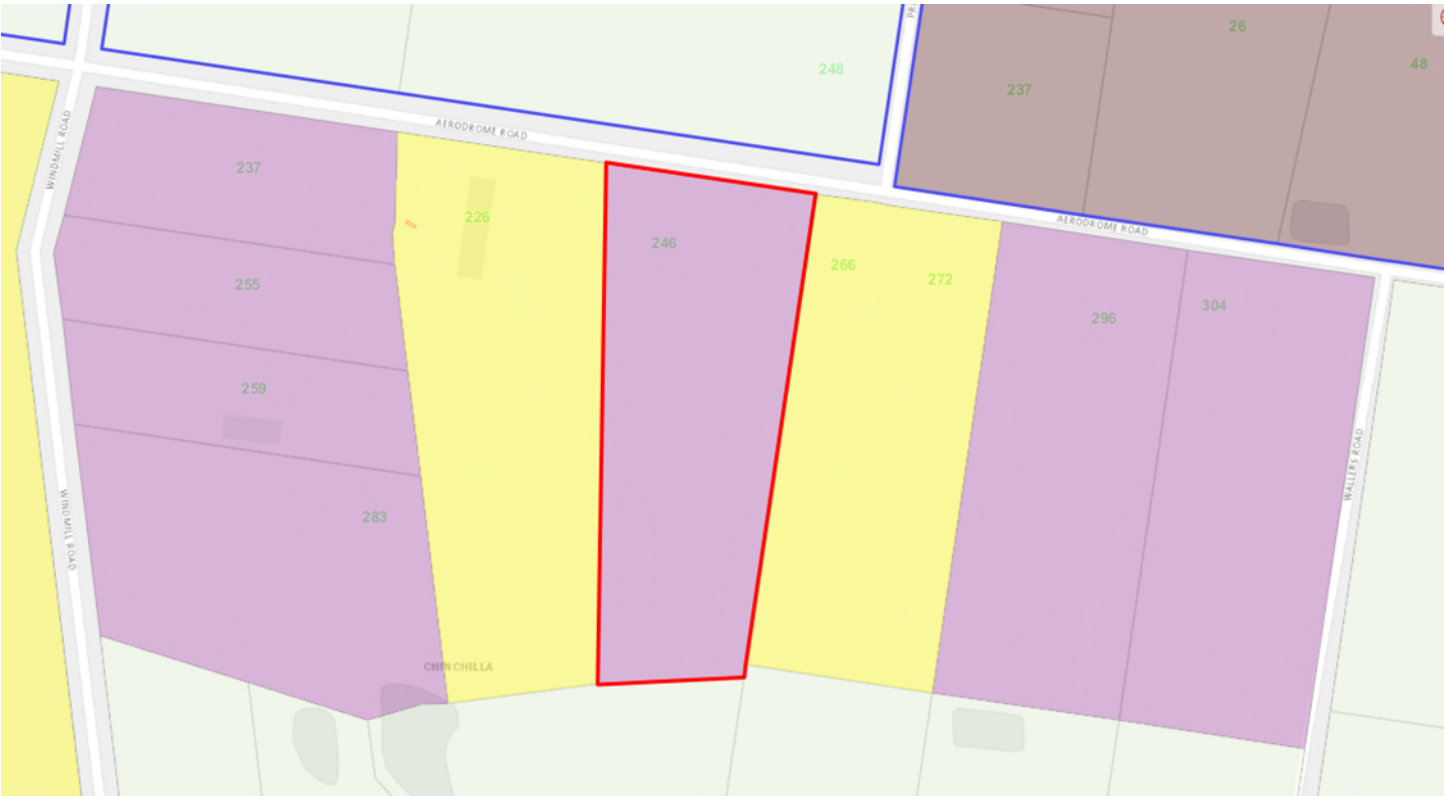




Aerial Map



Zone Map



Planning Zones			
<div></div> Community Facilities Zone	<div></div> Local Centre Zone	<div></div> District Centre Zone	<div></div> Major Centre Zone
<div></div> Low Density Residential Zone	<div></div> Medium Density Residential Zone	<div></div> Low Impact Industry Zone	<div></div> Medium Impact Industry Zone
<div></div> High Impact Industry Zone	<div></div> Recreation and Open Space Zone	<div>20</div> Rural Residential Zone Rural Residential 20000 Precinct	<div>4</div> Rural Residential Zone Rural Residential 4000 Precinct
<div>8</div> Rural Residential Zone Rural Residential 8000 Precinct	<div></div> Rural Zone	<div>10</div> Rural Zone Rural 10 Precinct	<div>100</div> Rural Zone Rural 100 Precinct
<div></div> Township Zone	<div>TT</div> Township Zone Mowbullian - Bunya Mountains Tourist Precinct		

Approx. 212m.
to Shed

Approx. 79m
to Shed

EXISTING SHED
EXISTING RESIDENCE

EXISTING SHEDS

~~PROPOSED SHEDS~~

EXISTING IGLOOS

PROPOSED CARETAKER
ACCOMODATION
~~PROPOSED IGLOOS~~

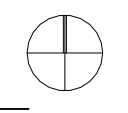
EXISTING OFFICE

~~PROPOSED OFFICES~~
~~PROPOSED AMENITIES~~



Amended in Red by
Council on 29/08/2024
Items crossed out in Red
do not form part of this
approval

PROPERTY DESCRIPTION
LOT 7 ON SP175181
SITE AREA = 10.0ha





17 Taylor Street East
ROMA Q 4455

ABN: 83 811 835 717

Drawing No.: 2022-006b-001

Title: Caretaker's Floor Plan

Site: 246 Aerodrome Road, Chinchilla

Revision: A

Date: 14/03/2024

Client: Tango Oilfield
Solutions Pty Ltd



	 17 Taylor Street East ROMA Q 4455 ABN: 83 811 835 717	Drawing No.: 2022-006b-002	Revision: A
		Title: Elevations	Date: 14/03/2024
		Site: 246 Aerodrome Road, Chinchilla	Client: Tango Oilfield Solutions Pty Ltd

INFRASTRUCTURE CHARGES NOTICE

APPLICANT:	Tango Oilfield Solutions Pty Ltd
APPROVED DEVELOPMENT:	Material Change of Use for Caretaker's Accommodation
FILE REFS:	030.2024.156.001, A13892 & LG7.6.1
AMOUNT OF THE CHARGE:	\$15,120.00
LAND TO WHICH CHARGE APPLIES:	Lot 7 on SP175181
PAYABLE TO:	Western Downs Regional Council
WHEN PAYABLE:	Prior to commencement of the use

This charge is made in accordance with Council's ***Infrastructure Charges Resolution (No. 7.1) 2017***.

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Material Change of Use	\$15,120.00 per Dwelling Unit (3+ bedrooms) (Stormwater, Transport and Parks Networks)	Table 3.3.3, Col 2, Charge Area A	1 x Dwelling Unit	\$15,120.00
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
-	-	-	-	-
<i>* Includes a discount for development not within an area serviced by, or requiring connection to Council's reticulated water or sewer networks. The rate applied is in accordance with Table 5.1 Allocation of Infrastructure Charge to Trunk Infrastructure Networks.</i>			Parks Transport	\$ 7,560.00 \$ 7,560.00
			TOTAL CHARGE	\$15,120.00

INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

DECISION AND REASONS

This infrastructure charge has been levied in accordance with Sections 119 to 121 of the *Planning Act 2016* and Council's ***Infrastructure Charges Resolution (No. 7.1) 2017*** for additional demand placed on Council's trunk infrastructure that will be generated by the approved development.

APPEALING DECISION

Under the *Planning Act 2016* the recipient of this Infrastructure Charges Notice may appeal against Council's decision to issue the Infrastructure Charges Notice. Chapter 6, Part 1 of the *Planning Act 2016* details the recipient's right to appeal Council's decision and how the recipient may appeal.

Attachment 4 - Table of Submission

One Properly Made Submission Received - Details below		
Submitter's Concerns	Submission Excerpt	Planning Officer's Comments
The business will run 24/7 with a Caretaker's Accommodation present.	<i>"Concerns that this building will be used to allow the business to run 24/7."</i>	Business hours do not form part of this approval. Operating hours are approved from 6:00am to 6:00pm under approval 050.2024.103.001. The concern raised is not applicable to this application.
There is already accommodation on the site.	<i>"The design layout has the accommodation on the main access road and there is already a house on the block that can be used for accommodation."</i>	The existing dwelling on the site does not form part of the approved Material Change of Use 050.2024.103.001 and functions separately from the business. The proposed Caretaker's Accommodation is ancillary to the approved Material Change of Use 050.2024.103.001. The proposed Caretaker's Accommodation is larger than the maximum gross floor area of 100m ² by 5.6m ² . The subject site is large enough to accommodate an additional area of the proposed accommodation. This additional scale will not compromise the operation on-site, nor the functionality of the Zone. The proposed development is therefore considered to comply with the Performance Outcome of the Accommodation Activities Code.
Additional lighting will further impact surrounding properties.	<i>"Additional lighting to be used without consideration to blocking the light leaving the allotment."</i> <i>During the night time the light impact to our house has required us to put up curtains to block out the flood lights running all night into our house.</i> <i>There should be a solution to how the light impact to the neighbours can be minimised (ie timers, PE cells or sensors)."</i>	No additional industrial lighting forms part of the approval. The previously approved Material Change of Use 050.2024.103.001 conditions lighting. The previous approval does not form part of this application. The concern raised is not applicable to this application.
Additional noise will impact surrounding properties.	<i>"During operational hours this operation is very noisy with dropped drill steel and machine operation 7 days a week."</i>	The proposed Caretaker's Accommodation will not impact surrounding properties by additional generation of noise. The concern raised is not applicable to this application.

Title	ES Report - Road Closure Application - Portion of Pluto Street, whole of Mercury Street and portion of Earth Street, Fairyland
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Date	11 September 2024
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Responsible Manager	D. Fahl, General Counsel
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Summary

The purpose of this report is to seek Council's decision in relation to an application to permanently close a portion of Pluto Street, the whole of Mercury Street, and a portion of Earth Street (the **Application**) pursuant to section 68 of the *Local Government Act 2009* (Qld) (**LGA**).

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- We focus on proactive, sustainable planning for the future.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

There are no personal interests nor conflicts of interest associated with the consideration of this matter.

Officer's Recommendation

That this report be received and that the Council resolves as follows:

1. That Council does not object to the road closure application dated 14 May 2024;
2. Council delegate authority to the CEO or delegate to execute all documents relating to the road closure application and to lodge the application with the Department of Resources.

Background Information

The land the subject of the Application:

1. is described on page 21 of the Application (see final page for location map of the relevant portions of road);
2. is not improved (neither sealed or formed); and
3. possesses significant vegetation.

The unique subdivisional layout is a result of subdivision that occurred in or about 1979 during an attempt to develop the land into, among other things, a golf course and motel.

Mr Dixon:

1. owns Lot 28 RP174041 (**Lot 28**);
2. operates a timber and goat business; and
3. proposes to fence Lot 28.

Mr Dixon's application does not specifically request that the land the subject of the Application be amalgamated with Lot 28 pursuant to section 99(4) of the *Land Act 1994* (Qld) (the **Act**). However the Minister must amalgamate the land subject of the Application pursuant to section 109 of the Act, if it is not an adequate area to be used as a lot.

Report

Consultation (Internal/External)

Internal consultation has been sought from the following:

- B. Barnett, Senior Works Manager
- B. Moodley, Principal Planner
- T. Summerville, Planning and Environment Manager
- C. Gaschk, Natural Resources Management Supervisor
- C. Hallinan, Rural Services

Internal consultation on the Application was mixed:

1. Lot 28 would retain road frontage if the Application was granted;
2. The road closure is not necessary before Mr Dixon fences Lot 28;
3. Fencing is not a valid reason for closing the road; and
4. The unique configuration only benefits the applicant, so in some respects, it may not be a bad outcome to close the road.

Legal/Policy Implications (Justification if applicable)

Any decision of the Department of Resources / Council, to refuse the application for the permanent road closure because of Council's objection, is reviewable pursuant to the *Judicial Review Act 1991* (Qld).

The relevant considerations pursuant to the Act on receipt of such an application are:

1. the road is the only dedicated access to a person's land;
2. the road is, or may be, used regularly by the public as a road or stock route; or
3. the road provides continuity to a road network.

Applying the above:

1. the roads are not the only dedicated access to a person's land;
2. the roads are not necessary to provide continuity to a road network; and
3. the roads are not used regularly by the public as a road or stock route.

There is no requirement that an applicant provide a 'valid reason' for closing the road. The relevant considerations for Council's decision are the same as those for the Department as outlined above. The fencing issue has some relevance, because Mr Dixon presumably wishes to avoid having to re-fence his land if the Application is successful.

Given the unique shape of the roads the subject of the Application, the Department would likely amalgamate the land with Lot 28 and/or Lot 8 RP165728 (**Lot 8**) pursuant to section 109 of the Act. Once the Application (including Council's completed Part C) is lodged with the Department, the Minister will likely decide to publicly notify the road closure, given Mr Dixon has not indicated he has notified the owner of Lot 8. Public notification would give the owner of Lot 8 adequate opportunity to make an objection or reach some other agreement about the division of the land the subject of the Application. Considerations of fairness between Mr Dixon and the owner of Lot 8 are, again, not relevant considerations for the purposes of deciding whether to support the Application.

Budget/Financial Implications

There are no apparent financial implications for Council.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

All activities will be undertaken in accordance with Council's human rights obligations.

Conclusion

Having regard to the issues of relevance to Council, there is no apparent reason for Council to object to Mr Dixon's permanent road closure application.

It is recommended that Council resolve to advise the Department of Resources that it has no objection to the application and to delegate to the Chief Executive Officer to sign the required notification to the Department.

Attachments

1. Application dated 14 May 2024; and
2. LA30 - Statement (completed).

Authored by: James Hart, Legal Advisor

REC-111	
DATE	BY
14 S. 24	SW

David Fah1
Legal Services

COUNCIL
ROAD

~~ATTN JOEL MELUSH~~

~~JOEL~~

Contact Details

Lodger Details and Mailing Address

A lodger is only required when a legal practitioner, or consultant lodges the application on behalf of the applicant.

Full Names

Title

First Name

Surname

Company Name(s)

Y TIMBER AND COATS.

If a corporation then record:-

☐

ACN

☐

ARBN

☐

ABN

28976 990 847

Contact Details

Postal Address:

147 MILKY WAY ROAD FAIRYLAND CHINCHILLA
QLD 4413

Phone Number:

Mobile Number:

--

0428754464

Email:

PETESHAR1@HOTMAIL.COM.

Applicant(s) Details and Mailing Address

If the Applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

Full Names

Title	First Name	Surname
Mr	PETER	DIXON
Mrs	SHARON	DIXON.

Company Name(s)

Y TIMBER AND GOATS.

If a corporation then record:-

☐

ACN

☐

ARBN

☐

ABN

28976 990 847

Note: if the applicant is a Corporation, a requirement of the application is providing evidence (as at the date of application), that the Corporation is registered with the Australian Securities and Investments Commission (ASIC) at <https://asic.gov.au/online-services/search-asic-s-registers/> (company summary printout) and if applicable, also registered with the Australian Business Register (ABR) at <https://www.abr.business.gov.au> (ABN lookup record extract).

Contact Details

Postal Address:

147 MILKY WAY Rd. FAIRYLAND
CHINEHILLA 4413

Phone Number:

Mobile Number:

0428754464

Email:

PETESHAR 1 2 HOTMAIL.COM

Future correspondence should be sent to:

☐

Lodger

☒

Applicant

1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?

☐ Yes

go to 2

☒ No

go to 4

Note: For further information refer to the Queensland Government website to determine if the applicant/s are a foreign person (acquirer) for AFAD.

Government website to Types of foreign persons for additional foreign acquirer duty:-

<<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the Duties Act 2001?

☐ Yes

go to 3

☐ No

go to 4

Note: Under the Duties Act 2001 an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD.

Government website for Additional Foreign Acquirer Duty:-

<<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

3. Enter full name/s of the foreign acquirer/s
(If there is insufficient space, please lodge as an attachment)

Full Names
(If a Company, also provide a contact name)

Share Held

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--

go to 4

4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?

☒ Yes

☐ No

go to 5

Note: Under the Tax Administrator Act (Cth) 1953 certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or visit the ATO website <<https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/>> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

5. Select the type of land for which the application is being lodged:

- ☐ Permit
☐ Licence
☐ Lease
☐ Unallocated State Land (USL)
☒ Road
☐ Trust Land Reserve/ Deed of Grant in Trust (DOGIT)
☐ Dealing Number (refer to Item 6)
☐ Other

go to 6

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1

You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged

Lot

Plan

Title Reference

28	RP 174041	

go to 7

The details of the land can be found on a current title. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches') Lot on Plan details are located on your rates notice or downloading the Queensland Globe <https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/> to help access current Lot on Plan details. If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number:

Tenure Type: Tenure Number:

Local Government:

Other details of land location (optional)

go to 8

8. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?

☒ Yes

go to 9

☐ No

Please provide name of officer you spoke with and this department's associated reference.

Department Contact
Officer

SHAUNA
HEERAN

Pre-lodgement ID
(if VAS CI Ref)

9. Provide details of pre-lodgement meeting.

(If there is insufficient space, please lodge as an attachment)

PRE-LODGEEMENT MEETING CONDUCTED ON PHONE
WITH SHAUNA HEERAN FROM DEPARTMENT OF
RESOURCES.
EMAIL SHAUNA.HEERAN@RESOURCES.QLD.
GOV.AU.

Note: Departmental Officers contact details and any reference number should be included if known.

10. Provide details of any timeframes the department should be aware of when assessing your application (for example, a settlement date)

(If there is insufficient space, please lodge as an attachment)

11. If this application relates to a project, provide an overview and how your application relates to this project.
(If there is insufficient space, please lodge as an attachment)

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM

CLEAR FORM



Part B – Form LA18 Road Closure Application

Land Act 1994

Requirements

1. This application is for a road closure.
2. Please read the respective Applying for a road closure guide, which includes application restrictions.
3. Payment of the prescribed Application fee (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the Department of Resources website at <<https://www.resources.qld.gov.au>> or contact your nearest business centre or call 13 QGOV 13 74 68.
4. Part A online form: Contact and land details or Part A – Contact and land details (PDF) must be completed and submitted with your application.
5. **Part C – Form 30: Statement in relation to an application under the Land Act** must be completed and submitted with your application.
6. You must **attach a drawing** showing the required information which is detailed in the guide under the heading "How to apply".
7. Any additional information to support the application.
8. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

Important information



9. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
10. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
11. An adjoining owner may apply for a permanent or temporary road closure. An adjoining owner is the registered owner, lessee or trustee of the property that shares a common boundary with the road i.e. contiguous, directly connected; or without interruption.

An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.

If a road is a "dead end" and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.

12. A public utility provider as defined under the Land Act 1994 <<https://www.legislation.qld.gov.au/>> may also apply for a permanent road closure.
13. An application for temporary road closure can be considered for another person (not an adjoining owner) for:
 - pipes for irrigation purposes that cross the road beneath its surface.

- water channels for irrigation purposes that cross the road.
14. A road may be closed "in strata" to provide for works such as:
 - connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings.
 - structure which will overhang a road.
 - car park or building under or over a road.
 15. You may be required to pay a purchase price for the permanent closure of a road.
 16. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
 - incorporated into the applicant's adjoining freehold or leasehold land.
 - included in an existing reserve or set apart as a new reserve.
 - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
 17. A road may be permanently closed under the Land Act 1994 if the Minister is satisfied the road is not:
 - the only dedicated access to a person's land;
 - used regularly by the public as a road or stock route; or
 - providing continuity to a road network.
 18. Although the state owns the land in a dedicated road, a local government (section 60 of the Local Government Act 2009) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The Department of Transport and Main Roads <<https://www.tmr.qld.gov.au/>> is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.
 19. If the local government can authorise the proposed use on a local road under a specific local law for administering the use of local roads, an application for road closure is not required by this department. Contact the relevant local government for authorisation of the proposed use.
 20. If the State government department administering state-controlled roads can authorise the proposed use on a state controlled road under the Transport Infrastructure Act 1994, an application for road closure is not required by this department. Contact Department of Transport and Main Roads for authorisation of the proposed use.
 21. Information on this form, and any attachments, is being collected to process and assess your application under section 99 of the Land Act 1994. If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
 22. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email stateland@resources.qld.gov.au if you do not wish for the department to contact you.
 23. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
 24. For further privacy information click Privacy or go to <www.resources.qld.gov.au/home/legal/privacy>.

Office Use Only	Road Closure	 9 311662 185211
	Temporary Road Closure	 9 311662 185228

1. The application is for:

☒ Permanent road closure go to 2

☐ Temporary road closure go to 2

2. If you are not the manager of the road as defined below, have you consulted with the road manager to determine if the road is still required?

☒ Yes go to 3

☐ No go to 3

Before submitting your application to the department, you should discuss your proposal for closure of a local road with the local government responsible for its management, or the Department of Transport and Main Roads for a state-controlled road managed under the Transport Infrastructure Act 1994.

This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.

The road manager is:

- For a road that is under the control of a local government—the local government;
- For a state-controlled road, the chief executive of the Queensland Government agency administering the *Transport Infrastructure Act 1994* (Department of Transport and Main Roads).

If the proposed use can be authorised by the road manager an application for road closure is not required.

Note: A road manager has the powers to authorise various uses on roads, however they cannot permanently close the dedicated road and allocate the land for another use.

A signed 'Part C Form LA30 – Statement in relation to an application under the *Land Act 1994* over State land' from the road manager must accompany this application.

A road may be permanently closed under the *Land Act 1994* if the Minister is satisfied the road is not:

- a) the only dedicated access to a person's land;
- b) used regularly by the public as a road or stock route; or
- c) providing continuity to a road network.

An application must be refused if the road is still needed in accordance with section 101(3) of the *Land Act 1994*.

3. Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application?

☐ Yes go to 4

☒ No **Application cannot be considered unless temporary closure is for reasons listed in Question 4**

Section 99(1) of the *Land Act 1994* states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a permanent closure of the road.

4. Is the temporary closure to make structural improvements for:

☐ Pipes for irrigation purposes that cross the road beneath its surface go to 5

☐ Water channels for irrigation purposes that cross the road go to 5

☒ Not Applicable go to 5

Section 99(3) of the *Land Act 1994* limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for:

- Pipes for irrigation purposes that cross the road beneath its surface; or
- Water channels for irrigation purposes that cross the road.

5. Provide details in Schedule 1 below, of any land you lease from the State or are the registered owner that adjoins or is in the vicinity of the land applied for:

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged (If insufficient space, please add additional description as an attachment)		
Lot	Plan	Title Reference
28	RP 174041	003/01 RURAL

go to 6

The description of the land can be found on a current title search or on your rates notice. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches').

6. Have you made a previous application for closure of this area of road?

<input type="checkbox"/> Yes	go to 7
<input checked="" type="checkbox"/> No	go to 10

7. Was this application refused?

<input type="checkbox"/> Yes	go to 8
<input checked="" type="checkbox"/> No	go to 10

8. Have there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?

<input type="checkbox"/> Yes	go to 9
<input type="checkbox"/> No	go to 10

If no, the application maybe rejected without further consideration.

9. Provide details of the change in circumstances from the previous application.

go to 10

(If there is insufficient space, please lodge as an attachment)

10. Is any use currently being made of the road area?

☐ Yes

go to 11

☒ No

go to 12

11. Provide details of the current use of road e.g. grazing, encroachment of building or structure.

go to 12

(If there is insufficient space, please lodge as an attachment)

UN USED LAND.

12. Provide details of the proposed use of the road area and any additional information to support the application. go to 13

(If there is insufficient space, please lodge as an attachment)

NEED TO OBTAIN LAND OR ROAD AREA
SO PROPERTY CAN BE FENCED.

13. If you have lodged an application to dedicate state land as road, please provide the case reference number or the lot on plan description of the land in which you have applied to open the road.

go to 14

Attachments

The following will need to be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

14. Tick the box to confirm the attachments form part of the application:

☐ Application Fee

☐ Part A online form – Contact and Land details or Part A – Contact and land details PDF

☐ Part C – Form LA30 – Statement in relation to an application under the Land Act 1994

☐ A copy of a Dial before you dig enquiry detail page for the road area applied for

☐ A drawing showing the information listed in the 'How to Apply' in the guide

☐ Evidence of pre-lodgement discussions with the department, if applicable.

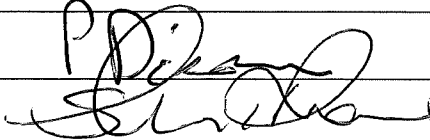
☐ Additional information in support of your application such as correspondence from the road manager or current users of the road, if applicable.

It is recommended that any attached drawings be A4 or A3 size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

Declaration

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal practitioner)



Date: 19/2/2024

If applicant, section 142 of the Land Act 1994 states a person is eligible to apply for, buy or hold land under the Land Act 1994 if the person is an adult, that is, 18 years of age or over. If the legal practitioner of the applicant is signing as the applicant then the legal practitioner's full name must be printed immediately below the signature.

CLEAR FORM



Part C – Form LA30

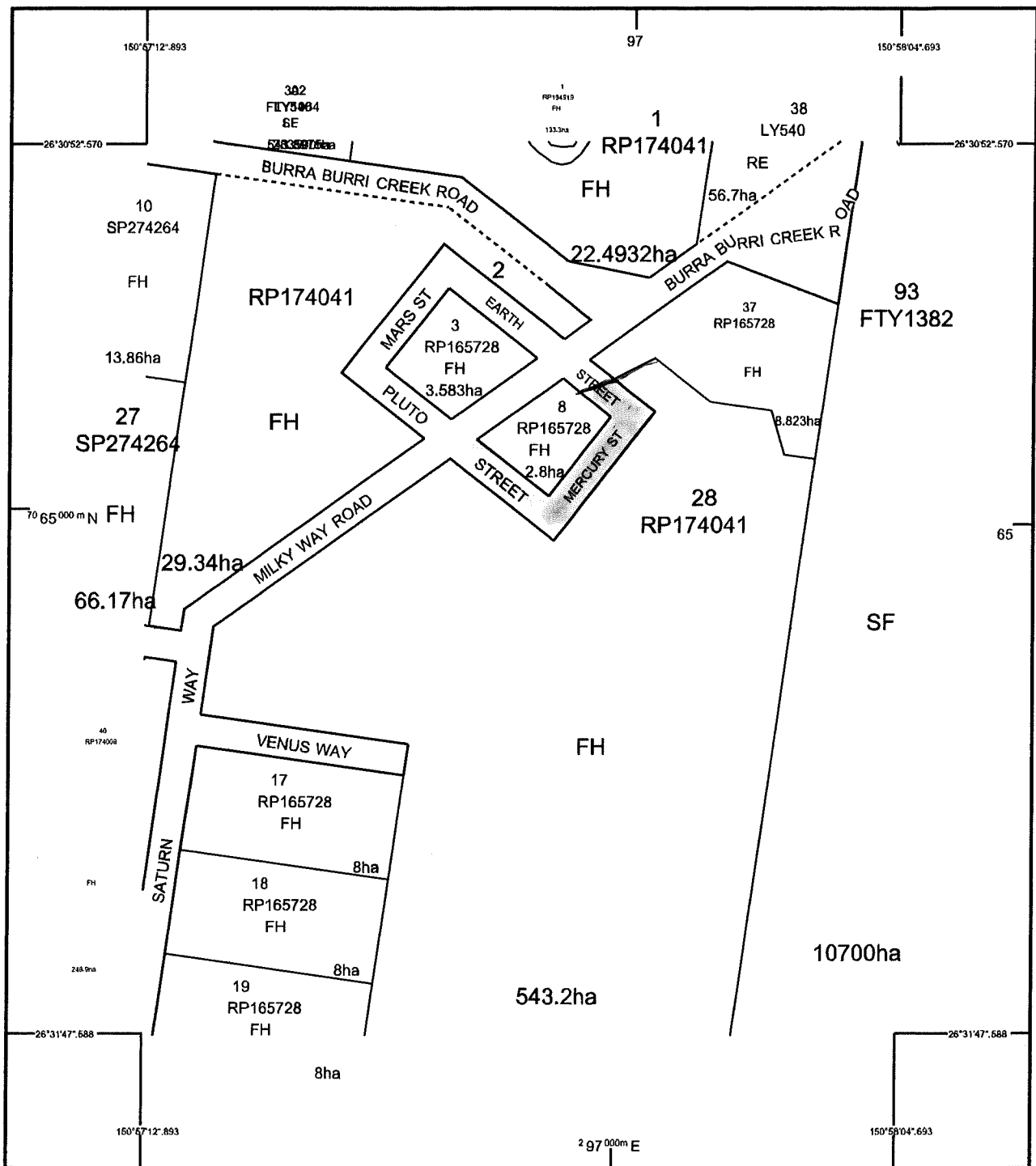
Statement in relation to an application under the *Land Act 1994* over State land

Requirements

1. Part C Form LA30 is to be used to support the following applications under the *Land Act 1994* (Land Act):
 - **Part A online form** – Contact and Land Details or Part A – Contact and land details (PDF)
 - **Part B - Form LA03:** Permit to Occupy application
 - **Part B - Form LA18:** Road Closure application
 - **Part B - Form LA20:** Simultaneous Road Opening and Closure application.
 - **Part B – Form LA10:** Purchase or Lease State Land Application
 - **Part B – Form LA19:** Application for Road Licence
2. Please refer to the Department of Resources website at <<https://www.resources.qld.gov.au/land-water>> (Search for 'State Land Forms') for the relevant Part B form for specific application requirements or contact your nearest business centre or call 13 QGOV 13 74 68.

Important information

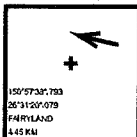
3. Notice of your application must be first provided to the road manager (if application is over a road) or trustee of the reserve (if application is over a reserve) to determine the impacts of your application.
4. **The road manager is –**
 - for a road that is under the control of a local government—the local government; or
 - for a state-controlled road – the chief executive of the Queensland Government agency administering the Transport Infrastructure Act 1994 visit the Department of Transport and Main Roads website at <<https://www.tmr.qld.gov.au>>.
5. Section 68 of the Local Government Act 2009 <<https://www.legislation.qld.gov.au/>> and section 74 of the City of Brisbane Act 2010 requires notice of any proposed closure or opening be provided to the local government. The local government must fully state its reasons for its decision, which this department will consider.
6. The local government may have a specific local law for administering the use of local roads and reserves.
7. Contact the relevant local government for authorisation of the proposed use on a local road. If the local government can authorise the proposed use over a local road under a specific local law for administering the use of local roads, an application for a permit to occupy or road closure is not required by this department.
8. Contact Department of Transport and Main Roads for authorisation of the proposed use on a state-controlled road. If the State government department administering state-controlled roads can authorise the proposed use on a state controlled road under TIA, an application for permit to occupy or road closure is **NOT** required.
9. The local government and Department of Transport and Main Roads have the powers to authorise various uses on roads, however they cannot permanently close the dedicated road and allocate the land for another use.
10. For secondary uses over a reserve, a trustee lease or trustee permit is the preferred tenure. Contact the trustee of the reserve to discuss these options. An application for tenure over a reserve (lease or permit to occupy) must include the support of the reserve trustee and the trustee **MUST** provide additional comments below stating why a trustee lease or trustee permit is not supported.



STANDARD MAP NUMBER
9044-11142



MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	No Lot/Plan Selected.
Lot/Plan	No Lot/Plan Selected.
Area/Volume	No Lot/Plan Selected.
Tenure	No Lot/Plan Selected.
Local Government	No Lot/Plan Selected.
Locality	No Lot/Plan Selected.
Segment/Parcel	No Lot/Plan Selected.

CLIENT SERVICE STANDARDS

PRINTED 24/01/2024

DCDB 23/01/2024 (Lots with an area less than 1500m² are not shown)

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

Despite Department of Resources best efforts, RESOURCES makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages or 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.

SmartMap

An External Product of
SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base



**Queensland
Government**
(c) The State of Queensland,
Department of Resources 2024.

8. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?

☐ Yes **go to 9**

☐ No

Please provide name of officer you spoke with and this department's associated reference.

Department Contact Officer		Pre-lodgement ID (eLVAS CI Ref)	
----------------------------	--	---------------------------------	--

9. Provide details of pre-lodgement meeting.
(If there is insufficient space, please lodge as an attachment)

Note: Departmental Officers contact details and any reference number should be included if known.

10. Provide details of any timeframes the department should be aware of when assessing your application (for example, a settlement date)
(If there is insufficient space, please lodge as an attachment)

11. This Part C - Form LA30 is not just to approve the making of an application but is the **sole opportunity** for the road manager or reserve trustee to either support or not support the application.
12. This form must be supported by a drawing (minimum size A4) which includes the following information:
- specific location
 - area of land under application
 - Lot on Plan information
 - Scale
 - Dimensions
 - a north point.
13. This form must be lodged with the application, including **Part A online form**: Contact and Land Details and the relevant Part B form, within three (3) months of the authorisation by the road manager or trustee of the reserve.
14. Information on this form, and any attachments, is being collected to process and assess your application under the Land Act 1994 <<https://www.legislation.qld.gov.au/>>. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

I/We

, as

Please tick relevant fields –

☐ Road Manager; or

☐ Trustee of a reserve issued under the *Land Act 1994*.

have considered information from the applicant including:

☐ Completed copy of the application form, including Part A and Part B – Application under the *Land Act 1994*

☐ Copy of drawing referred to as

(copy attached, endorsed by the road manager or trustee)

and advise the Department of Resources that use of the land as proposed:

☐ Will be authorised by the road manager or trustee of the reserve land and advise that no further contact with Department of Resources is needed at this time. A formal application to the road manager or reserve trustee will be required.

☐ Is unable to be authorised by the road manager or trustee of the reserve, and requests Department of Resources to consider an application under the *Land Act 1994* (noting additional comments below including advising why the proposed use can't be authorised by the road manager or reserve trustee).

☐ Is unable to be authorised by the road manager or trustee of the reserve and the application is not supported for the reasons detailed in the additional comments

Additional Comments

Provide information or requirements that the road manager/trustee of the reserve land believes should be considered when assessing this application.

(If there is insufficient space, please lodge as an attachment)

Note – a different form of tenure may be considered a more appropriate tenure once the application has been assessed.

Authorisation

I certify that I have the authorisation to make this statement and the information I have provided is true and accurate.

I have signed a copy of the attached drawing provided by the applicant in relation to this application.

**Full name and position of person making this
declaration on behalf of the road manager or trustee**

Signature

Date: / /

This information will not otherwise be disclosed outside of the department unless required or authorised by law as under the [Right to Information Act 2009](#).

CLEAR FORM

Part C – Form LA30

Statement in relation to an application under the *Land Act 1994* over State land

Requirements

1. Part C Form LA30 is to be used to support the following applications under the *Land Act 1994* (Land Act):
 - [Part A online form – Contact and Land Details or Part A – Contact and land details \(PDF\)](#)
 - **Part B - Form LA03:** [Permit to Occupy application](#)
 - **Part B - Form LA18:** [Road Closure application](#)
 - **Part B - Form LA20:** [Simultaneous Road Opening and Closure application](#).
 - **Part B – Form LA10:** [Purchase or Lease State Land Application](#)
 - **Part B – Form LA19:** [Application for Road Licence](#)
2. Please refer to the [Department of Resources website](https://www.resources.qld.gov.au/land-water) at <<https://www.resources.qld.gov.au/land-water>> (Search for 'State Land Forms') for the relevant Part B form for specific application requirements or contact your nearest [business centre](#) or call 13 QGOV 13 74 68.

Important information

3. Notice of your application must be first provided to the road manager (if application is over a road) or trustee of the reserve (if application is over a reserve) to determine the impacts of your application.
4. **The road manager is –**
 - for a road that is under the control of a local government—the local government; or
 - for a state-controlled road – the chief executive of the Queensland Government agency administering the [Transport Infrastructure Act 1994](#) visit the [Department of Transport and Main Roads](#) website at <<https://www.tmr.qld.gov.au>>.
5. Section 68 of the [Local Government Act 2009](#) <<https://www.legislation.qld.gov.au/>> and section 74 of the [City of Brisbane Act 2010](#) requires notice of any proposed closure or opening be provided to the local government. The local government must fully state its reasons for its decision, which this department will consider.
6. The local government may have a specific local law for administering the use of local roads and reserves.
7. Contact the relevant local government for authorisation of the proposed use on a local road. If the local government can authorise the proposed use over a local road under a specific local law for administering the use of local roads, an application for a permit to occupy or road closure is not required by this department.
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 - specific location
 - area of land under application
 - Lot on Plan information
 - Scale
 - Dimensions
 - a north point.
13. This form must be lodged with the application, including **Part A online form: [Contact and Land Details](#)** and the relevant Part B form, within three (3) months of the authorisation by the road manager or trustee of the reserve.
14. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](https://www.legislation.qld.gov.au/) <https://www.legislation.qld.gov.au/>. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

I/We Western Downs Regional Council ABN 91 232 587 651, as

Please tick relevant fields –

☒ Road Manager; or

☐ Trustee of a reserve issued under the *Land Act 1994*.

have considered information from the applicant including:

☒ Completed copy of the application form, including Part A and Part B – Application under the *Land Act 1994*

☒ Copy of drawing referred to as

SmartMap showing proposed permanent road closure of part of Mercury St adjoining 28RP174041.

(copy attached, endorsed by the road manager or trustee)

and advise the Department of Resources that use of the land as proposed:

☒ Will be authorised by the road manager or trustee of the reserve land and advise that no further contact with Department of Resources is needed at this time. A formal application to the road manager or reserve trustee will be required.

☐ Is unable to be authorised by the road manager or trustee of the reserve, and requests Department of Resources to consider an application under the [Land Act 1994](#) (noting additional comments below including advising why the proposed use can't be authorised by the road manager or reserve trustee).

☐ Is unable to be authorised by the road manager or trustee of the reserve and the application is not supported for the reasons detailed in the additional comments

Additional Comments

Provide information or requirements that the road manager/trustee of the reserve land believes should be considered when assessing this application.

(If there is insufficient space, please lodge as an attachment)

Note – a different form of tenure may be considered a more appropriate tenure once the application has been assessed.

Authorisation

I certify that I have the authorisation to make this statement and the information I have provided is true and accurate.

I have signed a copy of the attached drawing provided by the applicant in relation to this application.

**Full name and position of person making this
declaration on behalf of the road manager or trustee**

Signature

Date: / /

This information will not otherwise be disclosed outside of the department unless required or authorised by law as under the [Right to Information Act 2009](#).

CLEAR FORM

Title	Executive Services Report - Road Closure Application D705 Louisa Street - Dalby Christian College
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Date	10 September 2024
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Responsible Manager	David Fahl, General Counsel
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Summary

The purpose of this report is to determine an application for the permanent road closure of a portion of Louisa Street Dalby, the road corridor along the eastern boundary of Lot 2 SP281018 and the western boundary of Lot 1 on SP250095 (S705-Louisa Street). The permanent road closure application was lodged by Christian Community Ministries Property Ltd (**CCMP**), as Trustee for The Christian Community Ministries Property Trust.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- Road closure applications are considered by Council to ensure it maintains its commitments to the sustainable planning for the future of our region and orderly management of infrastructure.

Strategic Priority: Great Liveability

- Valued recreational spaces, sporting and community facilities are provided regionally.
- A safe and well-maintained road network connects our region.

Material Personal Interest/Conflict of Interest

There are no personal interests or conflicts of interest associated with the consideration of this matter.

Officer's Recommendation

That this report be received and resolves as follows:

1. Council objects to the road closure application lodged by Christian Community Ministries Property Ltd (CCMP) on 22 April 2024 for the following reasons:
 - a. Louisa Street currently provides a significant drainage corridor for the area to the north of the site. The existing tenure is suitable so that Council may maintain that drainage corridor;
 - b. The maintenance of the existing drainage corridor cannot be achieved by the granting of an easement;
 - c. Further improvements to the drainage infrastructure will be necessary to service future development to the north; and
 - d. There is a major overland stormwater flow path along this road reserve. Accordingly, the road should not be closed, the result of which would be that it would potentially become private land.
2. Council delegates authority to the Chief Executive Office to execute all the required forms and provide notification to the applicant and the Department of Resources advising that it objects to the permanent road closure of the subject road D705-Louisa Street, Dalby.

Background Information

D705-Louisa Street is an unformed road currently being used as a drain (see **Attachment 1 - Aerial**). The CCMP previously approached Council regarding closure of the road approximately 10 years ago. This application was denied to maintain the integrity of the drainage system.

The CCMP plan to erect a fence to deter motorcycle riders from using the drain as a thoroughfare onto the school property. The CCMP is agreeable and willing to provide an easement for future maintenance of the drainage system, and work with Council to ensure erecting a fence would not negatively impact the drainage systems functionality.

Report

Consultation (Internal/External)

Internal consultation has been sought from the following:

- S. Fitzgerald, Senior Works Manager
- B. Barnett, Senior Works Manager
- B. Moodley, Principal Planner
- T. Summerville, Planning and Environment Manager
- G. Cook, Infrastructure Services Manager

There were objections to the permanent road closure of D705-Louisa Street by Planning and Works Departments as follows:

1. Louisa Street currently provides a significant drainage corridor for the area to the north of the site. The existing tenure is suitable so that Council may maintain that drainage corridor.
2. The maintenance of the existing drainage corridor cannot be achieved by the granting of an easement.
3. Further improvements to the drainage infrastructure will be necessary to service future development to the north.
4. There is a major overland stormwater flow path along this road reserve.

Legal/Policy Implications (Justification if applicable)

Any decision of the Department of Resources, to refuse the application for the permanent road closure because of Council's objection, is reviewable pursuant to the *Judicial Review Act 1991* (Qld).

If Council offers an objection to the road closure, the applicant is still able to submit their application to the State. Final approval of the closure will be decided by the Minister via their department, and any objections made by the Council will be considered when they make their final decision regarding the permanent closure.

The Minister will decide whether an application is to proceed for final consideration. The Minister may decide not to allow the application to proceed if the road is used and provides continuity to the road network or is a person's only access.

It should also be noted that if the Minister takes the view that the application should proceed, the Minister can cause further enquiries to be made, including the giving of public notice and receiving any public submissions.

Budget/Financial Implications

Responding to an application for judicial review, and associated legal proceedings, would be a costly exercise. However, Council is not the ultimate decision maker and any such application would be made in relation to a decision of the Minister, not the Council.

There are no further budget or financial implications identified at this time.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

All activities will be undertaken in accordance with Council's human rights obligations.

Conclusion

In view of Council's internal advice, it is recommended that the Council object to the application based on the following reasons:

1. Louisa Street currently provides a significant drainage corridor for the area to the north of the site. The existing tenure is suitable so that Council may maintain that drainage corridor.
2. The maintenance of the existing drainage corridor cannot be achieved by the granting of an easement.
3. Further improvements to the drainage infrastructure will be necessary to service future development to the north.
4. There is a major overland stormwater flow path along this road reserve. Accordingly, the road should not be closed, the result of which would be that it would potentially become private land.

Attachments

Attachment 1 - Aerial of D705 Louisa Street

Authored by: James Hart, Legal Advisor
Hannah Duffy, Paralegal

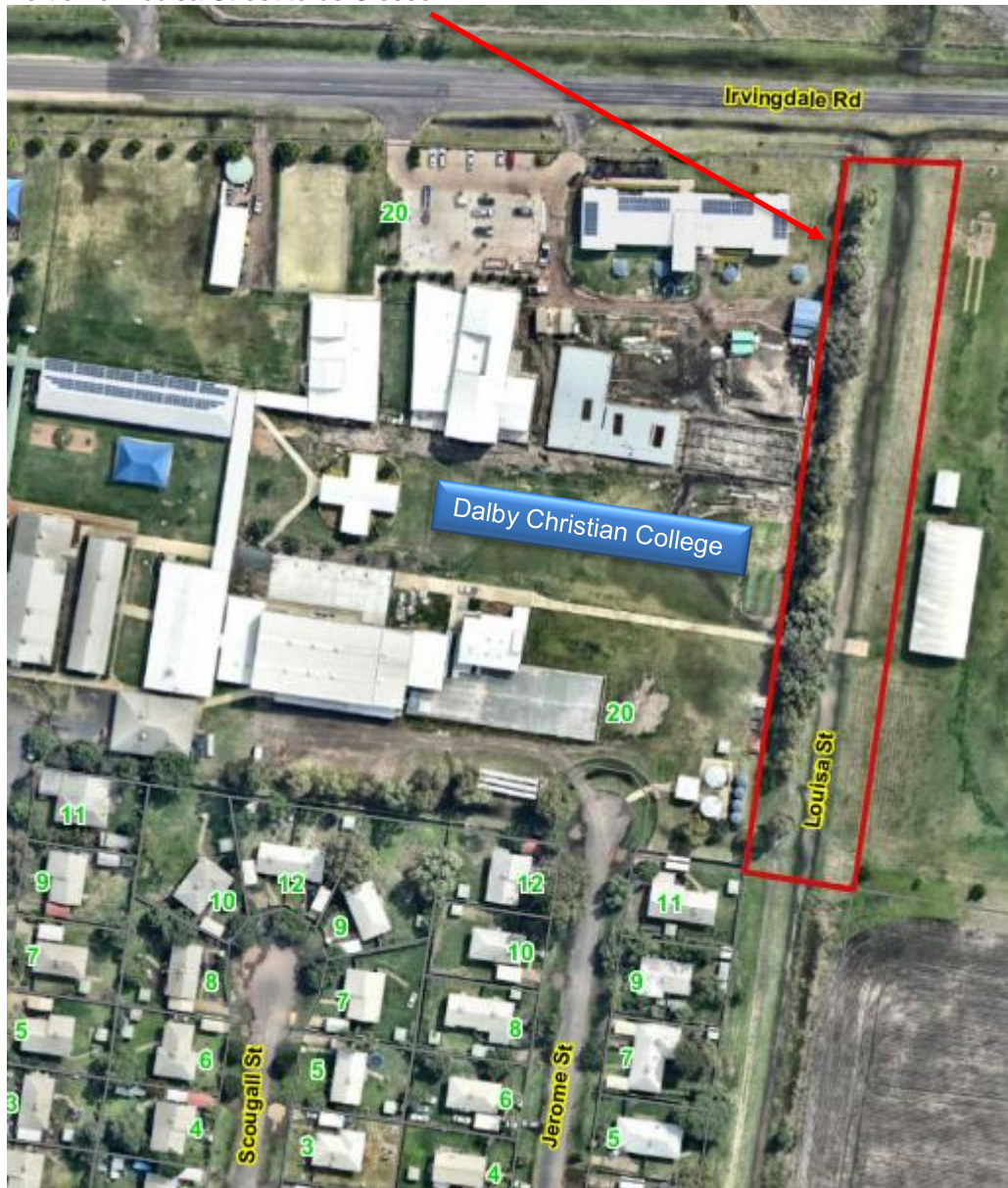
Aerial Views Identifying - Louisa Street, Dalby



Louisa Street, Dalby



Portion of Louisa Street to be Closed





A portion of Louisa Street, the road corridor along the eastern boundary of Lot 2 SP281018 and the western boundary of Lot 1 on SP250095, D705-Louisa Street is an unformed road currently being used as a drain.



Title **ES Report: Bunya Mountains Community Association Inc Request to lease an Area of Russell Park**

Date 11 September 2024

Responsible Manager David Fahl, General Counsel

Summary

The purpose of this report is to seek Council's direction on a proposal of the Bunya Mountains Community Association Inc to lease part of Russell Park for the purpose of a community centre.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- *We are recognised as a financially intelligent and responsible Council.*
- *We focus on proactive, sustainable planning for the future.*
- *Our effective asset management ensures that we responsibly maintain our community assets.*

The consideration of proposals for the development of facilities on Council managed land is undertaken with an emphasis financial and community sustainability.

Material Personal Interest/Conflict of Interest

There are no material personal interests nor conflicts of interest associated with the consideration of this matter.

Officer's Recommendation

That Council resolves to advise the Bunya Mountains Community Association Inc that it does not agree to grant a lease for community centre purposes over a section of Russell Park, Bunya Mountains, as proposed by the Association.

Background Information

Russell Park, Bunya Mountains, is a 455 hectare area of land situated approximately two (2) kilometres from the business centre of Bunya Mountains. It is held on trust by Council, having been donated to Council to be held '*on behalf of the people of Dalby and District.*'¹

The Bunya Mountains Community Association Inc wishes to establish a community centre in an area of Russell Park. The area is described as cleared and is located 200 metres east of Fisher's Lookout. The site is considered preferable by the Bunya Mountains Community Association Inc because of line of sight for traffic and that there is a 'natural depression' which is described as a good location for the building.² The Bunya Mountains Community Association Inc has previously approached Council to enquire as to the availability of Council land to undertake this project but has been informed that no suitable land was available.

On 12 May 2024, the Bunya Mountains Community Association Inc wrote to Council, expressing that it felt aggrieved by Council's response to a Feasibility Study submitted by it, which sought to present a business case for the project in Russell Park. The letter requested that Council reconsider its position and that '*WDRC provide a formal reply to the Feasibility Study and the availability of land for a community facility in Russell Park.*' See attached.

General Counsel replied to the Bunya Mountains Community Association Inc, advising that the issue would be reviewed and will be submitted to Council for its consideration.

¹ Quoted from the deed of trust.

² Study, p37.

The Terms of the Trust

Russell Park was granted to the former Wambo Shire in 1928 by way of an instrument of grant. The purpose of the trust is set out in full as follows:

It is agreed that the above described land shall be held by the abovenamed Trustees upon the Trusts following, that is to say:-

1. *TO HOLD the said lands for and on behalf of the people of Dalby and District in perpetuity as a Park Tourist Resort and Recreation Reserve without power of sale or alienation;*
2. *TO LEASE the said land or any part thereof for building purposes and apply any rents and profits arising therefrom towards the management maintenance preservation advancement beautification development and improvements of the said lands;*
3. *TO DO all such things as may appear to be in the discretion of the Trustees conducive to the development of the said lands;*
4. *NO TOLL levy or charge whatsoever for admission to the said lands (except those lands that may be leased aforesaid) or for the use of any road or roads leading through the said lands shall ever be made on the public;*
5. *BYLAWS may be made by the said Local Authority or Authorities for the regulation and management of the said lands and improvements erected thereon provided such bylaws do not in any way infringe or curtail the trusts hereinbefore set forth.*

It is unclear whether the proposal by the Bunya Mountains Community Association Inc conforms to the terms of the trust. The use for a community centre does not fit within the usually understood definition of a Park Tourist Resort or Recreation Reserve. But the trust does appear to contemplate leasing the land for building purposes. It may be argued that a community centre is recreational in nature. The terms need to be interpreted broadly and in a way that is consistent with the overall purpose of the trust. It is not a matter for strict definition. The terms of the trust also ought to be interpreted against the fact that it is perpetual in nature and hence community needs from time to time ought to be considered.

It should be recorded that previous General Counsel, Mr Thompson, held the opinion that the proposed use did not meet the terms of the trust. The Bunya Mountains Community Association Inc argues to the contrary in its Feasibility Study.

The Feasibility Study

The Bunya Mountains Community Association Inc has submitted a Feasibility Study (**Study**), a forty-nine (49) page document prepared by Estate Analytica. The conclusions of the Study are:

1. *The Bunya Mountains Community Association has recognised the social, community, cultural, disaster resilience, and economic need for a community centre.*
2. *No current public hall, community, or evacuation facility exists in the Bunya Mountains.*
3. *A Community Centre can create a 5.25x multiplier in value to the community for each dollar invested.*
4. *Over 100,000 people visit the Bunya Mountains each year and there can be up to 1,000 people visiting at any one time.*
2. *There are 12 Stakeholder groups and 17 user groups that have been identified.*
3. *There is a documented significant level of community and government support for a community centre in the Bunya Mountains.*
4. *Case studies have identified community facilities in other regions that act as good models for design and operation of a community facility.*
5. *The Bunya Mountains Community Association has undertaken a comprehensive and exhaustive survey of vacant land and identified an ideal site for a community centre in Russell Park.*

6. *It is recommended that the Western Downs Regional Council leases land to the Bunya Mountains Community Association for a community centre for which the WDRC would create significant benefits for the community.*
7. *As Trustees of Russell Park the leasing of land for a community centre is consistent with the Deed of Trust Schedule.*
8. *A 600 square metre community centre would cost in the vicinity of \$3 million to \$4 million to construct.*
9. *The investment of \$3.5m in civic building infrastructure would return \$18.375 million in ongoing community and social value. The funds for the building would derive from funding grants of federal, state, council, and private sponsorship once a building site has been secured.*

The Study sets out a broad path for the project, including the following steps:

- (1) needs assessment;
- (2) independent feasibility study;
- (3) council decision (whether to provide land);
- (4) design;
- (5) fundraising; and
- (6) construction and operation.

The Study discusses and describes:

- (1) the Bunya Mountains Community Association Inc, its governance and its motivation;
- (2) the various community activities of Bunya Mountains Community Association Inc and its achievements;
- (3) the role of community centres;
- (4) a history of the development of the proposal;
- (5) a case study said to demonstrate a lack of sufficient facilities in the Bunya Mountains for various events and conferences;
- (6) a naming convention for the project;
- (7) a market analysis, based upon socio-demographic characteristics, visitor and resident numbers and the availability of other facilities;
- (8) justification, in terms of local community need, stakeholders and user groups, strategic alignment with local and state government. This was supplemented with letters of support from community organisations, businesses, and representatives;
- (9) a draft management plan;
- (10) case studies of community developments in other regions; and
- (11) options for local land uses and why Russell Park is considered the preferred location.

The study proceeds to discuss a concept plan, having regard to various criteria. It contains concept drawings but acknowledges the need for the involvement of architects to develop and building that will be '*a truly remarkable building that seamlessly integrates the surrounding landscape, fosters human connections, and pays homage to indigenous culture.*'³

Notably, the study states⁴ that the potential funding sources for the project will be:

1. *Government grants: The Australian government and state governments offer grants and funding opportunities for community projects, including community halls. These grants can vary depending on the project's size and purpose, but they are worth exploring. The RDA Building Better Regions Funds is having a new round of grants in 2023.*

³ Study, p35.

⁴ Study, p42.

2. *Local council funding: The regional councils have community grant programs that support projects such as community centres. The local councils will be contacted to see what grants or funding opportunities are available once land is secured.*
3. *Crowdfunding: Crowdfunding is an option that allows an organisation to raise funds for your community hall from a large group of people. You can create a campaign on a crowdfunding website and encourage people to donate to your cause.*
4. *Corporate sponsorships: Some businesses may be interested in sponsoring the community hall. A presentation will be developed to approach larger corporations in the region along with local businesses to see if they are interested in donating or sponsoring the project.*
5. *Community fundraising events: Fundraising events within the community to raise funds for the community centre will continue. These events can include auctions, raffles, and bake sales. The BMCAI Dinner Under the Stars is the most successful of the event run so far.*

The study estimates the construction costs of the building only to be in the range of \$3,000,000 to \$4,000,000. This is not supported by any detailed analysis, due to the fact that the project is in concept only.

Council Information Session

In July 2024, an information session was held with councillors to provide an overview of this proposal. During that session, a number of tourism related uses were discussed generally, for future consideration. It was expressed that such proposals may attract grant funding where they involve a community or environmental benefit. Also discussed was a broad concept for a resort style development. These matters were raised to provide Council with some understanding of the range of uses that may be available for this site.

Relevant to the above, Council is not compelled to approve any proposal. The criteria for its decision is dictated by the broad conditions of the grant, including what the Council considers would be in the public interest.

One matter which was the subject of discussion related to the fact that only small number of the Bunya Mountains community actually reside within the Western Downs Regional Council area. This raises the question of whether any community facility of this nature might co-locate in another facility or would be more appropriately located within the South Burnett region, where the majority of the population resides.

Report

The primary question for Council is whether it is prepared to grant tenure in Russell Park for the present proposal. Whilst the Bunya Mountains Community Association Inc has presented a feasibility study, whether it can raise the funds to pursue the project is unknown. The study identifies sources for funding, which includes Council. Whether those sources can provide sufficient resources is not known. It is also not known whether the cost estimates for construction are realistic.

Importantly, none the work considers the consequences of the project to Council (and thus the broader community), were to it proceed. As the custodian of the land, any building on the land would ultimately default to Council as the asset owner (and manager). That immediately impacts upon Council's operational budget. The feasibility study does not contain any discussion regarding whole of life costs or operating costs. Those facets are critical and often more difficult to sustain than sourcing the initial grant funding to construct.

It is anticipated that any such proposal will have to be the subject of planning approval, which would require assessment of potential impacts. For example, while the area of interest in the park is described as cleared, it is in fact vegetated grassland. Ecological, cultural, and visual impacts, among other things, would have to be fully assessed. It is currently unknown whether any environmental approval at a federal level is required.

There has been no specific planning undertaken over the land, such that a combination of potential uses might be considered in a broader way. While the area of the land is significant, much if it is dedicated to 'passive' styles of recreation and enjoyment of nature. Construction will have the inevitable effect of disturbing vegetation on site.

At this juncture, the uncertainty regarding the consistency of the proposal with the stated purpose of the trust, the uncertainty pertaining to the cost of the development, subsequent operational costs, and whole of life costs, and the risk to Council associated with the default acquisition of such an asset (by virtue of being the custodian) strongly lead to not agreeing to any lease.

Consultation (Internal/External)

Consultation has been conducted with Todd Summerville (Manager, Planning and Environment) and Cecil Barnard (Manager Communities). The following opinions were expressed:

- (1) the proposed location is not suitable, given it is two kilometres from the Bunya Mountains Village. This would make it impractical for some function uses, given the distance from accommodation venues;
- (2) the location can also make the building susceptible to vandalism and theft;
- (3) the proposed site is too physically detached from the community;
- (4) a range of planning issues would require close consideration and need to be addressed, including issues such as car parking, vegetation and visual impact;
- (5) the estimated construction costs appear to be low and require further analysis. Understandably, at this stage they lack detail to be properly assessed;
- (6) the Bunya Mountains locality and community is predominantly located in the South Burnett Council area; and
- (7) co-location opportunities for such a centre do not appear to have been fully considered.

Legal/Policy Implications (Justification if applicable)

Council is not positively obligated to agree to proposals for use of the land. As trustee, Council retains a broad discretion how to manage the land, with its obligation being to ensure any uses approved will conform to the intention behind the trust and its terms.

Were Council to agree to a conditional tenure grant, it would be effectively reserving the area for the purposes of the project. Any agreement would have to be subject to achievement of project milestones, including all approvals and confirming funding and capacity to carry out the project. Evidently the area in question would have to be clearly defined. Furthermore, if a lease were to be granted, it could not exceed ten (10) years, including options. A fresh lease could be entered into at the end of such a period. A lease cannot be granted unless any and all preconditions are fulfilled.

Budget/Financial Implications

Whilst not explicitly stated in the documentation provided by the Bunya Mountains Community Association Inc, the development of any facility on Council land would ultimately default to Council as its asset, which would need to be recognised for the purposes of depreciation and general maintenance. In such circumstances, these would subsequently be funded by Council (and thus the community at large). Any attempt to quantify the impacts would be speculative, given the absence of specifics regarding the building.

The study which has been undertaken also suggests that the Bunya Mountains Community Association Inc will be seeking financial assistance from various sources, including Council. The report has notionally estimated \$3,000,000 to \$4,000,000 for building construction only (excluding site works, professional fees, approvals, etcetera). Consequently, any development would need to be considered against the many competing capital priorities currently confronting Council.

It must also be noted that the terms of the trust require that any rents or profits from the lease would be required to be dedicated to the management/maintenance of Russell Park.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) requires public entities '*to act and make decisions in a way compatible with human rights*'. There are no human rights implications associated with this report.

Conclusion

The uncertainty regarding the consistency of the proposal with the stated purpose of the trust, the uncertainty pertaining to the cost of the development, subsequent operational costs, and whole of life costs, and the risk to Council associated with the default acquisition of such an asset (by virtue of being the custodian) strongly lead to not agreeing to any lease to the Bunya Mountains Community Association Inc for the development of a community centre at Russell Park.

Attachments

Correspondence dated 12 May 2024
Feasibility Study submitted by BMCAI.

Authored by: David Fahl, General Counsel.

Bunya Mountains Community Association Inc (BMCAI)
c/- Carol Weekes, Secretary
Bunya Cottage
8 Bunya Avenue
Bunya Mountains
Queensland, Australia 4405
Email: bunyamcainc@gmail.com
12 May 2024



Jodie Taylor, CEO
Cr Andrew Smith, Mayor
Cr Kay McGuire, Tourism and Recreational Spaces (Tourism Attractions, Major Events, Parks, Open Spaces, Gardens, and Cemeteries)

Dear Western Downs Regional Council

BMCAI is requesting, as a matter of urgency, a formal reply to the Feasibility Study and the availability of land for a community facility in Russell Park.

7th August 2023: BMCAI Management Committee met with Todd Sommerville and Cecil Barnard, WDRC, to discuss the Feasibility Study and how to proceed. The Committee was advised to update the financial estimates, the number of carparks, provide more information about the sites explored and why they are not available and/or suitable and then re-submit the Feasibility Study to Council.

As requested by Council, the Bunya Mountains Community Association Inc (BMCAI) re-submitted the Feasibility Study to WDRC in September 2023.

10th January 2024: No response to the Feasibility Study had been received, so BMCAI again wrote to WDRC seeking a response and a follow up meeting.

15th January 2024: Scott Thompson responded:

"Hi Carol Your email to the CEO and others dated 10 January 2024 has been tasked to me to respond. Council does own land in the Bunya Mountains area, however, no specific site has been identified for a potential community centre. Council does not have any suitable land available in close proximity to the Bunya Mountains' community for this purpose. Thanks Regards Scott Thompson General Counsel"

18th January 2024: Noel Noack President BMCAI, rang Scott Thompson indicating the inadequacy and inappropriateness of the response given the work we had conducted to meet their requirements and again questioned why Russell Park is not an option, given that the land was (as stated in the Deed of Grant in Trust) *"donated by the people of Dalby for the use of the people of Dalby and surrounds"*. BMCAI understood that we would receive follow-up communication of some sort following that conversation. That did not happen.

Therefore, the Bunya Mountains' community feels aggrieved that the needs of the community and the work, time and effort that the Association did in responding to a recommendation by WDRC for a Feasibility Study, has been summarily dismissed without consideration and without a definitive response being provided.

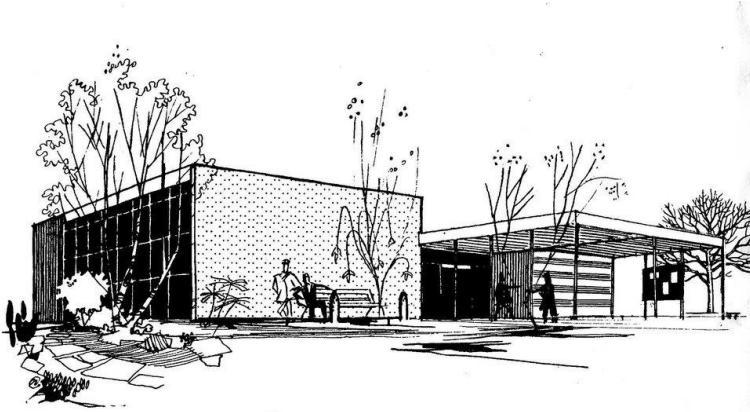
BMCAI reiterates it's request, as a matter of urgency, that WDRC provide a formal reply to the Feasibility Study and the availability of land for a community facility in Russell Park.

Regards

A handwritten signature in black ink, appearing to read 'C Weekes', is positioned above the typed name.

Carol Weekes, Secretary
Bunya Mountains Community Association Inc
M 0429069 613
Email: bunyamcainc@gmail.com
Website: <https://bunyamcainc.wixsite.com/mysite>
ACNC Register: 42129348735

Bunya Mountains Community Centre Feasibility Study 2023



September 2023

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On Behalf of:

**Bunya Mountains Community
Association**

Prepared by: Estate Analytica

Date: September 2023

Version: 1.2

Disclaimer: This report is a confidential document prepared by Estate Analytica for the Bunya Mountains Community Association. Estate Analytica has undertaken this report within the scope and subject to terms associated with the Bunya Mountains Community Association. Estate Analytica has used the information through consultation with stakeholders and industry experience to prepare this report. Estate Analytica accepts no liability for any loss suffered in connection with the use of information from this report.

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Preamble

The Bunya Mountains are more than the people who reside here. Of course, there are thousands of visitors each year. But of significance is the local people who harbor a dedication to, and passion for, the Bunyas who are motivated by this unique rainforest environment.

A fine example of such passion was Peter Garrow (former Mayor of Dalby) who was instrumental in founding the Dalby Bunya Mountains Club. It was said: "Apart from his work, the only two things he was interested in were the church and the Bunya Mountains. It seemed he just lived for the mountains, and travelled there whenever he had a chance". (Bonyi Bonyi page 105).

Other Bunya Mountains Clubs were formed at Kumbia and Kingaroy. Their prime purpose was the construction of a road to access the Bunyas. Through hard work, fund raising and advocacy for such a road, they achieved success.

It is clear that the dedication and passion of the local people from the Darling Downs and South Burnett was vital in preserving, gaining access to, and developing the Bunyas as a unique natural wonder. It is still the same today. While we have a small group of permanent residents, the surrounding local folk are vital in continuing to support and preserve the Bunyas. A Community Centre will be designed to support, encourage, and grow the Bunyas experience.

(Source: Reverend Noel Noack- President Bunya Mountains Community Association)

1 Executive Summary

The purpose of this independent feasibility study is to research, understand and define what local area need exists for a community centre or hub in the Bunya Mountains district on behalf of the Bunya Mountains Community Association.

A community centre is an essential facility for any town or village, as it provides a space for residents to gather, socialize, and participate in events and activities. By leasing land for a community centre, a regional council can enhance the quality of life for its citizens and create a hub for community engagement, cultural development, disaster resilience, and social interaction.

There is minimal publicly owned vacant land on the Bunya Mountains that is suitable as a location for a community centre. Land held in trust by the Western Downs Regional Council in Russell Park has been identified as suitable location for a community centre.

A summary of findings

1. The Bunya Mountains Community Association has recognised the social, community, cultural, disaster resilience, and economic need for a community centre.
2. No current public hall, community, or evacuation facility exists in the Bunya Mountains.
3. A Community Centre can create a 5.25x multiplier in value to the community for each dollar invested.
4. Over 100,000 people visit the Bunya Mountains each year and there can be up to 1000 people visiting at any one time.
5. There are 12 Stakeholder groups and 17 user groups that have been identified.
6. There is a documented significant level of community and government support for a community centre in the Bunya Mountains.
7. Case studies have identified community facilities in other regions that act as good models for design and operation of a community facility.
8. The Bunya Mountains Community Association has undertaken a comprehensive and exhaustive survey of vacant land and identified an ideal site for a community centre in Russell Park.
9. It is recommended that the Western Downs Regional Council leases land to the Bunya Mountains Community Association for a community centre for which the WDRC would create significant benefits for the community.
10. As Trustees of Russell Park the leasing of land for a community centre is consistent with the Deed of Trust Schedule.
11. A 600 square metre community centre would cost in the vicinity of \$3 million to \$4 million to construct.
12. The investment of \$3.5m in civic building infrastructure would return \$18.375 million in ongoing community and social value. The funds for the building would derive from funding grants of federal, state, council, and private sponsorship once a building site has been secured.

There are several reasons why a regional council should consider leasing land for a community centre. First, it provides a centralised location for community and indigenous cultural events, disaster resilience and social and business activities. A community centre can be used for a wide range of purposes, from hosting meetings and classes to holding cultural events and celebrations along with an emergency services venue. This versatility makes it a valuable asset to the community. In addition, a community centre can generate economic benefits for the region. By attracting events and activities, it can boost local businesses and stimulate the local economy. It can also provide opportunities for community members to showcase their talents and products, creating social enterprise and further contributing to economic growth.

Overall, a council leasing land for a community centre can provide numerous benefits for the region and its residents. It can enhance community engagement and interaction, provide economic benefits, and offer a cost-effective option for the regional council. Therefore, it is a worthwhile investment for any council to consider. The costs and maintenance of operating of the community centre would come from the profits of the lessee, the Bunya Mountains Community Association which would generate revenue from renting out the facility to identified user groups.

Next Steps

The Bunya Mountains Community Association formally requests the Western Downs Regional Council to internally consult and decide as Trustees for Russell Park to lease land for a new community Centre. Once approved the BMCAI will raise funds to build and operate the community centre.



2 Background

2.1 The Bunya Mountains Community Association

The Bunya Mountains Community Association Inc (BMCAI) is primarily a pro-active advocacy, lobby, and action group to facilitate the aims of the Association, stated as:

“Provide a voice for consultation with local, state and federal authorities, on behalf of residents and property owners of the Bunya Mountains and visitors to the Bunya Mountains; and work collaboratively with the relevant bodies to enhance the livability and protect the unique Bunya Mountains village lifestyle and cultural and environmental heritage of the area.”

The Association engages with all three levels of government, private sector, and community sector as necessary, according to the issues being addressed at the time. The Bunya Mountains Community Association was formed in 2016, to provide a platform for local representation to governments to address the very low levels of infrastructure development and maintenance on the Bunya Mountains. A group of residents met to discuss pertinent issues affecting the community and went on to compile those concerns into the first Community Plan.

In 2019, the Bunya Mountains Community Association became an incorporated association, made a concerted effort to connect with property owners and engage with local governments to progress some long-standing public safety issues that required immediate responses.

BMCAI Business Structure

Business name: Bunya Mountains Community Association Inc (BMCAI)

Business structure: Australian Charities and Not for Profit Commission (ACNC)

ABNC Number: 412 129 348 735

Insurance: Public liability insurance: BMCAI has Broadform Public Liability Insurance with Elders Insurance Australia of \$20m coverage.

Business location: presently operates from the homes of Executive Members

Date established: 2016.

Management Committee Members:

President:	Noel Noack
Vice President:	Gerald Tooth
Treasurer:	Annette Sprenger
Secretary:	Carol Weekes
Committee Members:	Robert Zigterman, Brett Mason

BMCAI Social, Events and Fundraising Subcommittee

Since formation in 2016, the Bunya Mountains Community Association has, on special occasions such as Australia Day, pre-Christmas, and New Year, informally organised local social gatherings to reduce social isolation, create social connection and cohesion, and to advocate for public facilities and improved access roads etc. It became apparent that this ad hoc arranging of activities was no longer adequate to organise and facilitate these events, and further, that the community needed a “place” to meet, socialise and care for each other. The Association was also aware of the lack of maintenance, degraded state of, and lack of, facilities in the few public council parks for tourists and visitors when visiting the Bunya Mountains. There is still only one fully accessible holiday house, and no wheelchair accessible walks, in the Bunya Mountains.

On 26th May 2021, BMCAI established the Social, Events and Fundraising Subcommittee to develop and facilitate a social calendar of activities, including activities whose primary purpose will be to raise funds for a future Bunya Mountains Community Centre. A small group of volunteer Association members commenced planning and implementing events to meet both the residents’ needs and to begin raising funds for the future Bunya Mountains Community Centre.

The Social, Events and Fundraising Subcommittee now regularly facilitates social events such as Pre-Christmas, New Year and Australia Day social gatherings, the annual Bunya Mountains Anzac Day Commemoration event, occasional well-being activities such as the First Minutes First Aid Training, Tai Chi and School Holiday activities and major fund-raising events such as the Bunya Mountains (BM) Rain Forest Experience, BM Walks Back in Time- In the Bush Where it happened and the BM Dinner Under the Stars events. BMCAI opened a “Building Fund” bank account to ensure all funds raised from these events were kept aside for the future Community Centre and used for that purpose only. The volunteer Subcommittee has, in just 2 years, raised more than \$40,000 to contribute towards the future BM Community Centre. These funds are now available to assist in meeting some of the development costs such as concept drawings, assessment, and development fees, and/or co-contribution to grant funds for construction.

It should also be noted that all the above activities and events must be conducted outdoors as Bunya Mountains does not have any public venues such as a town hall, church, ex-school, or community centre where these events could be held. Whilst some events such as the Bunya Mountains Dinner Under the Stars events are designed to be held outdoors, there is no backup venue that can be used if the weather is unfavorable (and the weather can change quickly here in the Bunyas). The current existing indoor venues are limited in the number of people it can seat and is open to the public at the same time as the events are occurring, thus creating issues with noise and privacy.

BMCAI Achievements to Date

- Incorporation of the Association to formalise and professionalise the organisation and to enhance activity facilitation and lobbying.
- Improved communication and sharing of information within the community and broader sector (Regular emails, newsletters, website, social media platforms)
- Development of effective working relationships with all levels of government
- Designated walkway on Bunya Avenue and carparking to improve pedestrian safety.
- Installation of seating on the village green
- Sought funding and arranged Senior First Aid Courses in the Bunya Mountains
- Arranged Immunisation Clinics (Covid and Flu Vaccines)
- Sought critical remedial work for Bunya Mountains Road.
- AED acquisition and installation at the village store
- Community Street Library construction, installation, and operation from the verandah of the general store, so it is accessible to all locals and visitors.
- Development and printing of a new Bunya Nut Recipe Book to raise funds for the operation of the Association.
- Reviewed the Community Plan and developed, endorsed, and implemented Community Plan 2 in August 2020. (Latest version attached)
- Facilitated a working bee of volunteers to clean up Allan Stirling Memorial Park and create a walking track and yarning circle. Liaised with SBRC to install new picnic tables. Tree identification signs and new refurbished Park Signage has been installed.
- Collaborated with Bunya Peoples Aboriginal Corporation re Allan Stirling Park, traditional owner storytelling in the new 'Yarning Circle' and "the Visible on Country" Project with indigenous storytelling art on industrial bins.
- Coordinated Community Consultation meetings with Telstra regarding poor mobile phone coverage/ reception, and WDRC appointed Consultants with the new Mountain Bike Trails
- Arranged and facilitated the Centenary of the Opening of the Soldiers Road celebrations in June 2021 and facilitated the Bunya Mountains Anzac Day Service in April 2021
- Worked collaboratively with Life Flight and Bunya Mountains National Parks staff to locate, develop, and implement a Safe Community Landing Site (Helipad) for emergency medical evacuations from the Bunya Mountains
- Hosted meetings with Emergency Management Queensland, Western Downs, and South Burnett LDMC's resulting in the development the Bunya Mountains Community Local Disaster Management Sub-Group and Sub-Plan
- Provided the liaison duties for the above activities and successfully sought funding to acquire and install telecommunications signal boosters and a satellite phone for the Bunya Mountains Rural Fire Brigade Shed to enable the Fire Shed to be used as an Incident Control Centre, when required.
- Created and formed a Social and Events Sub-committee to facilitate BMCAI social and fundraising activities, with fundraising activities being focused on raising funds for a Bunya Mountains Community Centre

2.2 Definition of a community centre

What are Community Centres?

“Neighbourhood and Community Centres are places of connection, belonging, participation and inclusion; They’re independent community based non-profit organisations that leverage local resources to make local communities better for everyone. They provide tangible support and assistance to local communities, particularly people and groups who face hardship and vulnerability.”

(Source: Neighbourhood Centres Queensland)

“Placemaking inspires people to collectively reimagine and reinvent public spaces as the heart of every community. Strengthening the connection between people and the places they share, placemaking refers to a collaborative process by which we can shape our public realm to maximise shared value. More than just promoting better urban design, placemaking facilitates creative patterns of use, paying particular attention to the physical, cultural, and social identities that define a place and support its ongoing evolution.”

(Source: <https://www.pps.org/category/placemaking>)

Community Centres provide places where people from a range of backgrounds, ages and interests can come together to meet, engage, learn, socialise, and be supported. Community centres are often the centre of activity in a community and assist in creating socially sustainable communities by providing physical spaces to help address the social needs of that community.

Community Centres have the potential to bring a variety of people with different circumstances and backgrounds together to build community cohesion and provide positive and long-term benefits for its host community. Social isolation can be experienced by people of all ages and in all communities, regardless of age or socio-economic backgrounds and can lead to significant mental health issues – including depression and suicide. By building individual resilience and community capacity to address social isolation, the community connection and support contributes to individuals and communities thriving and can prevent unnecessary reliance on professional health care services.

The Neighbourhood Centres Queensland 2022 Sector Impact Report outlines key data from the largest Queensland-wide survey of the sector. The report found that there are 149 funded and unfunded Neighbourhood and community centres in Queensland and the overall community value produced the sector annually is over \$97.5 million. The report also found that for every \$1 in investment in program funding, Neighbourhood, and Community Centres produced \$5.25 in community value. The report states these are conservative estimates on the overall work and flow on economic and social benefits created by community centres. This is a powerful multiplier when investigating the importance of local community centre investment by all levels of government. (Source: Neighbourhood Centres Queensland)

2.3 History and development of this proposal

1. The Bunya Mountains Village- Neglecting the Community's Needs: The Bunya Mountains is a well-known tourist destination, yet it lacks public spaces that bring the community together. Bunya Mountains Village's development has focused on rental and holiday accommodations, overlooking permanent or semi-permanent residents' needs. This approach neglects the vital role of a thriving workforce in growing the tourism industry. The lack of essential facilities such as town halls, churches, recreation centres, visitor information centres, and public parks with amenities hinders the community's growth. These facilities are critical for social interaction, engagement, education, and recreation and for visiting advisors and professionals.

2. The Bunya Mountains- Straddling Councils and State Government: Despite being considered the "Jewel in the Tourism Crown" for all levels of government in the region, there has been a lack of investment in community facilities. The reason for this may be that the Bunya Mountains region is split between the Western Downs Regional Council and the South Burnett Regional Council with the State Government owned Bunya Mountains Road running down the middle of the mountain. No single stakeholder can take total credit or responsibility for the whole region, so investment is reduced by this historical and physical structure. The significant investment by the Western Downs Regional Council in bike tracks and new toilet facilities at Russell Park is the most recent infrastructure development and has been welcomed by many.

3. Creating Public Spaces for Community Building: It's time to recognise the importance of building a sense of community in Bunya Mountains. This can only be achieved by creating public spaces that bring people together. These spaces will enhance the tourist experience while providing a sense of belonging and connection for both residents and visitors alike. It's imperative to prioritise the development of public facilities that cater to the needs of the community and promote sustainable tourism that benefits all stakeholders.

4. The Bunya Mountains Community Centre- A Project for the Benefit of All: The Bunya Mountains Community Centre is a project that will benefit businesses and investors, providing opportunities for providing visitor information, indigenous education, tours, and a gallery for indigenous and local artists and craftspeople. This community centre will enable the community to gather and meet in a public space, providing access to basic facilities found in most small rural towns in Queensland. This will foster social interaction, engagement, education, and recreation, as well as provide space for visiting advisors and professionals. The Bunya Mountains Community Centre will be a place where everyone can benefit from the rapidly increasing tourism traffic while also protecting the environment and respecting the traditional owners' cultural heritage.

5. Collaboration and Cohesion for the Community's Benefit: The Bunya Mountains Community Association Inc. (BMCAI) understands that an independent feasibility study is required, building on their original proposal for a place-based, community-driven solution to address the identified needs in the Bunya Mountains' community. BMCAI focuses on caring for the people of the Bunya Mountains and finding a way for all to benefit from the rapidly increasing tourism traffic.

6. Prioritising the Community's Needs for Sustainable Tourism: In conclusion, the Bunya Mountains stakeholders and user groups must prioritise the community's needs to promote sustainable tourism that benefits everyone. This includes creating public spaces that bring people together and providing essential facilities such as town halls, churches, recreation centres, visitor information centres, and public parks with amenities. The Bunya Mountains Community Centre project is a step in the right direction, promoting collaboration and cohesion for the community's benefit. By working together and putting the community's needs first, we can build a vibrant and thriving Bunya Mountains for all to enjoy.

2.4 Arts, Crafts and Culture Uses

The Bunya Mountains environment has long been a source of inspiration for artistic pursuits. Indigenous artwork is found in caves in the Maidenwell area and Marion North's 1880s artwork is currently held in Kew Gardens, London. This illustrates the diversity of styles across the centuries.

Today many local artists continue this long tradition. Artists are inspired by the Mountain's embrace and have discovered the wonder, beauty, and wisdom inherent in both trees and mountains alike and seek to explore and depict that in their artistic creations. Some artists are fortunate enough to live among the magnificent forest while others visit, absorb, and take away the seeds of creation which germinate and manifest into the music, the writing, the performance, the picture, the sculpture, the jewellery, or whatever form the artist desires.

Through art, knowledge is gained, relationships developed and enhanced, health blooms and spirit enriched. Both individuals and communities prosper as they have done through the ages and in all cultures. Through their art, the wider community can learn about this special place, come to value its contribution to the health and wellbeing of the planet and its inhabitants, share in the benefits of a relationship with the mountains and the trees and play a role in preserving this unique ecosystem into the future.

In the past, artists of many modes would regularly gather on the Bunyas to explore, share and further their artistic expression. The lack of suitable facility to operate from inhibits the full expression and expansion of this artistic creativity. The lack of a suitable facility also means that artists do not have a safe and supportive site to display and sell their work.

Case Study:

Western Downs Regional Council facilitated the Bunya Mountains Arts on Top Regional Forum in 2021. WDRC used the only available property that would seat more than 50 people. Whilst the Bunya Mountains Arts on Top Regional Forum was a fabulous event, delivered in the most wonderful environment, there were many challenges in hosting the event in the Bunya Mountains. These are outlined below:

- The venue used was also open to other visitors staying in the Bunyas at the time and the bathrooms and kitchen are right alongside the dining area used for the main forum, creating noise and traffic flow issues

-
- The area was cramped and seating very close together to ‘squeeze in’ the large number of ticket holders for the event
 - The venue was of inadequate size to house all events and a large marquee had to be erected on the lawn for the evening activities, and
 - There was no suitable wall space for the exhibition of art works, so the Council staff ingeniously photographed and digitally recorded images of the art works and created lightbox displays and banners and had these temporarily installed at various locations around Dandabah.

Anne Keam, Arts and Culture Officer, Western Downs Regional Council, provided her thoughts regarding the challenges of facilitating arts and culture events in the Bunya Mountains:

“As Arts and Culture Officer for the Western Downs regional Council I have been involved in presenting Arts based projects and events in the Bunyas Mountains. While the Mountains are an inspiring place in which to hold arts events it does involve negotiating many obstacles. I was tasked to present a Pop-Up outdoor art exhibition as part of the Arts on Top Regional Forum in 2021. One of the reasons an outdoor exhibition was decided upon was there was no indoor space suitable to present an exhibition. Selected artists work was professionally reproduced on banners, core flutes and in light boxes, as most original work would not be able to withstand the unpredictable environment of the mountains. The exhibition also necessitated negotiating with several private landholders and the National Park for permission to install artwork on their land or structures for the duration of the forum, an additional and sometime tricky consideration.

I was also tasked with presenting a Regional Artists Exhibition Masterclass in 2022 at the Bunya Mountains and found that the lack of a suitable public venue to hire made this much more complicated. The problem was solved by renting one of the accommodation houses both to accommodate the presenting artist and conduct the workshop. Trying to select a suitable house with enough room for presenting the workshop was challenging and relied on a bit of luck that the house and grounds were as you imagined they would be. It also constrains the number of people that can participate. The house we choose turned out to be difficult to access especially in the wet with limited flat ground for parking had we used the carport to set up some of the activities as originally intended.

Well designed, flexible public facilities that can accommodate a range of events would be a huge boost to the Bunya Mountains community - who are fortunate to have many resident artists who call the Mountains home as well as many regular visiting artists - to share the amazing and ancient ecosystem of the Bunyas through the Arts to wider community and beyond.”

(Source: BMCAI)

2.5 Naming Convention

The Bunya Mountains Community Association after discussion with stakeholders has decided the chosen name for the community centre should be The Mowbullan Cultural Precinct. This would enable the centre to have connection to the traditional owners along with the new Bonye Bush University on Mount Mowbullan. If the building was able to be located in Russell Park this would enable visitors to walk from the community centre through to Fishers Lookout and down to the Bush University as one coordinated precinct. Some different names have been suggested by different groups and the name chosen would have some benefit in helping attract funding. Choosing a naming convention for a community centre can be a challenging task, especially when different people have different ideas about what the name should be. The working title so far has been the Bunya Mountains Community Centre but there are other alternatives. Other name suggestions so far include the Bunya Mountains Cultural Centre, Bunya Mountains Community Hall, and the Bunya Mountains Community Hub.

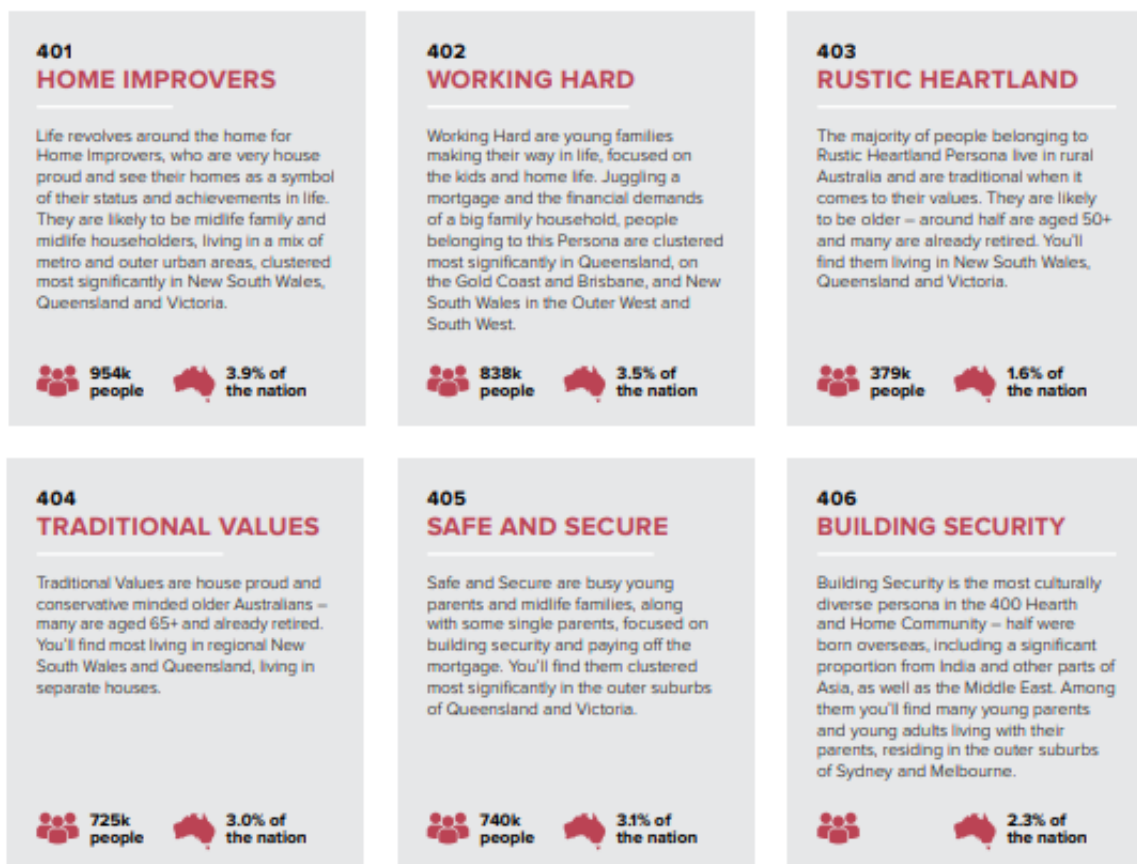
Here are some steps that can followed to help streamline the process to create an appropriate name for the community centre:

1. Create a naming committee: Appoint a group of individuals who will be responsible for choosing the name of the community centre. This committee should consist of people from various backgrounds and interests who have a vested interest in the centre's success.
2. Brainstorm ideas: Have the committee members brainstorm ideas for the name of the community centre. Encourage them to come up with a wide range of ideas and concepts, regardless of how unconventional or strange they may seem.
3. Create a shortlist: Once the brainstorming is complete, create a shortlist of the most promising names. Limit the list to a manageable number of options.
4. Solicit feedback: Share the shortlist of names with the broader community and solicit feedback from them. Ask for their opinions and preferences and encourage them to provide constructive feedback.
5. Make a decision: After gathering feedback, the naming committee should make a final decision on the name of the community centre. The committee should consider all feedback received, but ultimately, they should choose a name that best represents the centre's purpose and vision.
6. Communicate the decision: Once a decision has been made, communicate the chosen name to the community. Provide an explanation for why the name was chosen and how it reflects the centre's values and goals.

3 Market Analysis

3.1 Socio-Demographic Characteristics

- This is an analysis of the target audience, including their needs, preferences, and demand for the services that the community centre will provide.
- The report that gives the best insight into who the demographic group who uses the Bunya Mountains is the Roy Morgans Helix Communities and Persona Data which is a tool that allows us to gain rich insights into the behavioural profiles of the residents and visitors of almost anywhere within Australia. The Helix Community that was primarily noticed within the Bunya Mountain Region was that of the 400 group. The 400 group – Also known as Hearth and Home – Are the closest to the ideal of the average Australian. Their lives revolve around home ownership and see owning homes as a symbol of status and wealth. They sit within the age range of mid-40's to mid-70's with the retirement age for this class being early 70's. They hold an average household income of \$90,000 and like to purchase unique local items and produce. The tables below outline the characteristics and personas of this group. (Source: Roy Morgan- Live Study).





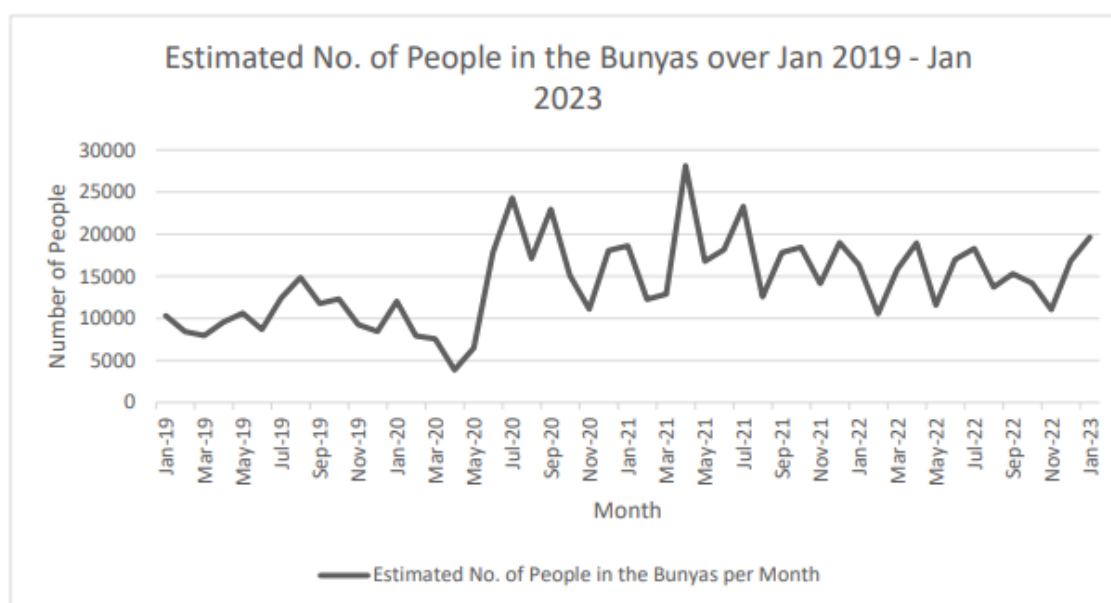
3.2 Visitor and Resident Numbers in the Bunya Mountains

- At any one time there can be up to approximately 1000 visitors on the Bunya Mountains on any weekend. They are split between people staying for the weekend and day trippers along with permanent residents. In peak periods all accommodation and campsites are often full.
- There are over 1000 tourist beds available across all accommodation types.
- There are 164 rateable properties in the South Burnett Regional Council side of the Mountain and 84 rateable properties on the Western Downs Regional Council side.
- The Average Daily visitation of the Bunya Mt is 408 visitors. This is an average of the 2.5 Year Period (Nov 2021 – Jan 2023). This date range has been selected to exclude the discrepancies that are presented by the Pandemic.
- The Annual Visitation numbers of the Bunya Mountains estimated by Southern QLD Country Tourism is 106,566 over the most recent 12 Month period of Jan 2022 – Jan 2023. In peak periods there can be up to 20,000 people visit per month.

Overnight Visitors and Residents in the Bunya Mountains

Modes of Accommodation & Residence	Bed Numbers
Rices Cabins	22
The Bunyas Café & Motel	10
B&B Bunyas Loft and Chalet	6
Accommodation Centre	784
Permanent Residents (ABS Census 2021)	164
Campgrounds	150
Total	1136

- Queensland Parks and Wildlife estimate visitor numbers at approximately 200,000 per annum. The vehicle counter at Dandabah counted 65,112 cars in the day use area in 2022.
- The Graph below displays a Long-Term Growth over the period of 4 years (2019-Jan 2023). Furthermore, a Repeating Bi-Monthly Cycle is demonstrated. The high data peaks of the graph during the period of May 2020 until May 2021 can be explained by the post-Covid traveling boom that was prevalent state-wide.



Source: Southern Queensland Country Tourism

3.3 Current Community, Meeting & Function Facilities

There is no public hall currently in the Bunya Mountains. The village of Dandabah has two privately owned cafes, The Bunyas Café and Poppies on the Hill that can be used for small functions. Any larger functions with more people need to be held outside on the lawns of these facilities. The two cafes are open plan facilities and do not have smaller meeting rooms that would be appropriate for consulting rooms or workshops for user groups. The Rural Fire Service has a shed that is used for meeting on Bunya Mountains Road near the corner of Bunya Avenue. None of these facilities are appropriate for an evacuation centre in an emergency such as a bushfire.

The nearest public halls would be the Bell Community centre which is located 36km away or a 40 minute drive. There is also the Maidenwell Hall which is located 29km or 30 minutes away from the Bunya Mountains.

A public hall can be a great asset for a small village as it provides a central gathering place for community events and activities. Moreover, it can foster a sense of community and bring people together, creating opportunities for residents to connect and socialize with each other. Overall, a public hall can be a valuable resource for a small village, enhancing the quality of life for its residents and contributing to a stronger sense of community.

4. Justification of the Proposed Facilities

The Bunya Mountains is seen as a 'Hero Destination' by many and is therefore a popular tourist destination that attracts up to 1000 visitors on a weekend. However, in the event of an emergency event such as a bushfire, there is no high-capacity evacuation facility for emergency services to use. This highlights the urgent need for a community centre in the local area that can serve as a hub for social, cultural, and recreational activities, while also promoting health and wellness, youth development, and senior engagement. Moreover, a community centre can play a vital role in economic development and resource allocation, improving the council's efforts to serve the community. Most importantly, it can function as a safe haven during emergencies, and facilitate cultural development by providing a vital facility for the different Aboriginal Peoples in the Bunya Mountains to use.

4.1 The Local Area Need

1. **Community building:** A community centre serves as a hub for social, cultural, and recreational activities, fostering a sense of community and promoting social cohesion among residents.
2. **Cultural Development:** There is now more recognition of the different Aboriginal Peoples in the Bunya Mountains, and a community centre would be a vital facility for the different groups to use.
3. **Disaster preparation, response, and recovery:** A community centre can also function as an evacuation centre in the case of an emergency such as a bushfire. The World Meteorological Organisation is now stating a high likelihood of an El Nino weather pattern developing in 2023. A bushfire is now becoming a more likely event in many areas in regional Australia. (Source: <https://public.wmo.int/en/media/press-release/wmo-update-prepare-el-nino>)
4. **Health and wellness promotion:** Community centres can provide health and wellness programs and activities, such as exercise classes and social activities, which promote physical and mental health.
5. **Youth development:** Community centres can provide educational and recreational programs for youth, promoting their personal and academic growth and helping them stay out of trouble.
6. **Seniors' engagement:** Community centres can provide activities and programs specifically designed for seniors, promoting their engagement, and helping them stay active and healthy.
7. **Economic development:** A community centre can serve as a local gathering place for businesses, entrepreneurs, and community members, promoting social enterprise, economic growth, and job creation.
8. **Resource allocation:** Building a community centre allows for the centralisation of resources and programs, improving the efficiency and effectiveness of the local governments efforts to serve the community.

4.2 Stakeholders and User Groups

There are 12 identified stakeholder groups in the Bunya Mountains and 17 potential identified user groups for a community centre. Stakeholders are defined as actively involved government or non-government organisations. These groups are listed below in no particular order:

Stakeholders

1. Bunya Mountains Community Association
2. Bunya Mountain residents and landholders
3. Western Downs Regional Council
4. South Burnett Regional Council
5. Bunya Peoples Aboriginal Corporation
6. Rural Fire Service
7. Bunya Mountains Parks Rangers
8. State Emergency Service
9. Emergency Management QLD
10. Mens Shed
11. National Parks and Wildlife
12. Regional Development Australia- Wide Bay Burnett

User Groups

User Groups are along with the above stakeholders include clubs, hobbyists and private organisations along with social enterprise groups that have an need or interest in visiting the Bunya Mountains on a regular basis and would be potential users/clients of a Community Centre. An initial group is listed below and there are many potential more groups:

1. Ecumenical Worship Services
2. Visiting Library
3. Books Clubs
4. Bell Birding Group
5. South Burnett Native Plant Association
6. Australian Bushfoods
7. Bunya Mountains Natural History Association
8. Stanwell Corporation
9. Red Earth Community Foundation
10. Mountain Bike groups for coaching workshops
11. Consulting room use for health and mental health
12. Small Business Workshops and consultants
13. Visting scientists
14. Various Religious Groups
15. Woment of Feed Lots
16. Local School and University Groups
17. Local Arts and Crafts Groups

4.3 Strategic Alignment with Local and State Government

Strategic alignment between community groups, local councils, state governments, and federal governments is crucial for ensuring good infrastructure in regional Australia. Infrastructure is essential for economic growth, social development, and the overall wellbeing of regional communities. However, regional areas often face unique challenges in terms of their infrastructure needs, such as limited funding, dispersed populations, and geographical barriers. Effective collaboration between these stakeholders can help to identify these challenges and develop strategies to overcome them. By working together, community groups, local councils, state governments, and federal governments can ensure that infrastructure projects are well-planned, well-funded, and well-executed, leading to sustainable and prosperous regional communities.

Strategic Alignment of BMCAI and Government

Organisation	Objectives
BMCAI	<ol style="list-style-type: none">1. Enhance community liveability, including safety aspects, for residents and visitors.2. Maintain the unique environmental and cultural heritage aspects of the Bunya Mountains.3. Create, develop, and support communication and collaboration to address issues and plan for the future.4. Ensure the long-term operation and sustainability of the Association.
WDRC	<p>Active Vibrant Community: People...</p> <ul style="list-style-type: none">•Parks, open spaces, and community facilities are alive with activities and connect our communities•We are a strong sustainable community supported by volunteers•We empower communities to develop local initiatives and events <p>Quality Lifestyle: Place...</p> <ul style="list-style-type: none">•Our residents are provided with modern infrastructure and quality essential services across our region•Our recreational spaces and community facilities are attractive, safe, and accessible•We invest in safe, well maintained road networks to connect our region and support economic activities•We attract families to live, work, prosper and play in our region

WDRC Continued	<ul style="list-style-type: none"> •We take pride in our natural assets, environment, and heritage <p>Sustainable Organisation: Performance...</p> <ul style="list-style-type: none"> •We are recognised as a financially intelligent and responsible Council •We focus on proactive, sustainable planning for the future •Our people are skilled and values-driven to make a real difference •Our agile and responsive business model enables us to align our capacity with service delivery •Our effective asset management ensures that we responsibly maintain our community assets
SBRC	<p>Enhancing Liveability and Lifestyle: Elevate the South Burnett region to be recognised as a “Community of choice.”</p> <p>EC1 Develop and implement initiatives to enhance community parks, gardens, and recreational facilities.</p> <p>EC4 Develop and implement a regionally themed Arts, Culture and Heritage Strategic Plan incorporating all of our communities.</p> <p>EC6 Appropriately support and encourage volunteers, advisory groups and community organisations to value add to Council’s services and infrastructure.</p> <p>EC11 Support, advocate and facilitate real outcomes on mental health and suicide prevention, including advocating for a community well-being centre.</p> <p>EC13 Work with our senior citizens to provide greater opportunities for them to play an active role in our communities and to age in place.</p> <p>Providing Key Infrastructure for our Towns and Villages: Develop, renew, and maintain community infrastructure through sound asset management principles.</p> <p>IN10 Investigate options for leasing opportunities to not-for-profit groups and organisations.</p> <p>IN13 Advocate and support the specialist health services needs of our residents.</p> <p>Growing our Region’s Economy and Prosperity: Boost our economy through investment and innovation that promotes population growth and community wellbeing.</p> <p>GR3 Work with key stakeholders to create a pipeline of priority shovel ready projects that aim to improve the quality of life</p>

SBRC Continued	<p>experienced by all residents, invest in strategic infrastructure and create a prosperous future for all.</p> <p>GR5 Continue to provide and investigate options to improve our arts, heritage, museums, visitor information centres and tourism infrastructure.</p>
QLD Government	<p>Protect and enhance our Queensland lifestyle as we grow.</p> <ul style="list-style-type: none"> - Protecting the environment: Protect and enhance our natural environment and heritage for future generations and achieve a 70 per cent renewable energy target by 2032 and net zero emissions by 2050. - Growing our regions: Help Queensland's regions grow by attracting people, talent, and investment, and driving sustainable economic prosperity. - Building Queensland: Drive investment in the infrastructure that supports the State's economy and jobs, builds resilience, and underpins future prosperity. - Honouring and embracing our rich and ancient cultural history: Create opportunities for First Nations Queenslanders to thrive in a modern Queensland.
Federal Government	<p>The Regional Development Australia Charter (the Charter) outlines the RDAs' role, which is to:</p> <ul style="list-style-type: none"> -facilitate regional economic development outcomes, investment, jobs, and local procurement -promote greater regional awareness of engagement opportunities with Australian Government policies, grant programs and research -improve regional policy making by providing intelligence and evidence-based advice to the Australian Government on regional development issues -co-ordinate the development of a strategic regional plan, or work with suitable existing regional plans that align with the Australian Government's regional priorities.

Source: BMCAI, Regional Council Corporate Plans, RDA Website, QLD Government Objectives for Community Press Release

4.4 Letters of Support

The Bunya Mountains Community Association has received twelve letters of support for a community centre from local organizations, local political members, stakeholders, user groups and potential user groups. Letters of support can be incredibly important for a community centre as they can help demonstrate to funders, stakeholders, and the wider community the value and impact of the centre on the community. Letters of support demonstrate that the community is engaged with and supportive of the centre. Overall, letters of support can be a powerful tool for community centres in demonstrating their value to the community, building relationships, securing funding, and building credibility. The letters of support are in the attachments to this report.

Letters of support have been received from the following organizations and individuals:

1. Southern Queensland Country Tourism
2. South Burnett Regional Council
3. Women of Lot Feeding Inc.
4. Rural Fire Service
5. Regional Development Australia
6. Deb Frecklington – State Member for Nanango
7. Bryson Head- State Member for Callide
8. The Bunyas Café
9. State Emergency Services
10. SES Local Controller- Western Downs
11. Bunya Mountains Natural History Association
12. The Centre for Western Mindfulness

5. Draft Management Plan

5.1 Governance Considerations

The effective management of a community centre requires a well-structured governance plan that outlines policies and procedures to guide its operation. In this draft management plan for the Bunya Mountains community centre, several key governance considerations have been identified. These considerations include the establishment of a board of directors with clear roles and responsibilities, the development of financial policies and procedures, guidelines for booking and using the facilities, safety and emergency policies, and community engagement policies. Each of these considerations is essential for creating a well-functioning and sustainable community center that meets the needs of its users and stakeholders.

1. **Board structure and roles:** Establish a governance structure for the community hall, including the creation of a board of directors with defined roles and responsibilities. This may include setting term limits for board members and establishing processes for recruitment and succession planning.
2. **Financial policies and procedures:** Develop policies and procedures for managing the finances of the community hall, including the creation of a budget, the establishment of financial controls, and the development of procedures for financial reporting and auditing.
3. **Booking policies and procedures:** Establish guidelines for booking the community hall, including how to reserve the space, payment policies, and guidelines for cancellations and refunds. This may also include policies for prioritising bookings and establishing criteria for determining the eligibility of organizations to use the hall.
4. **Use of facilities policies:** Develop policies and procedures for the use of the community hall facilities, including setting rules for how the space may be used, restrictions on equipment use, and policies for cleaning and maintenance of the facility.
5. **Safety and emergency policies:** Establish safety and emergency policies for the community hall, including procedures for responding to emergencies, policies for reporting and documenting incidents that occur at the hall, and protocols for dealing with hazardous materials and environmental risks.
6. **Community engagement policies:** Develop policies and procedures for engaging with the community, including outreach and marketing strategies, establishing partnerships with local organizations, and creating opportunities for community members to provide feedback and input into the operation of the community hall. This may also include policies for addressing complaints or concerns from the community.

5.2 Considerations for an Operational Management Plan

An operational management plan is an essential tool for the effective management of the Bunya Mountains community centre. It outlines the policies and procedures that will guide the day-to-day operations of the centre, ensuring that all activities are conducted in an organized and efficient manner. A well-designed plan should cover a range of considerations, including the hours of operation, scheduling of events, use of facilities, staffing policies, volunteer management, and security protocols. By carefully considering these factors and establishing clear guidelines, a community centre can provide a safe and welcoming environment for staff, volunteers, and visitors alike.

1. **Hours of operation:** Set clear hours of operation for the community centre, including the opening, and closing times, as well as any holiday closures or special events. This will ensure that staff and visitors have a clear understanding of when the centre is available for use.
2. **Scheduling of events:** Establish guidelines for scheduling events and activities at the community centre. This may include setting rules for how far in advance events must be scheduled, how long events may run, and how often events may be held.
3. **Use of facilities:** Define the rules for how community centre facilities may be used. This may include setting limits on the number of people who may use a space at one time, how to reserve a space, and any restrictions on equipment use. Also, a survey will need to be completed to understand market price to charge for use of the facility.
4. **Staffing policies:** Establish guidelines for hiring, training, and managing staff. This may include setting requirements for experience, education, and certifications, as well as defining staff roles and responsibilities, providing staff training, and setting expectations for behaviour and professionalism.
5. **Volunteer management:** Develop policies and procedures for managing volunteers. This may include setting expectations for volunteer behaviour and conduct, defining volunteer roles and responsibilities, and establishing guidelines for training, evaluation, and recognition of volunteers.
6. **Security protocols:** Define the security protocols for the community centre. This may include setting rules for the use of security equipment, establishing policies for dealing with emergencies or incidents, and setting guidelines for reporting and documenting incidents that occur at the centre.

5.3 Considerations for a Volunteer Management Plan

Volunteering is a vital aspect of community engagement, and having a robust volunteer management plan in place is essential to ensure the smooth running of any organization. A well-organized volunteer management plan can help recruit, train, schedule, supervise, and retain volunteers effectively. It can also ensure their safety and minimize any legal liability. Set out below are the various considerations necessary when creating a volunteer management plan, including volunteer recruitment and selection, training, and orientation, scheduling and communication, supervision and evaluation, recognition and retention, and safety and liability. By addressing these aspects, the Bunya Mountains Community Centre can create a positive volunteering experience for both the volunteers and the community they serve.

1. **Volunteer recruitment and selection:** Develop a recruitment and selection process to attract volunteers who have the skills and experience necessary to support the goals of the community centre. This may include creating job descriptions, conducting interviews, and performing background checks as needed.
2. **Volunteer training and orientation:** Provide volunteers with the training and orientation necessary to understand their role and responsibilities at the community centre. This may include training in safety procedures, policies and procedures, and other relevant information.
3. **Volunteer scheduling and communication:** Establish a process for scheduling volunteers and communicating with them about their roles, responsibilities, and any changes to the volunteer schedule. This may include the use of volunteer scheduling software, email, or other forms of communication.
4. **Volunteer supervision and evaluation:** Develop a system for supervising and evaluating volunteers to ensure that they are meeting the goals and objectives of the community centre. This may include setting performance goals, providing regular feedback, and conducting formal evaluations.
5. **Volunteer recognition and retention:** Recognize and reward volunteers for their contributions to the community centre. This may include providing formal recognition programs, offering opportunities for advancement and professional development, and acknowledging volunteers at community events.
6. **Volunteer safety and liability:** Establish policies and procedures to ensure the safety and liability of volunteers while they are working at the community centre. This may include setting guidelines for the use of equipment and facilities, providing safety training, and obtaining liability insurance.

6 Case Studies

Case studies are a powerful tool for examining community centre designs. They provide an in-depth analysis of real-world projects, allowing designers and community leaders to learn from both the successes and failures of previous projects. By examining various case studies, professionals in the field can gain a deeper understanding of the unique challenges and opportunities that come with designing community centres. They can identify common themes, such as incorporating sustainable design features, addressing accessibility concerns, and fostering community engagement. Case studies can also showcase innovative approaches to community centre design, such as incorporating technology or incorporating cultural elements. Ultimately, case studies provide valuable insights into the design process, enabling creation of more effective and successful community centres that meet the unique needs of their local communities.

Case studies 6.1 to 6.5 will be briefly described with more description of the case 6.6 the Kakowan` Community Facility as it most like the design and scale of the proposed Bunya Mountain Community Centre.

6.1 Mary Cairncross Rainforest Discovery Centre

Located on the Sunshine Coast costing \$4.7m. The building of the Rainforest Discovery Centre created 261 jobs during construction of which 92 per cent went to Sunshine Coast locals. The project was funded by local donations of \$339,000, The Sunshine Coast Council contributed \$3.51 million and \$1 million can from the Queensland QTIF funded by the Australian Governments Tourism Demand Driver Infrastructure Program. This facility is a large one in Maleny with a café, a theatrette, a conservation research centre along with offices and facilities for volunteers. The facility located next to the Scenic Reserve attracts 200,000 annually.



Source: Sunshinecoast.qld.gov.au

6.2 Karawatha Forest Discovery Centre- Logan City

A \$5 million project funded by the Brisbane City Council built in 2015 located near Logan Central south of Brisbane. This a large facility opens 6 days a week with meeting rooms, a playground, nature play space, information desk and interactive displays. Community use of the meeting rooms is free for groups that are not-for-profit. Other community groups are charged \$129 per day with corporate organisations charged \$293 per day.



Source: Brisbane.qld.gov.au

6.3 Samford Community Hub- Samford

A facility in Samford north of Brisbane costing \$4.5 million funded by the Federal Government and Moreton Bay Regional Council. The building has a hall that can be divided into two, a boardroom, meeting rooms and a large kitchen. The project involved 10 years of lobbying by various groups.



Source: schub.org.au

6.4 Fernvale Futures Complex incorporating the Visitor Centre- Esk

Located in the Somerset region the project value was \$650,000 built in 2006. It is a single-story visitors information and community centre. It includes a display area, training rooms and meetings rooms. It is operated by volunteer tourism ambassadors 7 days per week.



Source: <https://www.queensland.com/au/en/plan-your-holiday/information-services/p-56b260d2aeaaaf773cf3ca8-fernvale-visitor-information-centre>

6.5 Curra Community Hall- Gympie

The Curra Community Hall cost \$1.1 million and was funded by the Gympie council and \$399k from the QLD Government. The hall is operated by the Curra Community Hall Management Committee. The hall has 100 seat capacity and has a well-equipped kitchen and large verandas.



Source: <https://curracommunityhall.webs.com/>

6.6 Kakowan Community Facility- Moreton Bay Region

The Kakowan Community Facility in the suburb of Bunya in the Moreton Bay Shire part of Greater Brisbane is the case study that is most similar to the design required for the Bunya Mountains Community Center. This \$1.25m facility was funded by the Moreton Bay Regional Council located at Bunya QLD 4055. The building is leased off the council and by the Golden Valley Lions Club for a \$1 per annum. The Building for local groups and residents to meet, engage in projects with each other and bring the community together. All rooms are fully air conditioned for comfort. All rooms open out onto the deck overlooking the Moreton Bay Figs and other native flora.

The building is around 600 SQM and has two meeting rooms which are approximately 20 sqm each. Set up with tables and 16 chairs to facilitate board / small groups / business and sporting group meetings. A bar fridge and urn in each room allows groups to enjoy a tea, coffee or bottle of water.

The two larger rooms 100 smq each are separated by a sliding divider. So groups could use this area as a single room or one larger room of 200 sqm. Kitchenettes are in each large room with fridge, microwave, sink and storage. The larger rooms open to both the deck area and alfresco area. The deck area is the length of the building and may be hired separately for a variety of events like art classes, meditation and yoga.

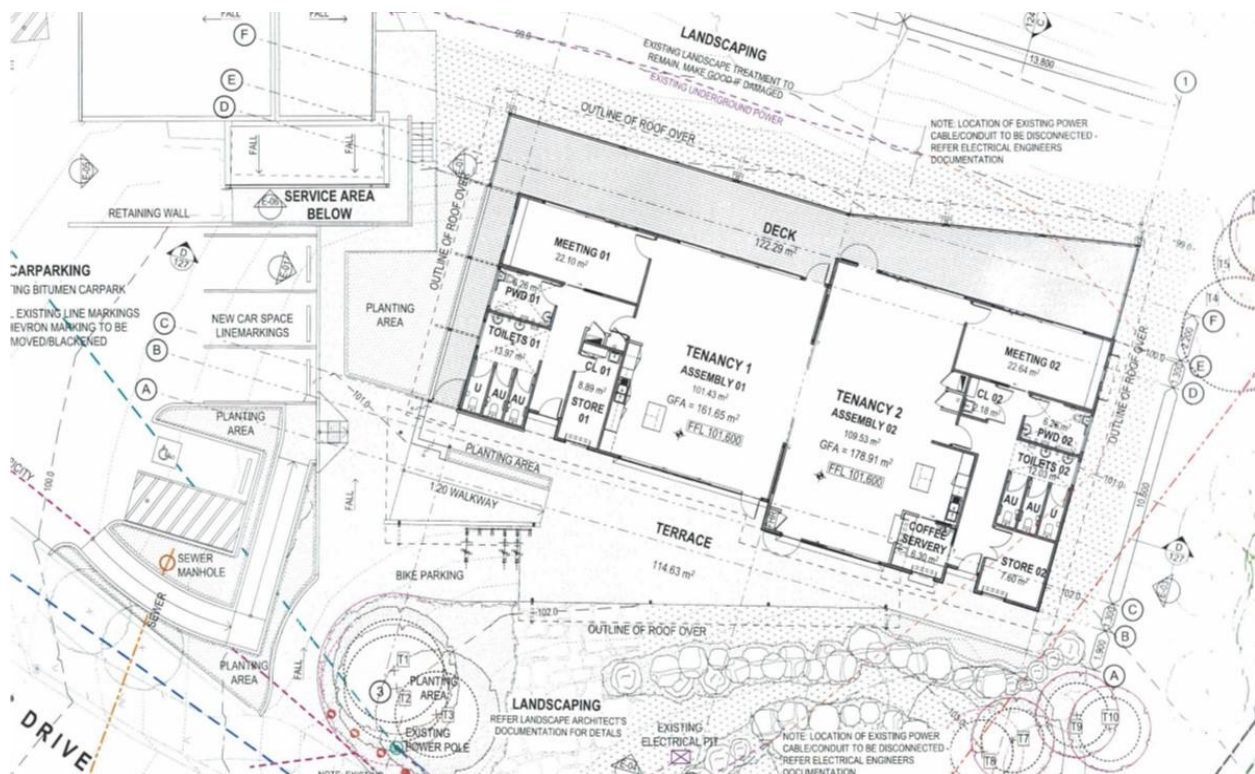


Source: Kakowan.org.au

Kakowan Internal Photos



Kakowan Siteplan



7 Concept Plan

7.1 Design Requirements

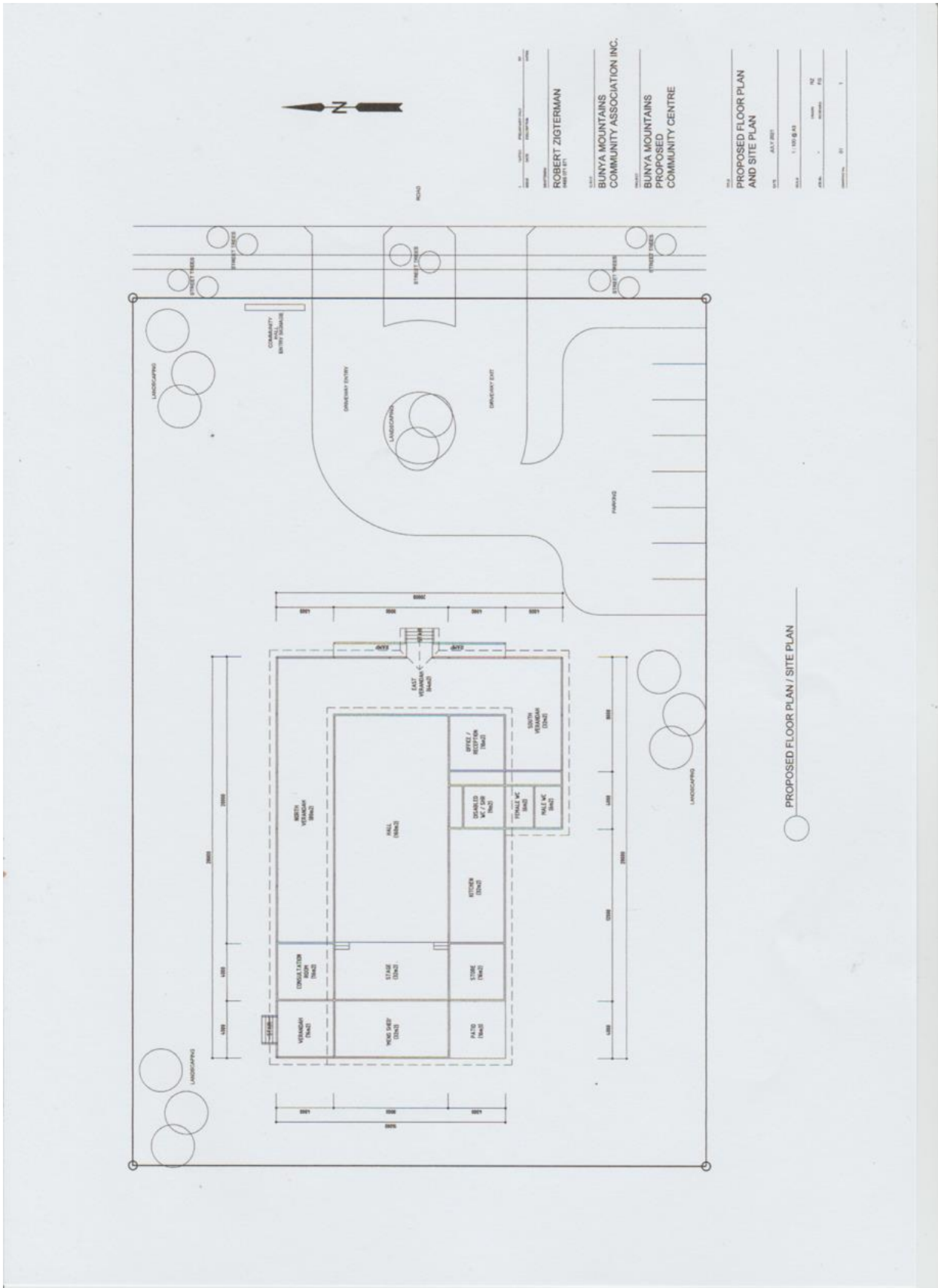
The planning and design of the Bunya Mountains Community Centre should reflect the potential activities and services to be provided. It needs to be a multi-purpose facility so that it can accommodate diverse groups and uses. A mix of uses will help to ensure that the centre is not labelled as a particular type of facility or available only for a particular target group. The Bunya Mountains Community Centre must be available for the whole community.

Design requirements for a community centre may vary depending on the needs of the community it serves. Below are some common design requirements that should be considered:

1. **Accessibility:** The community centre should be easily accessible to everyone, including people with disabilities. This means designing the building with ramps, and other accessibility features.
2. **Space:** The community centre should have enough space to accommodate various activities and events, such as meetings, classes, workshops, performances, and recreational activities. The space should be flexible and adaptable to different needs.
3. **Safety:** The community centre should be designed with safety in mind, including fire safety, security, and emergency exits.
4. **Technology:** The community centre should be equipped with modern technology, such as audio-visual equipment, internet connectivity, and other tools that support communication and learning.
5. **Sustainability:** The community centre should be designed with sustainability in mind, including energy-efficient lighting, heating, and cooling systems, as well as eco-friendly materials and practices.
6. **Comfort:** The community centre should be designed with the comfort of its users in mind. This means providing adequate seating, lighting, temperature control, and ventilation.
7. **Flexibility:** The community centre should be designed with flexibility in mind to accommodate a variety of different events and activities.
8. **Aesthetic appeal:** The community centre should be aesthetically pleasing and visually appealing to its users and the wider community. This can help to promote a sense of pride and ownership among the community.

Community Centre Key Components- Bunya Mountains Community Centre

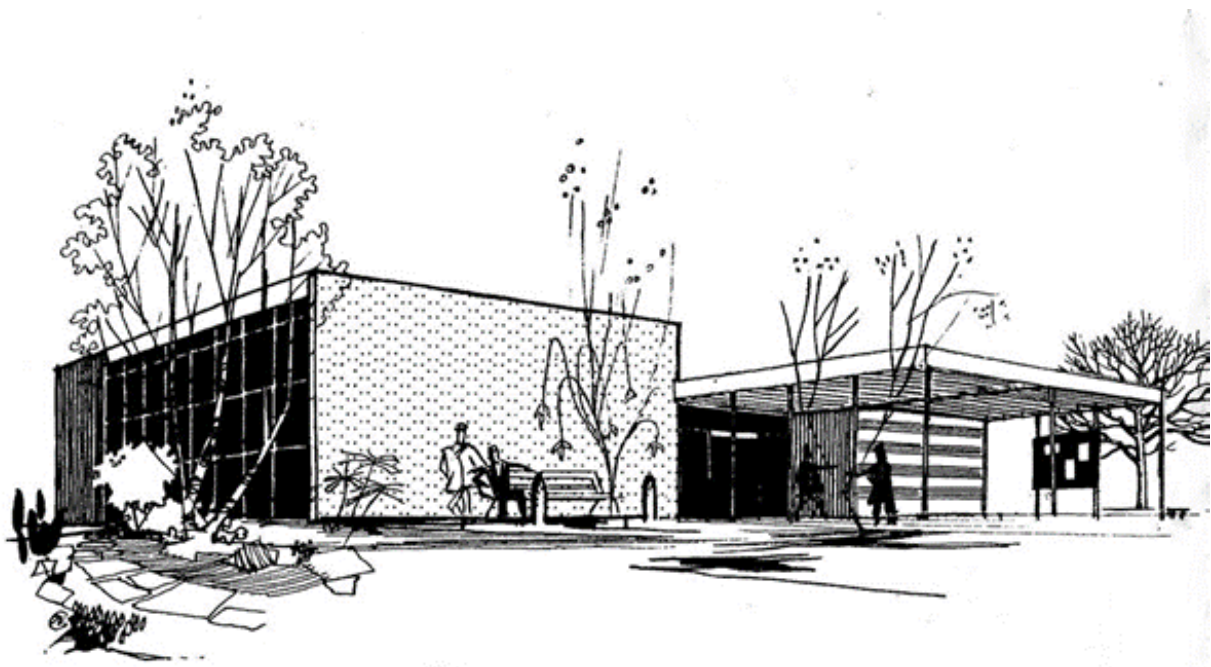
Inclusion	Rationale
One level building with disability access to all areas	For ease of access by all ages and abilities
Open but lockable front foyer	To accommodate a gallery of local artists work, with a desk for brochures, sign-in and facilities for bookings
A large open meeting room	To accommodate community gatherings, meetings, education and information sessions and workshops. For example, meetings, book clubs, visiting library, craft groups, senior's activities, educational workshops of all descriptions
Office with lockable storage	To accommodate BMCAI business records and equipment, and any other community group.
Kitchen with stainless steel benches and a small serving/ dining area	To enable the kitchen to be used to prepare food as the need arises, for example in disaster response events; fund raising and celebratory events; and cooking classes including bush tucker foods
Therapy room	To facilitate and accommodate visiting GP's, Nurses for vaccination clinics and legal representatives for private meetings etc
Bathroom area at the back	For use by all who use the facility (with a shower for emergency /crisis response situations)
Men's Shed area	If the facility is high blocked at the rear, a Men's Shed area could be located as an additional shed on the site
Chapel gazebo style (or another suitable style) building in the garden	Bunya Mountains does not have a church or chapel of any sort, and this is important for spiritual well being
Compliant carpark area	Remaining land including gardens using indigenous food plants (living gallery)
Mobile and Internet access	To ensure connectivity with the community
Energy efficient principles and water storage	Requires water efficient plumbing fixtures, including dual flush toilets and AAA rated taps. EcoSafe septic systems are state of the art in terms of environmental friendliness. Solar/green power for hot water
The building must be appealing, attractive and a quality building	Perhaps resembling large house to blend in with current infrastructure in the Bunyas and to contribute to civic pride and the character and identity of Bunya Mountains and its people.



7.2 Future Design

At the opportune moment, it is highly advisable to enlist the services of an architect who possesses extensive expertise in designing community-oriented structures. Their experience will prove invaluable in crafting a truly remarkable building that seamlessly integrates the surrounding landscape, fosters human connections, and pays homage to indigenous culture. By engaging such a skilled professional, the resulting building will transcend its physical form, transforming into a powerful symbol of unity, inclusivity, and shared heritage. This harmonious blend of architectural prowess and cultural sensitivity will yield a structure that not only stands as a testament to the community's values and aspirations but also serves as a welcoming space that nurtures a sense of belonging for all who encounter it.

Below are representative drawings only.



8 Location Options and Rationale

8.1 Location Options

The Bunya Mountains Community Association has conducted an extensive and thorough search for available land within the Bunya Mountains region, encompassing both the Western Downs Regional Council and the South Burnett Regional Council areas. Our diligent efforts included reaching out to both government and private landowners to explore possibilities of sharing, donating, or selling their land. Regrettably, we have found no suitable land options, with only four shortlisted sites remaining for consideration, as detailed below.

Among our inquiries, we approached the Queensland Parks and Wildlife Service regarding their 1217 sqm property and facilities situated at Lot 80 Bunya Mountains Road and Bunya Avenue office. In response, the Deputy Director General conveyed that the 'QPWS currently has no plans to upgrade or expand its existing park office, as their primary focus remains on investing in and maintaining the park's visitor facilities and walking tracks to a high standard.' (Please refer to the attached letter in the appendices for further details.)

Additionally, the Bunya Mountains Community Association received a report from the Department of Resources Lands Division, which outlined the available land options (as depicted in the table below). Upon thorough examination, it was determined that the sole available land is owned by the South Burnett and the Western Downs Regional Council.

In summary, despite our extensive efforts, we have identified only a limited number of viable land options for our project, with no private or government landholders expressing interest in contributing to our cause.

Department of Resources- Property Search Outcomes- August 2021

Date	Property Details	Owner	Outcome
16/7/21	Lot 20 and 21 Tolmie Street	WDRC	Property is steep, headwater of Mayall Creek. Only Western Downs owned vacant blocks.
16/7/21	Youth Camp Tolmie St	Receivership	Now owned by BPAC. Old buildings and on a watercourse
16/7/21	Portion of Russell Park between Fishers Lookout and Cutters Rest	WDRC as Trustees	Advised Deed of Grand does not allow building construction. See Shortlist.
23/7/21	Lot 81 FY2309 SBRC Allan Stirling Park	SBRC as Trustees	The reserve is heavily vegetated with remnant vegetation and held in trust by the SBRC. See Shortlist
27/7/21	Bunya Mountains Road Acreage	Private Land	The owners have advised they are unwilling to contribute any further land for community purposes.
2/8/21	Lot 80 FY2562	QNPWS	QNPWS and DOR advised 1217m2 not suitable due to size and limited due to access.
2/8/21	Current BM National Parks Office	QNPWS	QNPWS advised they have no intention of doing any office building works. (See letter in appendices)

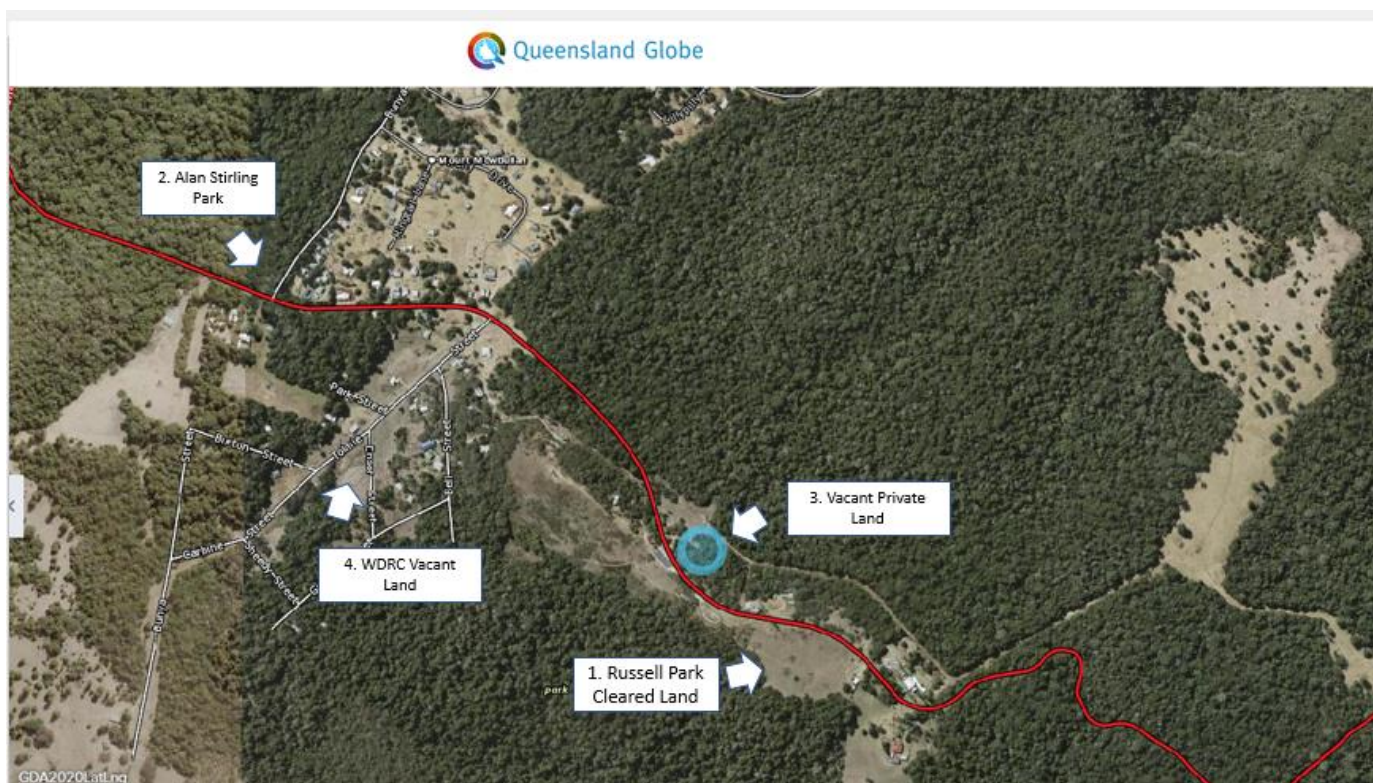
2/8/21	Portion of SP158775 Bunya Avenue	Bunyas Accommodation Centre	No response from owner
2/8/21	Cnr Tolmie and Bunya Mtns Rd	Private Land	Lot SP166803 and Lot 5 SP166804. Suitable flat land but no response from owner.

Shortlisted Sites

There are 4 potential locations that have been shortlisted and considered.

Location	Discussion of Land Site
Location 1 Russell Park	Vacant land in Russell Park is located 200 metres to the East of Fishers Lookout. This is an ideal location as it has good line of site for entering and exiting the property. The building would sit well in a natural depression in the land, so it does not obstruct any views. An electricity line runs behind the property to Cutters Rest and the Old Guesthouse.
Location 2 Alan Stirling Park	Alan Stirling Park at the corner of Bunya Mountains Road and Bunya Avenue. On the South Burnett side of the mountain. This area is heavily vegetated and has been discounted to preserve the environment
Location 3 Private Land	Private land located 300 metres to the West of Fishers Lookout on Bunya Mountains Road. This land is of an appropriate size and centrally located but the owner has not shown interest in selling.
Location 4 WDRC owned land	Land owned by the WDRC in Tolmie Street. Lot 20 RP 25936 and Lot 21 RP25936. Property is steep and is the headwater of the Myall Creek. The WDRC has stated these are not available.

Satellite Map of Central Area of the Bunya Mountains



Option 1 Location Photos



Russell Park looking West



Russell Park looking East



Potential Building Site in Russell Park looking South. (Note the power line running through the site to Cutters Rest)

FOR OPENING NOTIFICATIONS - SEE BACK

Form No.	Farm No.	Selector	Remarks	Form No.	Farm No.	Selector	Remarks
Space Reserved for Office Notings							

SURVEY OFFICE
 No. 4433 L.S.M.
 Date 30-5-67
QUEENSLAND

Traverses and Secants

Line	Bearing	Dist.
10-08	31°56'	68.6
15-18	153°1'	102.0
1-17	264°3'	190.3
3-10	174°18'	181.1

IRON PINS

Line	Bearing	Dist.
1-01P at Station		
3-01P	270°11'	5.0
2-1P	285°50'	
4-1		
5-1	125°54'	
6-1	139°15'	
7-1	336°1'	
8-1	156°1'	
9-1	211°36'	
12-1	133°18'	
13-1	125°59'	
14-1	129°12'	
15-1	124°59'	
16-01P	174°31'	6.77

Reference to Corners

Cor	Bearing	From	Dist.	Mark
4	103°40'	0.5m	04.1	
5	139°17'	0m	14.0	A.R.
9	213°45'	ORT	20.4	
8	223°10'	Shyom	31.5	A.R.E.E.
12	129°1'	ORT	31.8	
13	336°2'	Scrub	59.7	A.R.
14	289°	"	25.2	

For Additional Plan & Document Notings Refer to CISP

Adjustments

For	Reference	Previous Area	Date	Charted
Result	R. 30643	8-2-8*	OLD M	32.10.66
			O. G. B.	

Meridian Observations

Obs.	Date	Lat.	Long.	Remarks
5	9-4-67	26° 53' 25"	151° 56' 4"	8° 10' 54"

PLAN OF

Road to be opened in Resub. 2 of Sub. 10 & Sub. 1 of Resub. 2 of Sub. 16 of

PORTION No. 1

PARISH OF TUREEN

County of Fitzroy

Land Agents Nansingo

District of

Cat. No. **Fy.2071**

CROWN COPYRIGHT RESERVED

Scale 4 Chains to an Inch.

I hereby certify that I, in person, made and on the 18-5-1967 completed the survey represented by this plan, on which are written the bearings and lengths of the lines surveyed by me, and that the survey has been executed in accordance with the existing regulations of the Survey General's Department.

B. M. Connel

8.2 Deed of Trust Discussion

The Bunya Mountains Community Association recognises land in Russell Park owned by the Western Downs Regional Council as an ideal site for a community centre. The WDRC holds the land in trust on behalf of the people of Dalby and the District. It would seem through the reading of the Deed of Trust which wording is reproduced below and the actual copy in the report appendices, that the deed does indeed allow for land to be leased for building purposes.

Paragraph 1 states that the park is to be a 'Tourist Resort' and a 'Recreation Reserve'. Paragraph 2 of the Schedule of Trusts states clearly the trustees may lease the land for building purposes with rents and profits arising from that to be applied to management and maintenance of Russell Park.

The leasing of land for a community centre would be totally consistent with the Schedule of Trust for Russell Park. The activities of the community centre would support and encourage tourism in the area and the leasing of land is clearly stated as a potential use of the land and rent arising from the leasing can be applied to management and maintenance.

The WDRC as trustees of Russell Park would be carrying out their duty as trustees by leasing land for a community centre as it is entirely consistent with the Schedule of Trust.

Russell Park- Schedule of Trusts 1965

"It is agreed that the above described land shall be held by the abovenamed Trustees upon the Trusts following, that is to say:-

1. TO HOLD the said lands for and on behalf of the people of Dalby and District in perpetuity as a Park Tourist Resort and Recreation Reserve without power of sale or alienation;
2. TO LEASE the said land or any part thereof for building purposes and apply any rents and profits arising therefrom towards the management maintenance preservation advancement beautification development and improvement of said lands;
3. TO DO all such things as may appear to be in the discretion of the Trustees conducive to the development of said lands;
4. NO TOLL levy or charge whatsoever for admission to the said lands (except for those lands leased as foresaid) or for the use of roads or roads leading through the said lands shall be made on the public;
5. BYLAWS may be made by the said Local Authority or Authorities for the regulation and management of the said lands and improvement erected thereon provided such bylaws do not in any way infringe or curtail the trusts hereinbefore set forth.

9 Capital Cost and Source of Funding

9.1 Capital Cost

Commercial building costs in Australia are subject to a range of variables, including location, size, design, materials, and construction methods. Data from the Australian Bureau of Statistics shows that the average cost of a new commercial building in the September 2021 quarter was around \$2,237 per square meter for low-rise structures and \$3,772 per square meter for high-rise buildings. Metropolitan commercial construction costs in 2023 are in the range of \$2800 per square metre to \$3800 per square metre. (BMT Quantity Surveyors 2023) Regional construction costs for civic construction are estimated to exceed \$5000 per square metre. (WDRC 2023) The cost of a 600 square meter civic building is therefore estimated to be in the range of \$3 million to \$4 million. However, it is important to remember that these are just average figures, and the cost of a commercial building can vary significantly based on project-specific requirements.

In addition to the factors mentioned above, other costs such as site preparation, permits and approvals, labour expenses, and project management fees can all contribute to the overall cost of the commercial building. Professional guidance from construction experts is recommended to get a more accurate estimate of project costs. It is important to note that the final cost of the building can only be accurately determined once a site is secured, and a final design is agreed upon. A quantity surveyor can then calculate the final cost before the building is put to tender with local builders. Diligent planning and accurate costing can ensure a successful project outcome.

9.2 Funding Options for Construction

1. **Government grants:** The Australian government and state governments offer grants and funding opportunities for community projects, including community halls. These grants can vary depending on the project's size and purpose, but they are worth exploring. The RDA Building Better Regions Funds is having a new round of grants in 2023.
2. **Local council funding:** The regional councils have community grant programs that support projects such as community centres. The local councils will be contacted to see what grants or funding opportunities are available once land is secured.
3. **Crowdfunding:** Crowdfunding is an option that allows an organisation to raise funds for your community hall from a large group of people. You can create a campaign on a crowdfunding website and encourage people to donate to your cause.
4. **Corporate sponsorships:** Some businesses may be interested in sponsoring the community hall. A presentation will be developed to approach larger corporations in the region along with local businesses to see if they are interested in donating or sponsoring the project.
5. **Community fundraising events:** Fundraising events within the community to raise funds for the community centre will continue. These events can include auctions, raffles, and bake sales. The BMCAI Dinner Under the Stars is the most successful of the event run so far.

10 Recommendation

It is recommended that the Bunya Mountains Community Association formally requests the Western Downs Regional Council to internally consult and decide as Trustees for Russell Park to lease land for a new community Centre. Once approved the BMCAI would raise funds to build and operate the community centre which would create the following benefits:

1. **Promoting community cohesion:** A community centre can be a hub for community activities and events, which can help build a sense of community and reduce social isolation. By donating land for a community centre, the council can help promote community cohesion and support community wellbeing.
2. **Supporting Indigenous cultural development:** A community centre can be used for a variety of programs and services that indigenous cultural development, such as education and training programs, cultural, health and wellness activities, and community events. By donating land for a community centre, the council can help support cultural development and provide a central location for community and cultural activities.
3. **Disaster preparation, response, and resilience:** A community centre that would better enable disaster preparation, response, and recovery is a crucial asset. It would provide a centralized hub for coordination, equipped with advanced technology and resources. The facility would facilitate efficient communication, swift decision-making, and effective collaboration among emergency management teams, first responders, and relief organizations. Additionally, it could serve as a training center, empowering communities to better anticipate and respond to future crises. Overall, investing in such a building would significantly enhance the ability to save lives, mitigate disaster impact, and support community recovery.
4. **Enhancing local amenities:** A community centre can be a valuable amenity for the local area, providing a space for community events, public meetings, and cultural activities. By donating land for a community centre, the council can help enhance local amenities and improve the quality of life for the residents.
5. **Supporting economic development:** A community centre can be used for economic development activities, such as hosting markets, conferences, and business events. By donating land for a community centre, the council can help support economic development and attract visitors to the area, which can boost the local economy.
6. **Fostering community leadership:** A community centre can be a space for community members to take on leadership roles and initiate community activities and events. By donating land for a community centre, the council can help foster community leadership and empower community members to take an active role in community development.
7. **Encouraging and supporting volunteers:** A community centre would encourage and support volunteerism which nurtures personal growth, combats social isolation, fosters community connection, and benefits society in the region. Through volunteer activities, individuals develop skills, gain purpose, and find fulfillment. Volunteers create meaningful connections, break down barriers, and strengthen communities. Volunteering plays a vital role in personal and communal well-being.

10.1 Economic Benefits of a Community Centre

The investment of \$3.5m in building a community centre in the Bunya Mountains would create \$18.375 million in community value. For every \$1 in investment in program funding, neighbourhood, and community centres produces \$5.25 in community value. Further benefits are outlined below:

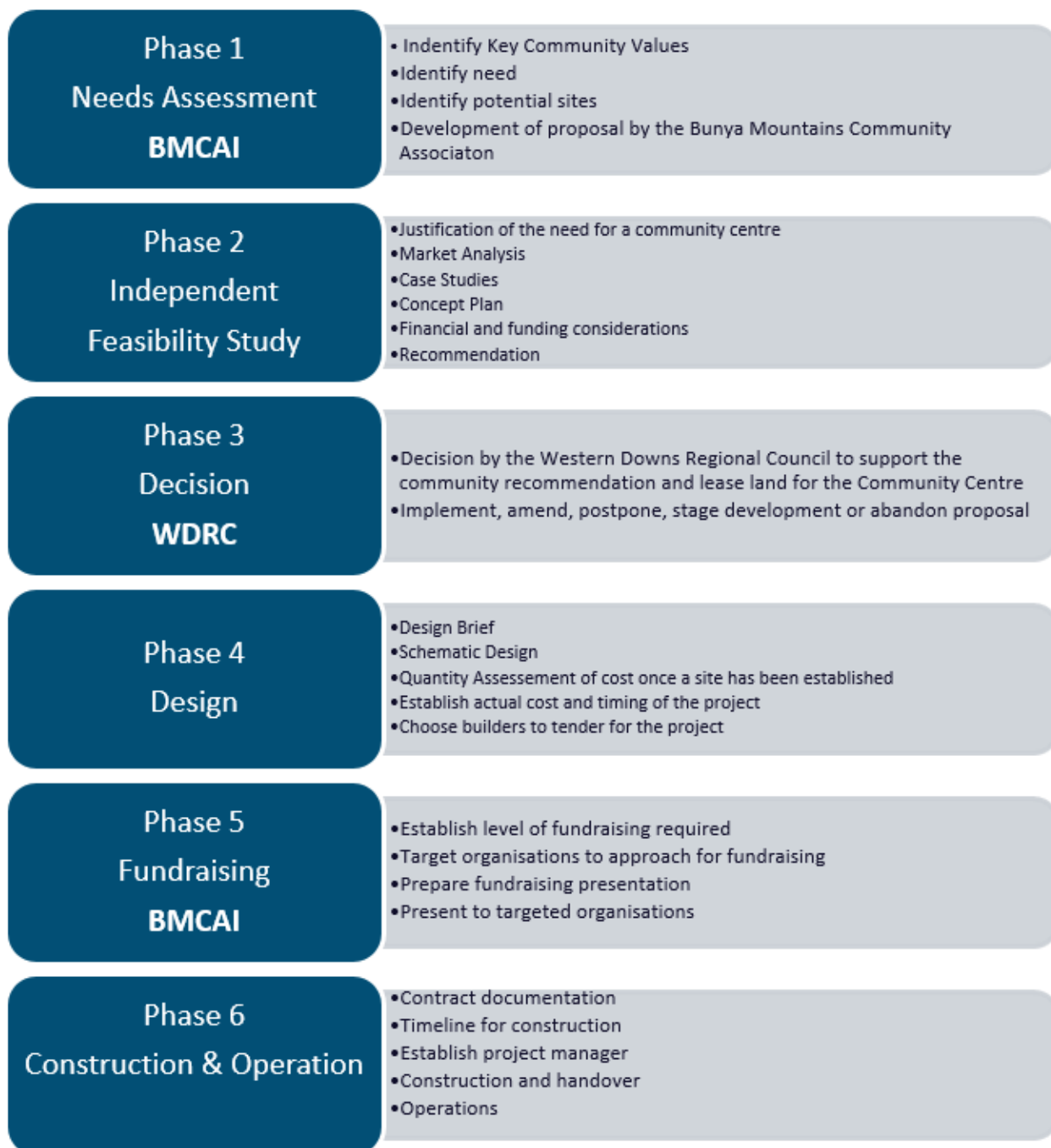
1. **Job creation:** Building a community centre will create jobs in construction and maintenance, as well as opportunities for employment in programming, administration, and operations.
2. **Increased tourism:** A well-equipped community centre can attract visitors to the region, generating additional revenue for local businesses and boosting the local economy.
3. **Improved property values:** Communities with well-developed amenities such as community centres tend to have higher property values, attracting more investment and helping to maintain the value of local real estate.
4. **Small business development:** A community centre can provide a venue for local entrepreneurs to showcase their products and services, promoting the development of small businesses and contributing to the local economy.
5. **Stimulated growth:** By providing a gathering place for residents, a community centre can stimulate economic growth by creating opportunities for local businesses and entrepreneurs to reach new customers and expand their reach.
6. **Public-private partnerships:** Building a community centre can create opportunities for public-private partnerships, leveraging private sector investment and expertise to support community development and economic growth.

10.2 The Benefits for the Western Downs Regional Council

1. **Improved reputation:** By investing in community amenities such as a community centre, the council can improve its reputation and image among residents, demonstrating its commitment to enhancing the quality of life for all members of the community.
2. **Increased community engagement:** A community centre provides opportunities for residents to become involved in local events, programs, and activities, increasing their engagement with the council, and building trust between the council and the community.
3. **Enhanced community services:** By centralising resources and programs in a community centre, the council can improve the delivery of services and programs to the community, ensuring that all residents have access to the resources they need.
4. **Increased revenue:** A well-run community centre can generate revenue for the council through stimulating growth in the local economy and attracting more people to the area.
5. **Improved facilities and infrastructure:** Building a community centre can provide the council with modern, well-equipped facilities that can be used to host events, meetings, and other community activities, enhancing the quality of life for all residents.
6. **Stronger partnerships:** A community centre can provide opportunities for the council to work in partnership with local organizations, businesses, and other community groups, strengthening relationships and working together to achieve common goals.

11 Road Map Forward and Next steps

The feasibility study is phase two of a six stage process in creating a new community place in the Bunya Mountains. The next steps are for the Bunya Mountains Community Association to present the feasibility study to the Western Downs Regional Council. The council would then consult internally and decide if they were willing to lease land to the BMCAI to build the community centre. If successful, the BMCAI could then proceed with a fund-raising presentation to various government and private organisations. The land in Russell Park is viewed as the only option for a community centre in the Bunya Mountains.



12 Appendices

12.1 Russell Park- Deed of Trust Copy

MAR-25-65 52366 DISE •109• E DUP— 202

SCHEDULE OF TRUSTS

It is agreed that the above described land shall be held by the abovenamed Trustees upon the Trusts following, that is to say:-

1. TO HOLD the said lands for and on behalf of the people of Dalby and District in perpetuity as a Park Tourist Resort and Recreation Reserve without power of sale or alienation;
2. TO LEASE the said land or any part thereof for building purposes and apply any rents and profits arising therefrom towards the management maintenance preservation advancement beautification development and improvements of the said lands;
3. TO DO all such things as may appear to be in the discretion of the Trustees conducive to the development of the said lands;
4. NO TOLL levy or charge whatsoever for admission to the said lands (except those lands that may be leased as aforesaid) or for the use of any road or roads leading through the said lands shall ever be made on the public;
5. BYLAWS may be made by the said Local Authority or Authorities for the regulation and management of the said lands and improvements erected thereon provided such bylaws do not in any way infringe or curtail the trusts hereinbefore set forth.

IN WITNESS WHEREOF we have hereunto subscribed our names this First day of December 1964.

SIGNED on the day abovenamed by the said CAROLINE CLAPPERTON in the presence of:-

ACCEPTED

SEALED with the Common Seal of
THE COUNCIL OF THE SHIRE OF
WAMBO this Twelfth day
of February 1965 in the
presence of:-

A Justice of the Peace
Correct for the purpose of registration.

Chairman
Shire Clerk
Solicitor for the Trustees

12.2 Letter from the Deputy Director General – Queensland Parks and Wildlife Service and Partnerships



Department of
Environment and Science

Our Ref: CTS 18458/21

18 October 2021

Bunya Mountains Community Association Inc
C/- Carol Weekes, Secretary
Bunya Cottage
Lot 14 Bunya Avenue
BUNYA MOUNTAINS QLD 4405

Dear Ms Weekes

Thank you for your letter dated 3 August 2021, regarding the Bunya Mountains Community Association's proposal to establish a community centre on the Bunya Mountains.

I can confirm that the Department of Environment and Science (DES) is the current trustee of the Reserve for Departmental and Official Purposes (Lot 80 on FY2562) facing Bunya Mountains Road. I can advise that DES has no long-term interest in this parcel and is willing to relinquish its trusteeship enabling it to be reconsidered for an alternative use. On DES relinquishing its trusteeship, the Department of Resources (DoR), as the government department responsible for allocation of State land, will evaluate its most appropriate use and tenure prior to any further allocation is undertaken. Acknowledging DoR's role in evaluating the land parcel's future use and any associated land tenure it is most appropriate to discuss the matter with DoR. I have included DoR in this response and provide contact details as 07 5352 4208 or email csc.south@resources.qld.gov.au.

I can share from DES's experience that development on this land parcel may prove problematic due to its size, slope and access. Therefore, I encourage your association to discuss your proposal in the first instance with the South Burnett Region Council to understand to what extent the Council's planning scheme and building code may constrain the construction of a community centre on the property along with potentially exploring alternative site options.

Further, I can advise that Queensland Parks and Wildlife Service (QPWS) has no plans to upgrade or expand its existing park office. QPWS's focus remains investing in and maintaining, to a high standard, the park's visitor facilities and walking tracks.

May I suggest, on advice from local DES officers, that the Association consider contacting the owners of the Presbyterian Camp site in the Mowbullan township. It is understood it was recently offered for sale and may fulfil the community's needs.

PO Box 15187 City East
Queensland 4002 Australia
Website www.des.qld.gov.au
ABN 46 640 294 485

Should you require any further information, you may contact Mr Brett Roberts, Principal Ranger Eastern Highlands, Queensland Parks and Wildlife Service and Partnerships of DES on telephone 0484 190 874 or by email at brett.roberts@des.qld.gov.au.

Yours sincerely



Ben Klaassen
Deputy Director General
Queensland Parks and Wildlife Service and Partnerships

Cc: csc.south@resources.qld.gov.au

12.3 Attachments

1. Letters of Support
2. Bunya Mountains Community Association Community Plan (2023-2026)

Title **Executive Services Report Outstanding Actions August 2024**

Date 8 July 2024

Responsible Manager J. Taylor, 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 15 August 2024.

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.

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 15 August 2024

1. Outstanding Council Meeting Action List (As at 15 August 2024)

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
13/04/2022	Corporate Services Confidential Report Dalby Aerodrome Proposed Lease to Helismart	AD6.6.2	That this report be received, and Council resolves to; 1. Apply the exceptions contained within section 236(1)(c)(iii) of the <i>Local Government Regulation 2012</i> (Qld) to the proposed lease; 2. Offer Helismart Pty Ltd a ten-year lease over a portion of land at the Dalby Aerodrome, as depicted in the proposed lease sketch in this Report, on the terms as set out in this Report; and	Executive Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
			<p>3. Delegate authority to the CEO to negotiate and sign all documents necessary to:</p> <ul style="list-style-type: none"> a) Effect the surrender of the agricultural leased area known as Lease K, and the boundary realignment and resurvey of the agricultural leased area known as Lease H, at the Dalby Aerodrome; b) Survey the area known as Lease K to accommodate Helismart Pty Ltd's proposed leased area and to allow for future leased areas; and c) Provide a lease for a new surveyed area with Helismart Pty Ltd for approval by council. <p style="text-align: right;">CARRIED</p>	
19/07/2023	(035.2022.737.001) Community and Liveability Report Development Application for Reconfiguring a Lot (1 Lot into 10 Lots and Road Reserve) of Lot 20 on SP156284 Cemetery Road Chinchilla WA & SG Daniells Pty Ltd C/- Sweb Consulting	AD6.6.2	<p>That council investigates an amendment to the Planning Scheme to address the perceived requirements for rural residential development in the Chinchilla area.</p> <p style="text-align: right;">CARRIED</p>	Community & Liveability
16/08/2023	Request Review of the Council Meetings Policy	AD6.6.2	<p>That Council review the Council Meetings Policy.</p> <p style="text-align: right;">CARRIED</p>	Corporate Services
16/08/2023	Community and Liveability Confidential Report Western Downs Planning Scheme 2017 Major Amendment 2 Business and Planning Improvement Amendment Package	AD6.6.2	<p>That this Report be received and that:</p> <ol style="list-style-type: none"> 1.Council resolve, for the purposes of Chapter 2, Part 4, Section 16.1 of the Minister's Guidelines and Rules, to commence making a major amendment to its Planning Scheme. 2.Council endorse the proposed Planning Scheme Amendment and Maps (Major Amendment 2 – Business and Planning Improvement Amendment Package), including the Amended Planning Scheme Policies incorporated at Schedule 6 (Attachments 1A and 1B), prepared in accordance with Chapter 2, Part 4, Section 16.4 and Chapter 3, Part 1, Section 2.2 of the Minister's Guidelines and Rules. 3.Council endorse the proposed Communications Strategy (Attachment 2). 4.Council decide to make the proposed amendments to the Planning Scheme Policies, incorporated in Schedule 6 of Major Amendment 2 – Business and Planning Improvement Amendment Package, in 	Community & Liveability

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
			<p>accordance with Chapter 3, Part 1, Sections 2.1 of the Minister's Guidelines and Rules.</p> <p>5. Council give notice to the Planning Minister of the decision to amend the Planning Scheme, provide the required material (as set out in Schedule 3 of the Minister's Guidelines and Rules) and request a State Interest Review of Major Amendment 2, in accordance with Chapter 2, Part 4, Section 16.5 of the Minister's Guidelines and Rules.</p> <p>6. Council decide to proceed to public consultation of Major Amendment 2 – Business and Planning Improvement Amendment Package and the proposed amendments to the Planning Scheme Policies incorporated in Schedule 5, in accordance with Chapter 2, Part 4, Sections 18.1 and 18.2 and Chapter 3, Part 1, Section 3 of the Minister's Guidelines and Rules, after receiving and subject to the outcome of the State Interest Review and the Planning Minister's Notice issued under Chapter 2, Part 4, Section 17.5 of the Minister's Guidelines and Rules.</p> <p>7. That the Chief Executive Officer be granted all powers under the Minister's Guidelines and Rules to amend Proposed Major Amendment 2 – Business and Planning Improvement Amendment Package as detailed in Clause 2 above, prior to and in the course of the State Interest Review.</p> <p style="text-align: right;">CARRIED</p>	
15/02/2024	Executive Services Report - Expression of Interest - Disposal of parcels of land at Myall Street, Dalby	AD6.6.2	<p>That this Report be received and that Council resolves that:</p> <p>1. It is in the public interest, pursuant to section 228(3)(a) and (b) <i>Local Government Regulation 2012</i> (Qld) to invite Expressions of Interest ("EOI") to dispose of the following:</p> <ul style="list-style-type: none"> ○ Part of Lot 10 on RP75401 ○ Lots 7 - 9 on RP 75401 ○ Part of Lot 2 on RP186292 <p>Located at Myall Street, Dalby, ("Land") noting that:</p> <p>a. Disposing of the Land zoned as Recreation and Open Space Zone through a Lease is expected to result in the Land reaching its full potential by offering tourists a destination from which to explore the surrounds of Dalby and the wider region.</p> <p>b. An EOI will allow all interested parties to express their interest in acquiring the Land through a Lease. Council will then assess the best proposed use of the Land for the benefit of the community and assess the suitability of the applicant.</p>	Executive Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
			<p>c. That Council apply the Communications and Engagement Strategy to ensure appropriate early engagement with landholders in the vicinity of this parcel of land.</p> <p>CARRIED</p>	
18/04/2024	Infrastructure Services Confidential Evaluation Report Tender No MM25-23-24 - Dalby Recycled Water Scheme (Disposal) - Closed Tender	AD6.6.2	<p>That this Report be received, and that Council;</p> <ol style="list-style-type: none"> 1. Enter into a recycled water agreement with Liquid Power Co Pty Ltd (ABN 38 665 703 766) for the supply of Class A recycled water for a minimum period of 5 years, proposed to commence 1 January 2025 and the agreement includes; <ol style="list-style-type: none"> a. a fixed access charge for 5 years for a total of \$421,250.00 ex GST and; b. a volumetric charge of \$2.81 ex GST per kilolitre and; c. a total of \$1,641,040.00 ex GST "take or pay" for the final 2 years 2. Authorise the Chief Executive Officer under Section 257 of the Local Government Act 2009 (QLD) to make, amend or discharge an agreement with acceptable conditions associated with MM25-23-24 Dalby Recycled Water (Disposal). <p>CARRIED</p>	Infrastructure Services
20/06/2024	Executive Services Confidential Report Acquisition of Easement for Water Supply Purposes	AD6.6.2	<p>It is recommended that this report be received and that Council:</p> <ol style="list-style-type: none"> 1. Issues a notice of intention to resume from Lot 315 Crown Plan A342795 an easement for water supply infrastructure/reticulation purposes pursuant to the provisions of the <i>Acquisition of Land Act</i>, 1967. 2. Delegates to the Chief Executive Officer to receive and hear any objection to taking of the easement that may be made by the owner of the subject land and may in turn delegate that role to an appropriate employee of Council. 3. Will consider any report of any objection raised by the owner of the land prior to making any decision whether to compulsorily acquire the easement. <p>CARRIED</p>	Executive Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
18/07/2024	Community and Liveability Confidential Report Outcome of Tender MM02-24-25 for Waste Management Contracts	AD6.6.2	<p>That this report be received and that Council resolve:</p> <ol style="list-style-type: none"> 1. To award the Contract MM02-24/25 (A) – Operation of the Dalby, Chinchilla and Miles Hub Waste and Recycling Centres, to the Proterra Group, for its tender submission for a five (5) year contract period, in accordance with the tender specifications, addenda issued, tender submission including the schedule of rates, and all post tender clarifications and negotiations, and 2. To award the Contract MM02-24/25 (B.1) – Operation of the Condamine Satellite Waste and Recycling Centre, to Shane Hickey, for its tender submission for a five (5) year contract period, in accordance with the tender specifications, addenda issued, tender submission including the schedule of rates, and all post tender clarifications and negotiations, and 3. To award the Contract MM02-24/25 (B.2) – Operation of the Kaimkillenbun Satellite Waste and Recycling Centre, to BP Postle, for its tender submission for a five (5) year contract period, in accordance with the tender specifications, addenda issued, tender submission including the schedule of rates, and all post tender clarifications and negotiations, and 4. To award the Contract MM02-24/25 (C) – Line Haul Waste Services (Various Waste Facilities), to JJ's Waste and Recycling, for its alternative tender submission for a ten (10) year contract period, in accordance with the tender specifications, addenda issued, tender submission including the schedule of rates, and all post tender clarifications and negotiations, and 5. To award the Contract MM02-24/25 (D) – Operation of Tara and Wandoan Waste Facilities, to the Proterra Group, for its tender submission for a five (5) year contract period, in accordance with the tender specifications, addenda issued, tender submission including the schedule of rates, and all post tender clarifications and negotiations, and 6. To award the Contract MM02-24/25 (E) – Operation and Maintenance of the Winfields Road Waste 	Community & Livability

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
			<p>Management Centre, Jandowae, to JJ's Waste and Recycling, for its alternative tender submission for a twelve (12) year contract period, in accordance with the tender specifications, addenda issued, tender submission including the schedule of rates, and all post tender clarifications and negotiations, and</p> <p>7. Delegate to the Chief Executive Officer or delegate power to complete negotiations and prepare and sign the formal contracts between the parties.</p> <p>CARRIED</p>	
18/07/2024	Executive Services Confidential Report - Dalby Aerodrome Proposed Lease W	AD6.6.2	<p>That this report be received and that Council:</p> <ol style="list-style-type: none"> 1. apply the exception contained within section 236(1)(c)(iii) of the <i>Local Government Regulation 2012</i> to the proposed lease; 2. offer Mr Robert Keen a lease over land described as Lease W on SP237292 at the Dalby Aerodrome on the terms as listed in this report; and 3. delegate authority to the CEO to negotiate and sign all documents necessary to finalise the lease. <p>CARRIED</p>	Executive Services
15/08/2024	Executive Services Report Request Amendment Acceptance Trusteeship New Reserve for Drainage Part Lot 3 SP160431 Jandowae	AD6.6.2	<p>That this report be received and that Council:</p> <ol style="list-style-type: none"> 1. advise if Council is still agreeable to accept appointment as Trustees with creation of a Reserve, the purpose would be "Community Facility Purposes" and not "Drainage" on the northern boundary of Lot 3 SP160431 2. to delegate authority to the Chief Executive Officer to negotiate and sign all documents necessary to achieve the trustee appointment. <p>CARRIED</p>	Executive Services

Deputations (as at 15 August 2024)

Meeting date	Name	Council Resolution/Task	Comments	Responsible Division
15/08/2024	Our Lady of the Southern Cross College, Dalby Students presenting: Nadine Garside, Kirra Utz-Kruske and Shannon Larsen	Students presented a PowerPoint on the benefits of placing the Dalby Cultural Centre within Thomas Jack Park. Benefits proposed included: promoting social inclusion, engaging the Youth, providing Dalby with a social identity, promoting economic growth, and providing opportunities for those within the community who are not predisposed to sport. A flyer was shared with those in attendance.	No further action.	Community & Liveability
15/08/2024	Rodney Harth	Mr Harth requested Council to consider selling Lot 27SP159192 located in Wandoan. Mr Harth has previously leased this portion of land.	Legal in communications with Mr Harth.	Executive 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

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

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

Attachments

Nil

Authored by: B. Donald, SENIOR EXECUTIVE OFFICER

Title **Executive Services Chief Executive Officer Report August 2024**

Date 6 September 2024

Responsible Manager J. Taylor, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Chief Executive Officer during the month of August 2024.

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.

Background Information

Nil

Report

The below lists the meetings, delegations and forums attended by the Chief Executive Officer (CEO) during the month of August 2024.

Date	Who/Where	Details
1 August 2024	<ul style="list-style-type: none"> • Councillor Information Sessions • Toowoomba Surat Basin Enterprise (TSBE) • Future Energy Productions Panel Briefing 	Dalby Teams Meeting
5 August 2024	<ul style="list-style-type: none"> • Meeting with NBN • Meeting with Energy Quest 	Teams Meeting Dalby
12 August 2024	<ul style="list-style-type: none"> • Meeting with Queensland Police - Shortlisting Moderation • Audit Committee Meeting 	Teams Meeting Dalby

13 August 2024	<ul style="list-style-type: none"> • Planning & Pre-Agenda Meeting • Councillor Information Session 	Dalby Dalby
14 August 2024	<ul style="list-style-type: none"> • Meeting with EQUIS 	Dalby
15 August 2024	<ul style="list-style-type: none"> • Ordinary Meeting of Council • Councillor Information Sessions 	Wandoan Wandoan
16 August 2024	<ul style="list-style-type: none"> • Queensland Police Interviews 	Toowoomba
20 August 2024	<ul style="list-style-type: none"> • The Executive Connection 	Brisbane
21 August 2024	<ul style="list-style-type: none"> • Discussion with Queensland Renewable Energy Council (QREC) • Meeting with Shell • Meeting with Three Plus • Meeting with BOM 	Phone Brisbane Brisbane Teams
22 August 2024	<ul style="list-style-type: none"> • Meeting with Welcoming Cities • Meeting with Omega • Meeting with Queensland Resources Council • Meeting with Senex Energy • Meeting with Southern Cross Care 	Brisbane Brisbane Brisbane Brisbane Brisbane
24 August 2024	<ul style="list-style-type: none"> • Heart of Australia Gala Ball 	Brisbane
26 August 2024	<ul style="list-style-type: none"> • Meeting with Queensland Trust for Nature • Meeting with HeliSmart 	Teams Meeting Dalby
28 August 2024	<ul style="list-style-type: none"> • SMART Digital Program Project Executive Committee Meeting • Local Government Managers Australia Conference 	Teams Meeting Cairns
29 August 2024	<ul style="list-style-type: none"> • Local Government Managers Australia Conference 	Cairns
30 August 2024	<ul style="list-style-type: none"> • Meeting with Internal Auditors - O'Connor Marsden & Associates (OCM) 	Teams Meeting

Consultation (Internal/External)

Chief Executive Officer

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

The foregoing represents activities undertaken by the Chief Executive Officer during the month of August 2024.

Attachments

Nil.

Authored by: A. Lyell, EXECUTIVE SERVICES ADMINISTRATION OFFICER

Title **Corporate Services Report Write Off Outstanding Unrecoverable Accounts Receivable 2024**

Date 30 August 2024

Responsible Manager **T. Skillington, CHIEF FINANCIAL OFFICER**

Summary

The purpose of this report is to seek Council's approval to write off outstanding amounts which have been deemed unrecoverable. The write-offs of gas, infringements, and accounts receivable relate to amounts that have been provided for in the 2023-24 financial statements.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

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

The review and writing-off of unrecoverable debts will reduce the cost of resources required to attempt to recover debts with minimal expectation of recovery.

Material Personal Interest/Conflict of Interest

There are no material personal interests nor conflicts of interest associated with consideration of this matter.

Officer's Recommendation

That Council resolves to write off:

- (1) \$56,209.80 comprising:
 - (a) \$11,043.76 of unrecoverable accounts receivable (exclusive of goods and services tax);
 - (b) \$27,611.90 of unrecoverable infringements notices (exclusive of goods and services tax); and
 - (c) \$17,554.14 of unrecoverable gas accounts (exclusive of goods and services tax); and
- (2) \$12,585.00 being unrecoverable rates and charges in relation to a terminated permit to occupy.

Background Information

As part of the finalisation of Council's end of year accounts and annual financial statements, Council is required to review its outstanding debtor arrears and Council's capacity to recover the amounts outstanding. The outcome of this review is that Council will arrive at what it considers an appropriate provision for outstanding debts that have no reasonable expectation of recovery in their entirety or a portion thereof. This assessment is conducted in accordance with Australian Accounting Standard *AASB 9 Financial Instruments*, taking into account historical observations of default rates using credit losses experienced on transactions from previous years. It also considers Council's view of economic conditions over the expected lives of the receivables, loss pattern analysis, and cost/benefit consideration of recovering the debt.

Council has been committed to reducing any possible exposure to bad debt write offs and reducing any arrears. The levy of general rates and utility charges has protection from bad debt write offs through Council's legislative capacity to sell property. However, other revenue streams including accounts receivable, infringements, and most gas charges are subject to debt recovery practices outlined in Council's policies.

Report

For the accounts recommended for write-off, every avenue has been utilised to finalise the accounts and secure payment on a cost/benefit basis. The accounts are unable to be finalised and are considered to have no reasonable expectation of recovery.

Council's *Credit Risk Management Policy* and *Debt Recovery Collection - Statutory Policy* are aimed at reducing the likelihood of bad debts, particularly for accounts that do not relate to rates and charges. The introduction of prepayment keys for standpipe water will further reduce Council risk in relation to the recovery of outstanding standpipe water charges, however there are still some historical accounts contained in this request.

While Council has improved its processes and controls around providing access to gas there will always be a level of bad debts. Many gas users are tenants rather than the property owner and Council is not provided with a forwarding address once the property is vacated. Once the tenants leave the rental property, it is then very difficult to track them if they have not paid their accounts.

Regarding infringements, it is difficult to implement the same processes and controls as other debt types. After Council has exhausted all options, the only avenue open is referral onto the State Penalties Enforcement Register (SPER), for which the collection rates vary in success.

Accounts Receivable - Includes community housing, standpipe water, landing fees, washdowns, and waste

A provision of \$43,135.02 is held for Accounts Receivable, with the proposed write-off being \$11,043.76.

The Accounts Receivables are categorised as unrecoverable due to the excessive cost of continuing to enforce the collection actions and/or the account holder is untraceable. The largest debt of \$2,028.57 is for a community housing tenant. Accounts Receivables also includes proposed Avdata write-offs of \$6,159.17 being:

- (1) unpaid landing fees at Council operated aerodromes of \$173.93;
- (2) unpaid use of Council wash-down facilities of \$486.01; and
- (3) unpaid standpipe water charges of \$5,499.23.

Penalty Infringement Notices (PINS)

A provision for bad debts of \$100,025.51 is held for infringements. The proposed write-off of infringements is \$27,611.90. All the infringements proposed for write-off were referred to the State Penalties Enforcement Register during the 2021-22 financial year, however they have not been recovered to date.

The attached schedule includes ninety-two (92) infringements issued during the period 1 July 2021 to 30 June 2022 of which there are:

- (1) fifty-six (56) animal infringements, amounting to \$18,166.10;
- (2) ten waste infringements, amounting to \$4,028.00;
- (3) twenty-four (24) parking infringements, amounting to \$1,282.80;
- (4) one local law infringements, amount of \$1,378.00; and
- (5) one planning infringement, amount of \$2,757.00.

Gas Accounts

A provision for bad debts of \$33,936.25 is held for gas accounts. The proposed write-off of gas accounts is \$17,554.14. The attached schedule includes fifty-eight (58) gas notices issued, all of which have become uneconomical to continue to recovery and/or the account holder is untraceable.

Rates and Charges Terminated Permit to Occupy State Land Lot 37 Plan DY81

The subject property is Clyne's Road Montrose, for which a permit to occupy was held from 2009 for grazing purposes. The ratepayer ceased making payments in 2012 and in 2015 advised Council of the desire to no longer hold the permit to occupy. Advice was provided on two separate occasions for the need to formally cancel the permit with the Department of Resources.

In 2017 Council commenced legal proceedings in the Magistrates Court for unpaid rates and charges in the amount of \$6,061.50. Subsequently, a Default Judgment was filed in 2019 for the amount of \$6,447.90. Nominal payments commenced in 2019 but ceased in 2022. All processes have been exhausted to recover the debt. The usual avenue, being sale of land, is unable to be pursued due to the land being State owned.

In November 2023, the Department of Resources advised Council that all interests in the land had ceased and that it was cancelling the valuation on the property effective from 1 July 2022. The land has reverted to a State reserve over which Council is the trustee. Consequently, it is no longer a rateable property.

There is no reasonable expectation of recovery in relation to the balance outstanding and General Counsel has advised it would be uneconomical to pursue recovery through further legal action. Interest continues to accrue with the balance of rates and charges at the date of this report being \$12,585.00.

Consultation (Internal/External)

Consultation has occurred with relevant finance staff, and General Counsel.

Legal/Policy Implications (Justification if applicable)

All debts were processed in accordance with Council's *Credit Risk Management Policy* and *Debt Recovery Collection - Statutory Policy* prior to consideration for write-off.

Budget/Financial Implications

An impairment provision is recorded in Council's annual financial statements and is sufficient to cover the write-offs proposed in the report. There is no provision for the rates write-off on the terminated permit to occupy, and as Council cannot include this in sale of land for rates arrears process, this will reduce rates income by \$12,585.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) requires public entities 'to act and make decisions in a way compatible with human rights'. There are no human rights implications associated with this report.

Conclusion

It is recommended that Council resolves to adopt the write-off recommendations.

Attachments

- 1 Accounts Receivable (including Avdata) Write Offs
- 2 Avdata Write Offs
- 3 Infringement Write Offs
- 4 Gas Write Offs

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

Reference	Category	Previously Provided For	Provision Year	Amount (Exc)	Amount GST Inclusive	Write Off Reason
9293.01	Sundry	Yes	23/24	\$ 200.73	\$ 220.80	No longer financially viable to pursue debt
14566.01	Sundry	Yes	23/24	\$ 550.00	\$ -	No longer financially viable to pursue debt
10190.01	Sundry	Yes	23/24	\$ 27.59	\$ 30.35	No longer financially viable to pursue debt
15569.01	Sundry	Yes	23/24	\$ 41.36	\$ 45.50	No longer financially viable to pursue debt
8756.13	Waste	Yes	23/24	\$ 14.09	\$ 15.50	No longer financially viable to pursue debt
12379.13	Waste	Yes	23/24	\$ 27.01	\$ 29.71	No longer financially viable to pursue debt
15307.13	Waste	Yes	23/24	\$ 401.25	\$ 441.38	No longer financially viable to pursue debt
15413.13	Waste	Yes	23/24	\$ 105.31	\$ 115.84	No longer financially viable to pursue debt
15242.13	Waste	Yes	23/24	\$ 13.45	\$ 14.80	No longer financially viable to pursue debt
15508.13	Waste	Yes	23/24	\$ 50.18	\$ 55.20	No longer financially viable to pursue debt
15595.13	Waste	Yes	23/24	\$ 14.09	\$ 15.50	No longer financially viable to pursue debt
14087.13	Waste	Yes	23/24	\$ 1,410.95	\$ 1,552.04	No longer financially viable to pursue debt
14969.22	Community Housing	Yes	23/24	\$ 2,028.57	\$ -	No longer financially viable to pursue debt
				\$ 4,884.59	\$ 2,536.62	

Council Ref	Invoice Date	Invoice Number	Description	GST Exclusive	GST Inclusive
AVDATA STANDPIPES					
	21.2.22	183 027 149	Tara Standpipe	\$ 26.03	-
	11.5.22	183 027 149	<i>Payment Credit Card</i>	-\$ 3.67	-
	21.6.22	183 086 966	Tara Standpipe	\$ 7.54	-
	20.7.22	183 103 725	Tara Standpipe	\$ 5.34	-
150 051 934				\$ 35.24	-
	20.7.22	183 100 522	Tara Standpipe	\$ 77.65	-
	21.6.22	183 088 042	Tara Standpipe	\$ 9.75	-
	22.6.22	183 088 042	Allocation Credit	-\$ 0.24	-
150 049 775				\$ 87.16	-
	21.6.23	183 285 331	Tara Standpipe	\$ 99.15	-
	19.5.23	183 270 449	Tara Standpipe	\$ 45.85	-
	19.4.23	183 245 357	Tara Standpipe	\$ 80.82	-
150 056 681				\$ 225.82	-
	19.8.22	183 121 931	Dalby Standpipe	\$ 256.49	-
150 056 902				\$ 256.49	-
	19.5.22	183 073 782	Tara Standpipe	\$ 0.74	-
150 056 610				\$ 0.74	-
	19.12.22	183 189 394	Chinchilla Standpipe	\$ 1,858.31	-
	21.11.22	183 174 515	Chinchilla Standpipe	\$ 970.18	-
	20.10.22	183 149 737	Chinchilla Standpipe	\$ 866.57	-
	20.9.22	183 135 730	Chinchilla Standpipe	\$ 202.37	-
150 057 581				\$ 3,897.43	-
	19.12.22	183 190 565	Miles Standpipe	\$ 73.01	-

19.01.23	183 199 554	Miles Standpipe	\$	113.65	-
150 044 117			\$	186.66	-
21.6.23	183 284 623	Tara Standpipe	\$	17.85	-
19.5.23	183 272 159	Tara Standpipe	\$	27.25	-
19.4.23	183 247 727	Tara Standpipe	\$	54.87	-
21.3.23	183 236 821	Tara Standpipe	\$	85.94	-
21.2.23	183 223 813	Tara Standpipe	\$	34.88	-
28.4.23	183 223 813	<i>Payment</i>	-\$	24.88	-
150 052 577			\$	195.91	-
21.2.23	183 220 329	Tara Standpipe	\$	66.59	-
19.1.23	183 200 653	Tara Standpipe	\$	61.20	-
150 058 336			\$	127.79	-
21.3.23	183 236 631	Tara Standpipe	\$	14.88	-
21.2.23	183 222 479	Tara Standpipe	\$	20.65	-
150 058 595			\$	35.53	-
21.3.23	183 238 401	Tara Standpipe	\$	15.81	-
21.2.23	183 224 507	Tara Standpipe	\$	15.62	-
150 058 511			\$	31.43	-
21.6.23	183 285 401	Tara Standpipe	\$	6.60	-
19.4.23	183 249 518	Tara Standpipe	\$	6.14	-
150 026 947			\$	12.74	-
19.4.23	183 247 735	Tara Standpipe	\$	18.79	-
20.4.23	183 247 735	<i>Allocation from credit</i>	-\$	0.57	-
150 052 890			\$	18.22	-

19.5.23	183 272 045	Tara Standpipe	\$	55.80	-
19.4.23	183 247 632	Tara Standpipe	\$	56.36	-
150 029 068			\$	112.16	-
19.5.23	183 271 139	Tara Standpipe	\$	13.02	-
19.4.23	183 247 464	Tara Standpipe	\$	21.20	-
150 056 169			\$	34.22	-
21.6.23	183 286 651	Tara Standpipe	\$	27.99	-
150 045 530			\$	27.99	-
21.6.23	183 286 014	Tara Standpipe	\$	28.37	-
22.6.23	183 286 014	<i>Allocation credit</i>	-\$	9.58	-
150 051 846			\$	18.79	-
21.6.23	183 285 544	Tara Standpipe	\$	105.46	-
22.6.23	183 285 544	<i>Allocation credit</i>	-\$	0.02	-
150 058 328			\$	105.44	-
19.5.23	183 272 152	Tara Standpipe	\$	89.47	-
150 054 307			\$	89.47	-
STANDPIPES TOTAL			\$	5,499.23	\$ -
AVDATA WASHDOWNS					
21.3.22	183 036 867	Chinchilla Washdown	\$	65.45	\$ 72.00
20.4.22	183 048 807	Chinchilla Washdown	\$	285.82	\$ 314.40
20.7.22	183 099 525	Chinchilla Washdown	\$	19.64	\$ 21.60
20.7.22	183 099 526	Chinchilla Washdown	\$	21.82	\$ 24.00
150 054 212			\$	392.73	\$ 432.00

20.10.22	183 147 336	Dalby Truckwash	\$	6.55	\$	7.21
150 057 546			\$	6.55	\$	7.21
19.1.23	183 198 506	Dalby Truckwash	\$	46.36	\$	51.00
19.1.23	183 198 505	Dalby Truckwash	\$	40.36	\$	44.40
150 051 968			\$	86.73	\$	95.40
WASHDOWNS TOTAL			\$	486.01	\$	534.61
AVDATA AERODROMES						
20.7.22	183 108 441	Chinchilla Aerodrome	\$	10.00	\$	11.00
150 055 962			\$	10.00	\$	11.00
19.8.22	183 125 467	Dalby Aerodrome	\$	10.45	\$	11.50
150 054 591			\$	10.45	\$	11.50
20.10.22	183 157 846	Chinchilla Aerodrome	\$	10.45	\$	11.50
150 027 986			\$	10.45	\$	11.50
20.9.22	183 141 635	Chinchilla Aerodrome	\$	12.33	\$	13.56
150 044 535			\$	12.33	\$	13.56
19.1.23	183 206 597	Dalby Aerodrome	\$	22.53	\$	24.78
150 045 493			\$	22.53	\$	24.78
19.5.23	183 275 947	Chinchilla Aerodrome	\$	35.33	\$	38.86
150 040 974			\$	35.33	\$	38.86
21.2.23	183 217 374	Dalby Aerodrome	\$	13.76	\$	15.14
150 050 412			\$	13.76	\$	15.14

21.3.23	183 232 847	Dalby Aerodrome	\$	10.45	\$	11.50
150 047 334			\$	10.45	\$	11.50
19.1.23	183 204 992	Chinchilla Aerodrome	\$	24.89	\$	27.38
150 032 616			\$	24.89	\$	27.38
20.7.23	183 310 680	Dalby Aerodrome	\$	11.86	\$	13.05
21.3.23	183 233 291	Dalby Aerodrome	\$	11.86	\$	13.05
150 055 824			\$	23.73	\$	26.10
AERODROMES TOTAL			\$	173.93	\$	191.32
AVDATA TOTAL			\$	6,159.17	\$	725.93

ANIMALS

WASTE

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502746	Waste Infringement	Yes	23/24	\$0.00	\$275.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1132015	Waste Infringement	Yes	23/24	\$0.00	\$137.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1134003	Waste Infringement	Yes	23/24	\$0.00	\$137.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1134004	Waste Infringement	Yes	23/24	\$0.00	\$137.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1134013	Waste Infringement	Yes	23/24	\$0.00	\$37.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
Waste Total				\$0.00	\$4,028.00	

PARKING

Reference	Category	Previously Provided for	Provision Year	Amount GST	Exempt	Write Off Reason
1156003	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150087	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150092	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150181	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150197	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150275	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150277	Parking Infringement	Yes	23/24	\$0.00	\$27.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150303	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150352	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150361	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150372	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150389	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150393	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150399	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150640	Parking Infringement	Yes	23/24	\$0.00	\$58.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150645	Parking Infringement	Yes	23/24	\$0.00	\$58.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150660	Parking Infringement	Yes	23/24	\$0.00	\$58.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150673	Parking Infringement	Yes	23/24	\$0.00	\$58.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150689	Parking Infringement	Yes	23/24	\$0.00	\$58.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150716	Parking Infringement	Yes	23/24	\$0.00	\$7.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
1150012	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1111230	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1111801	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
1111809	Parking Infringement	Yes	23/24	\$0.00	\$56.40	Infringement Lodged with SPER 1/7/21 - 30/06/22
Parking Total				\$0.00	\$1,282.80	

ENVIRO HEALTH

Reference	Category	Previously Provided for	Provision Year	Amount GST	Exempt	Write Off Reason
553004	Enviro Health Infringement	Yes	23/24	\$0.00	\$1,378.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
EH Total				\$0.00	\$1,378.00	

PLANNING

Reference	Category	Previously Provided for	Provision Year	Amount GST	Exempt	Write Off Reason
502666	Planning Infringement	Yes	23/24	\$0.00	\$2,757.00	Infringement Lodged with SPER 1/7/21 - 30/06/22
Planning Total				\$0.00	\$2,757.00	
GRAND TOTAL				\$0.00	\$27,611.90	

Unrecoverable Gas Accounts

Assessment No.	Transaction Date	Ex GST	Total Outstanding	Reason
1040406	14/09/2023	\$ 2,049.53	\$ 2,254.48	Uneconomical to recover and/or untraceable
1041506	15/02/2024	\$ 1,156.54	\$ 1,272.19	Uneconomical to recover and/or untraceable
1052499	05/10/2023	\$ 1,050.78	\$ 1,155.86	Uneconomical to recover and/or untraceable
1040921	14/09/2023	\$ 967.65	\$ 1,064.41	Uneconomical to recover and/or untraceable
1041246	17/08/2023	\$ 811.81	\$ 892.99	Uneconomical to recover and/or untraceable
1041285	17/08/2023	\$ 712.95	\$ 784.24	Uneconomical to recover and/or untraceable
1040712	15/02/2024	\$ 683.11	\$ 751.42	Uneconomical to recover and/or untraceable
1040797	09/11/2023	\$ 679.95	\$ 747.94	Uneconomical to recover and/or untraceable
1041340	05/10/2023	\$ 672.53	\$ 739.78	Uneconomical to recover and/or untraceable
5017200	29/02/2024	\$ 607.53	\$ 668.28	Uneconomical to recover and/or untraceable
1041029	02/11/2023	\$ 551.21	\$ 606.33	Uneconomical to recover and/or untraceable
1041398	21/12/2023	\$ 478.00	\$ 525.80	Uneconomical to recover and/or untraceable
1040369	05/10/2023	\$ 425.95	\$ 468.55	Uneconomical to recover and/or untraceable
1041396	15/02/2024	\$ 421.87	\$ 464.06	Uneconomical to recover and/or untraceable
1041140	14/09/2023	\$ 397.85	\$ 437.64	Uneconomical to recover and/or untraceable
1041593	15/02/2024	\$ 352.60	\$ 387.86	Uneconomical to recover and/or untraceable
1041184	25/04/2024	\$ 343.98	\$ 378.38	Uneconomical to recover and/or untraceable
1041691	25/01/2024	\$ 340.25	\$ 374.28	Uneconomical to recover and/or untraceable
1041309	25/04/2024	\$ 330.00	\$ 363.00	Uneconomical to recover and/or untraceable
1041224	30/11/2023	\$ 293.70	\$ 323.07	Uneconomical to recover and/or untraceable
2051736	13/06/2024	\$ 284.15	\$ 312.57	Uneconomical to recover and/or untraceable
1040833	15/02/2024	\$ 275.34	\$ 302.87	Uneconomical to recover and/or untraceable
1041282	25/01/2024	\$ 248.45	\$ 273.29	Uneconomical to recover and/or untraceable
1041001	05/10/2023	\$ 212.26	\$ 233.49	Uneconomical to recover and/or untraceable
1040989	09/11/2023	\$ 211.78	\$ 232.96	Uneconomical to recover and/or untraceable
1041316	13/06/2024	\$ 208.97	\$ 229.87	Uneconomical to recover and/or untraceable
1040443	25/04/2024	\$ 207.85	\$ 228.63	Uneconomical to recover and/or untraceable
1041510	15/02/2024	\$ 192.26	\$ 211.49	Uneconomical to recover and/or untraceable
1040877	23/05/2024	\$ 183.62	\$ 201.98	Uneconomical to recover and/or untraceable
3052111	13/06/2024	\$ 177.03	\$ 194.73	Uneconomical to recover and/or untraceable
1041268	02/11/2023	\$ 171.66	\$ 188.83	Uneconomical to recover and/or untraceable
1041560	28/03/2024	\$ 151.51	\$ 166.66	Uneconomical to recover and/or untraceable
1041338	13/06/2024	\$ 145.48	\$ 160.03	Uneconomical to recover and/or untraceable
1041187	17/08/2023	\$ 143.59	\$ 157.95	Uneconomical to recover and/or untraceable
1052354	21/12/2023	\$ 130.26	\$ 143.29	Uneconomical to recover and/or untraceable
1052189	25/04/2024	\$ 124.10	\$ 136.51	Uneconomical to recover and/or untraceable
1041065	15/02/2024	\$ 116.69	\$ 128.36	Uneconomical to recover and/or untraceable
1041499	05/10/2023	\$ 114.30	\$ 125.73	Uneconomical to recover and/or untraceable
1040787	02/11/2023	\$ 96.36	\$ 106.00	Uneconomical to recover and/or untraceable
5042802	09/11/2023	\$ 91.69	\$ 100.86	Uneconomical to recover and/or untraceable
1040882	25/01/2024	\$ 89.83	\$ 98.81	Uneconomical to recover and/or untraceable
2050967	30/11/2023	\$ 87.89	\$ 96.68	Uneconomical to recover and/or untraceable
1041596	21/12/2023	\$ 73.43	\$ 80.77	Uneconomical to recover and/or untraceable
3066900	15/02/2024	\$ 63.55	\$ 69.90	Uneconomical to recover and/or untraceable
5008010	05/10/2023	\$ 58.38	\$ 64.22	Uneconomical to recover and/or untraceable
1041808	23/05/2024	\$ 46.09	\$ 50.70	Uneconomical to recover and/or untraceable
2035400	30/11/2023	\$ 43.35	\$ 47.69	Uneconomical to recover and/or untraceable
1041412	02/11/2023	\$ 42.36	\$ 46.60	Uneconomical to recover and/or untraceable
1041170	30/11/2023	\$ 39.99	\$ 43.99	Uneconomical to recover and/or untraceable
1040972	28/03/2024	\$ 27.62	\$ 30.38	Uneconomical to recover and/or untraceable
3075301	30/11/2023	\$ 27.55	\$ 30.31	Uneconomical to recover and/or untraceable
1040450	30/11/2023	\$ 25.95	\$ 28.55	Uneconomical to recover and/or untraceable
1041185	30/11/2023	\$ 24.85	\$ 27.33	Uneconomical to recover and/or untraceable
1040817	30/11/2023	\$ 21.18	\$ 23.30	Uneconomical to recover and/or untraceable
1041321	30/11/2023	\$ 21.18	\$ 23.30	Uneconomical to recover and/or untraceable
2054500	14/09/2023	\$ 21.18	\$ 23.30	Uneconomical to recover and/or untraceable
9015601	14/09/2023	\$ 21.18	\$ 23.30	Uneconomical to recover and/or untraceable
2051922	30/11/2023	\$ 3.42	\$ 3.76	Uneconomical to recover and/or untraceable
Total		\$17,554.14	\$ 19,309.55	

Title	Corporate Services Report Review Councillor Expenses Reimbursement - Council Policy
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Date	21 August 2024
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Responsible Manager	P. Greet, CUSTOMER SUPPORT AND GOVERNANCE MANAGER
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Summary

The purpose of this report is to present the proposed *Councillor Expenses Reimbursement - Statutory Policy* for adoption as a result of a review of the *Councillor Expenses Reimbursement - Council Policy*.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- *We are recognised as a financially intelligent and responsible Council.*
- *Our people are skilled and values driven to make a real difference.*
- *Our agile and responsive business model enables us to align our capacity with service delivery.*

The fair and reasonable reimbursement of legitimate expenses incurred by Councillors whilst undertaking Council business and the provision of adequate facilities necessary to perform their Council duties are detailed in an expenses reimbursement policy to ensure the accountable and transparent expenditure of public monies.

Material Personal Interest/Conflict of Interest

There are no material personal interests nor conflicts of interest associated with this report.

Officer's Recommendation

That, pursuant to sections 250 and 251 of the *Local Government Regulation 2012*, Council resolves to:

- (1) adopt the amended *Councillor Expenses Reimbursement – Statutory Policy* as per Attachment two; and
- (2) ensure the policy is publicly available and published on Council's website as soon as practicable.

Background Information

The *Councillor Expenses Reimbursement - Council Policy* has been periodically reviewed in accordance with Council's adopted Policy Framework. The *Councillor Expenses Reimbursement - Council Policy* was due for review in April 2025 however has been reviewed post-election to ensure continued organisational relativity and legislative compliance.

Report

The proposed *Councillor Expenses Reimbursement - Statutory Policy* is to provide for the payment of reasonable expenses incurred or to be incurred by Councillors in the discharge of their duties and responsibilities as Councillors and for the provision of facilities to the Councillors for that purpose.

This policy is a statutory policy that must be adopted by Council resolution, pursuant to section 250 of the *Local Government Regulation 2012*. Therefore in accordance with Council's adopted *Policy Framework*, the policy is proposed to be reclassified as a Statutory policy.

The following amendments are proposed to the existing *Councillor Expenses Reimbursement - Council Policy*:

- (1) whilst the definition of 'Council business' remains unchanged, the examples of Council business have been reduced for succinctness, noting the underlying requirement is that Council business relates to the discharge of a Councillor's official responsibilities and duties of office;
- (2) all expense and facilities categories have been amended for clarity and to reflect current organisational practice;
- (3) the provision of the incidental allowance is proposed to be removed as this allowance is claimable as a tax deduction and hospitality and entertainment expenses is proposed to be removed as there is a separate policy relating to expending public funds for these purposes;
- (4) the provision of internet access and home telephone facilities is proposed to be removed on the basis that they were initially provided when access to the internet and mobile coverage, particularly in rural areas, was not common and expensive. It is assumed that all Councillors would have internet access for personal use and where applicable, for use in their business. The ratio of official Council use of these internet connections would be very low in comparison to other use (private/business). Therefore it is recommended to remove this facility under the principle that no private benefit is to be gained from the facilities provided. Further, Councillors are issued with Council mobile telephones and other devices with internet connectivity. The majority of Councillors should have access to viable mobile data for the downloading of Council business papers if required. However, discretion has been provided for the Chief Executive Officer to approve legitimate expenses incurred where exceptions apply; and
- (5) amendments to the provision of legal expenses due to Council holding appropriate insurance coverage and recent legislation changes in relation to Councillor conduct.

Consultation (Internal/External)

The proposed *Councillor Expenses Reimbursement – Statutory Policy* was endorsed by Council's Executive Leadership Team and workshopped with Councillors at information sessions held 1 and 15 August 2024.

Legal/Policy Implications (Justification if applicable)

The *Local Government Regulation 2012* prescribes:

- (1) section 250 – a local government must adopt an expenses reimbursement policy which may, by resolution, be amended at any time;
- (2) section 251 – as soon as practicable following adoption or amending the expenses reimbursement policy, Council must ensure that a copy of the policy is made available to the public at Council offices and published on Council's website; and
- (3) section 252 – Council cannot resolve to close a meeting under section 254J of the *Local Government Regulation 2012* to discuss, adopt, or amend the expenses reimbursement policy.

Failure to meet the legislative requirements relating to the Councillors expenses reimbursement policy could result in the expenditure of such funds being unlawful.

Budget/Financial Implications

The costs associated with the reimbursement of Councillor expenses and provision of facilities to Councillors are provided annually in Council's operational budget and reported in Council's Annual Report.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) requires public entities 'to act and make decisions in a way compatible with human rights'. There are no human rights implications associated with this report

Conclusion

Council has a broad discretion when determining the nature and scope of expenses and facilities to be provided under the Councillor expenses reimbursement policy. However, Council must ensure that the allocation of expenses and facilities provided is aligned to community expectations, the Local Government Principles, and does not constitute additional remuneration to that which is set by the Local Government Remuneration Commission. Reimbursement is limited to actual expenses incurred as a direct consequence of undertaking Council business.

The proposed *Councillor Expenses Reimbursement – Statutory Policy* has therefore been reviewed having regard to the Local Government Principles, as outlined in section 4 of the *Local Government Act 2009*,

specifically 'Transparent and effective processes, and decision making in the public interest', 'Good governance of, and by, local government' and 'Ethical and legal behaviour of Councillors and local government employees'.

Attachments

1. Councillor Expenses Reimbursement - Council Policy (Marked-up)
2. Councillor Expenses Reimbursement - Statutory Policy as proposed.

Authored by: K. Gillespie, GOVERNANCE COORDINATOR

Councillor Expenses Reimbursement - Statutory Council Policy

Effective Date	3 June 2008
Policy Owner	Customer Support and Governance
Link to Corporate Plan	Strategic Priority - Financial Sustainability <u>Sustainable Organisation</u>
Review Date	April 202 <u>8</u> 5
Related Legislation	Local Government Act 2009 Local Government Regulation 2012
Related Documents	<u>Acceptable Request Guidelines - Council Policy</u> Entertainment and Hospitality - <u>Statutory Council</u> Policy Councillor Vehicle Lease Agreement – Private Use of Vehicle

Policy Version	Approval Date	Adopted/Approved
1	3 June 2008	Ordinary Meeting of Council
2	15 October 2008	Ordinary Meeting of Council
3	1 April 2009	Ordinary Meeting of Council
4	14 December 2011	Ordinary Meeting of Council
5	18 December 2013	Ordinary Meeting of Council
6	6 May 2015	Ordinary Meeting of Council
7	14 December 2016	Ordinary Meeting of Council
8	12 December 2018	Ordinary Meeting of Council
9	21 April 2021	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.**

Councillor Expenses Reimbursement - Statutory Council Policy

1. PURPOSE

The purpose of this policy is to provide for the:

- (a)(1) payment of reasonable expenses incurred, or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors; and
- (b)(2) provision of facilities to Councillors for that purpose.¹

2. SCOPE

This policy applies to all Councillors of Western Downs Regional Council.

This policy does not provide for Councillor remuneration. Councillor remuneration is determined annually by the Local Government Remuneration Commission.

3. POLICY

3.1 Statement of Principles

This policy ensures that Council's reimbursement of expenses incurred by Councillors and provision of facilities provided to Councillors is consistent with the local government principles² as defined in the *Local Government Act 2009*.

Councillors are entitled to be reimbursed for reasonable expenses incurred in undertaking Council business and be provided with facilities to assist them in carrying out their duties and responsibilities as Councillors.

Councillors use of facilities and reimbursement of expenses must:

- (a) be **reasonable and in the public interest**, enabling representation whilst avoiding waste;
- (b) be **publicly defensible**, in line with general community expectations; and
- (c) be **accountable and transparent**, approved by Council resolution or administrative process, and disclosed in Council's Annual Report.

3.2 Council Business

Council will reimburse reasonable expenses incurred, or to be incurred, by a Councillor representing Council on Council business and provide facilities necessary for the discharge of a Councillor's responsibilities and duties of office.

Council business is official business conducted on behalf of and/or approved by Council where a Councillor is required to undertake tasks to satisfy legislative requirements³ or achieve business objectives for Council. Council business should result in a benefit being achieved either for Council, the Western Downs area or the community.

Council business includes functions that are a statutory requirement of the Councillors role and include attending an event or function to perform official duties or where a formal invitation has been received inviting the Councillor in their official capacity, such as:-

- (a) preparing for, attending and participating in Council meetings, committee meetings, Councillor Information information Sessions sessions and approved workshops, strategic briefings, and deputations and other meetings relating to Council business; or
- ~~(b) meetings arranged through official Council channels (i.e. documented in official records or diary) for the purpose of conducting bona fide discussions relating to Council business; or~~
- (c)(b) seminars and conferences where Councillors are required to either deliver a paper and/or attend as a delegate of Council in accordance with a resolution of Council as per resolution or by Mayoral approval; or

¹ Local Government Regulation 2012, section 249(2)

² Local Government Act 2009, section 4

³ Local Government Act 2009, section 12



Councillor Expenses Reimbursement - Council Policy

- ~~(d)(c) approved training and professional development opportunities (see Professional Development expense category section 3.3); or; or~~
- ~~(e) official functions organised by or on behalf of the local government;~~
- ~~(f) public meetings and other community events within the region such as presentation dinners, meetings with community groups, fetes and carnivals; or~~
- ~~(g) as an official Council representative as per resolution or with the prior approval of the Mayor; or~~
- ~~(h) attendance at civic functions and ceremonies on behalf of the Mayor as delegated by the Mayor; or~~
- ~~(i) attendance at events for the purpose of gathering of information by a Councillor necessary to inform them of a matter of interest to Council, or which properly falls within the responsibility of Council, or in relation to the Councillor's portfolio; or~~
- ~~(j)(d) other business as resolved by Council attending civic functions or civic events to perform official duties or as an official Council representative.~~

~~The following are not regarded as 'Council Business' unless benefit to Council will be achieved as a result of the attendance or participation as a community member: -~~

- ~~i. attending or participating in a community event, community group including service clubs, or being a representative on a Committee or Board;~~
- ~~ii. attendance at fundraising events;~~
- ~~iii. attendance at events organised by political parties.~~

~~It is recognised that there is a community expectation and a legislative requirement for the Mayor to represent the local government at ceremonial or civic functions.⁴~~

~~3.3 Section 12(4)(h) of the Local Government Act 2009 states that the Mayor has the extra responsibility of representing the local government at ceremonial or civic functions.~~

~~Section 12(5) of the Local Government Act 2009 states that a Councillor who is not the Mayor may perform the Mayor's extra responsibilities only if the Mayor delegates the responsibility to the Councillor.~~

3.43.3 Payment of Expenses

Expenses will be paid to a Councillors in accordance with the relevant administrative processes as approved by the Chief Executive Officer, and subject to the limits as outlined in this policy and within budget. Wherever possible most expenses will be booked and paid for by Council in advance. A Councillors making a claim for legitimate reasonable expenses incurred for Council business must submit the appropriate form detailing the relevant expense within three ~~(3)~~ months (or later date at the discretion of the Chief Executive Officer) of the expense being incurred or invoiced, or at the discretion of the Chief Executive Officer.

Expense Categories	Details
<u>Professional Development and Study Assistance</u>	<u>Professional Development and Study Assistance</u> <u>Council will reimburse expenses incurred for Council-approved professional development. Council will endeavour to provide Councillors with the opportunity to attend conferences, seminars, courses and workshops on an equitable basis and within the available budget.</u>

⁴ Local Government Act 2009 - section 12(4)(h)

Councillor Expenses Reimbursement - Council Policy

Expense Categories	Details
	<p>Where a Councillor identifies the need to attend training or undertake study to improve skills relevant to their role as a Councillor, the Councillor is to gain the Mayor's approval to attend. Each Councillor is allocated a maximum of \$5,000 per term towards professional development costs.</p> <p>Any additional professional development or training programs identified by the individual Councillor will require approval from the Council or Chief Executive Officer.</p>
Travel Costs <u>Expenses</u>	<p>All Councillor approved travel will be booked and paid for by Council.</p> <p>Council will reimburse travel expenses deemed necessary to achieve the business of Council where:</p> <ul style="list-style-type: none"> • a Councillor is an official representative of Council; and/or the activity/event and travel has been endorsed by resolution of Council or approved by the Mayor in accordance with this policy. <p>Councillors are required to travel the most direct route, using the most economical and efficient mode of transport.</p> <p>Any fines incurred while travelling in Council owned vehicles or privately-owned vehicles when attending to Council business, will be the responsibility of the Councillor incurring the fine.</p> <p>All Councillor approved travel will be booked and paid for by Council.</p> <p>Any travel transfer <u>and parking expenses</u> associated with Councillors travelling for Council approved business will be reimbursed <u>at the actual amount expended by the Councillor.</u></p> <p>Councillor's private vehicle usage use will be reimbursed at the Australian Taxation Office cents per kilometre rate for the applicable financial year (a logbook must be kept), if the:</p> <ul style="list-style-type: none"> • travel has been endorsed by Council resolution or approved by the Mayor in accordance with this policy<u>proved travel; and</u> • the claim for mileage is substantiated with log book<u>logbook details; and</u> • total travel claim does not exceed the cost of the same travel using economy flights plus the cost of taxi transfers. (If the claim does exceed those flight and taxi costs, then the reimbursement will be limited to the value of the flight and taxi costs). <p>It should be noted that Council's motor insurance does not cover private vehicles used for Council business.</p> <p>Council will reimburse parking costs incurred by Councillors while attending to official Council business.</p>
Accommodation	<p>All Councillor accommodation for Council business will be booked and paid for by Council where possible. Council will pay for the mostAccommodation will be selected that provides Council with the best price value and is convenient to the conference/meeting. economical</p>



Councillor Expenses Reimbursement - Council Policy

Expense Categories	Details
	<p>accommodation deal available where possible. The minimum standard for Councillor accommodation will be a three-star rating.</p> <p>Where particular accommodation is recommended by conference/event organisers, Council will take advantage of the package deal that is the most economical and convenient to the event provided by conference organisers.</p> <p>Council may approve alternative accommodation arrangements taking into account the total cost, location, value for money, convenience and traveller safety.</p> <p>Accommodation expenses may be incurred:</p> <p>(a) — where the duration of Council business (including travel to) exceeds six (6) hours and the travel time to the Councillor's principle principal place of residence is in excess of two (2) hours (if the duration of the business is known to exceed six hours and the business commences prior to 10am, the Councillor can incur accommodation expenses for the night prior to the business. In such circumstances, they cannot claim accommodation expenses for the night proceeding the business); or.</p> <p>Councillor's travelling (within the Western Downs Regional Council area) to attend official Council business will be eligible to claim accommodation in accordance with the following criteria:-</p> <p>(a)(b) — where the Councillors are is required to attend official Council business over consecutive days; or</p> <p>— where Councillors are required to attend official Council business commences prior to 7.00 a.m. or does not conclude before which extends past 6.30 p.m.</p> <p>•(c) Accommodation expenses will be debited against the individual Councillor's budget allocation.</p>
Meals	<p>Council will reimburse <u>reasonable</u> costs of meals for a Councillor when:</p> <ul style="list-style-type: none"> •(a) <u>the Councillor incurs the cost personally; and</u> •(b) <u>the meal was not provided within the registration costs of the approved activity/event; and</u> •(c) <u>a copy of a tax invoice is provided.</u> <p>Council reimbursement for meal expenses shall be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, dinner where these are not provided at the event and must beas provided i- within the <i>Australian Taxation Office Guidelines for Reasonable <u>Travel</u> Allowances</i> set for each <u>financial</u> income tax year.</p>
Incidental Allowance	<p>Council will pay an incidental daily allowance within the Australian Taxation Office Guidelines for Reasonable Allowances set for each income tax year to Councillors when they are required to stay away from home overnight for official Council business.</p>

Councillor Expenses Reimbursement - Council Policy

Expense Categories	Details
<i>Hospitality and Entertainment Expenses</i>	<p>The Mayor and Councillors may have occasion to incur hospitality expenses while conducting official Council business. Hospitality expenses incurred will typically take the form of meals and beverages. The maximum amount of hospitality expenses that may be reimbursed is \$4000 / annum for the Mayor and \$500 / annum for Councillors. A copy of a tax invoice is required for reimbursement.</p> <p>Hospitality and entertainment expenses shall be in accordance with Council's <i>Entertainment and Hospitality – Council Policy</i>.</p>

3.53.4 Provision of Facilities

All facilities provided to Councillors remain the property of Council and must be returned to Council when a Councillor's term expires or when a Councillor ceases to be a Councillor.

Councillors will be provided facilities as detailed in the table below. These have been provided on the principles that:

- (a) no private benefit is to be gained from the facilities provided; and;
- (b) Councillors are expected to comply with the same conditions of use, guidelines, and processes that apply to employees.

The Chief Executive Officer can, in exceptional circumstances (for example, if a Councillor does not have internet access at their principal place of residence and the mobile service does not allow for efficient use of the devices provided to the Councillor to undertake their duties from their principal place of residence, the Chief Executive Officer can approve the cost of providing an internet access), approve a claim for an expense not expressly included in the below table.

Facilities Categories	Details
<i>Administrative Tools</i>	<p>Council will provide Councillors with technology/stationery as required to enable Councillors to carry out their role effectively.</p> <p>A meeting roomsuitable space will be provided at each Customer Service Centre for Councillors, Chief Executive Officer and General Managers to utilise when working in the area. Meeting rooms will be required to be booked in advance with Office of the Chief Executive OfficerExecutive Services support staffEQ.</p>
<i>Internet Access</i>	<p>Councillors will be required to have Internet access to receive Council meeting agendas and communicate via email.</p> <p>Council will reimburse Councillors up to \$55 per month for their privately supplied fixed line (e.g. ADSL, Fibre to the Premises, Fibre to the Node), NBN fixed wireless, or NBN satellite internet service.</p> <p>Council will reimburse Councillors up to \$105.00 per month for their privately supplied internet service in areas where a fixed line, fixed wireless or NBN satellite internet service is unavailable.</p>

Councillor Expenses Reimbursement - Council Policy

Facilities Categories	Details
Mobile Telephone	<p>Council will provide a mobile telephone to Councillors for official Council businesswith the full cost of mobile expenses paid by Council.</p> <p><u>Where Councillors elect to use their own mobile device for official purposes this will be at the Councillors expense. Privately supplied devices must comply with Councils information technology security requirements including the installation of any software deemed necessary for the protection of Councils data and network.</u></p>
Home Telephone	<p>Council will reimburse costs for land line home telephone plans up to a maximum of \$55.00 per month where a reliable mobile phone service is not available at the Councillors principal place of residence. Council will not reimburse calls made in relation to official Council business.</p>
Maintenance costs of Council owned equipment	<p>Council will be responsible for the <u>cost of</u> ongoing maintenance, and reasonable wear and tear, costs of Council owned equipment that is supplied to Councillors for official business use.</p>
Corporate Uniform <u>and</u> Personal Protective Equipment	<p>Council will provide Councillors with the following corporate equipment:</p> <ul style="list-style-type: none"> • Name badge<u>appropriate</u> • Necessary safety equipment for use on official business e.g. safety helmet/boots<u>personal protective equipment and a</u> • Business cards • \$350 per annum corporate uniform allowance, for:- • Corporate Jacket • Corporate shirts • Corporate trouser/ lower garment • Corporate tie/scarf • Corporate polo shirt.
Vehicles	<p>Due to the vast area which Western Downs Regional Council covers (38,039 sq<u>uare kilometres</u>) and to encourage Councillors to participate in all Council activities/events held throughout the region, Council has deemed it necessary to provide a vehicle to Councillors for official Council business.Councillors will be provided with a fully maintained Council vehicle for official purposes.</p> <p>Council authorises the private use of Council vehicles if a Councillor has entered into a <u>motor vehicle</u> lease back contract agreement with Council, which defines the terms of the lease agreement, <u>including applicable lease payments.</u>The Chief Executive Officer is responsible for ensuring the relevant documentation has been completed.</p> <p>The Mayor will be provided with an appropriate sedan or 4WD luxury vehicle.</p>

Councillor Expenses Reimbursement - Council Policy

Facilities Categories	Details
	<p>Councillors will be provided with an appropriate sedan or 4WD vehicle equipped with passive and active safety features in recognition of the large distances travelled, and the requirement to travel at night.</p> <p>The set leaseback fee will be deducted automatically from the fortnightly Councillor remuneration payments. The leaseback fee will be set by Council resolution and will be reviewed annually.</p>
Fuel Costs	<p>All fuel used in a Council owned vehicle on official Council business will be provided or paid for by Council as per lease agreement. In accordance with the <i>Use of Council Motor Vehicle - Terms of Reference</i>, conditions for <i>Category 2 - Restricted Private Use</i>.</p>
<u>Insurance Cover and Legal Representation/Costs</u>	<p>Councillors will be covered under Council insurance policies whilst discharging their official duties as a Councillor. Specifically, insurance cover is provided for public liability, professional indemnity, Councillors' liability and workers' compensation.</p> <p>Access to legal representation is available via Council's insurance policies for any inquiry, investigation, hearing or legal proceeding into the alleged misconduct or corrupt conduct of a Councillor, or arising out of or in connection with, the performance of the Councillors functions.</p> <p>— Council will insure Councillors in the event of injury sustained while discharging their duties.</p> <p>Council will pay the excess (deductible) for injury claims on all insurance claims made in accordance with any policy of insurance made by a Councillor resulting from the conducting of official Council business.</p> <p>Where a finding of misconduct or corrupt conduct is made against a Councillor, the Councillor will be liable for all Council costs up to the limit of each excess (deductible) payable on all insurance claims made in accordance with any policy of insurance.</p> <p>Councillors choosing to engage their own legal representative or seek alternative assistance outside of the facilities available via Council's insurance cover will be wholly responsible for their costs.</p> <p>Council will not meet Councillor costs for matters involving a conduct breach and may make an order for the reimbursement of Council's costs for all or some of the costs arising from the conduct breach in accordance with s.150AH of the <i>Local Government Act 2009</i>.</p>
<u>Reimbursement of Legal Costs</u>	<p>Council will reimburse legal costs incurred by a Councillor through any inquiry, investigation, hearing or legal proceeding into the <u>misconduct or corrupt conduct</u> of a Councillor, or arising out of or in connection with, the performance of the Councillors functions where the Councillor was found to be not in breach of any Act or Regulation.</p> <p>Where a Councillor is found to have breached an Act or Regulation, the Councillor will be liable for all costs associated with the matter.</p>

3.63.5 Reporting

The *Local Government Regulation 2012* (~~LGR~~) legislates that Council must adopt a policy providing for payment of reasonable expenses incurred, or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors and provision of facilities to the Councillors for that purpose.



Councillor Expenses Reimbursement - Council Policy

The [Local Government Regulation 2012](#) LGR legislates that Council must in its Annual Report detail the expenses incurred by, and the facilities provided to each Councillor during the year under the local government's expenses reimbursement policy and include a copy of the local government's expenses reimbursement policy.

Councillor Expenses Reimbursement - Statutory Policy

Effective Date	<i>3 June 2008</i>
Policy Owner	<i>Customer Support and Governance</i>
Link to Corporate Plan	<i>Strategic Priority - Sustainable Organisation</i>
Review Date	<i>April 2028</i>
Related Legislation	<i>Local Government Act 2009 Local Government Regulation 2012</i>
Related Documents	<i>Acceptable Request Guidelines - Council Policy Entertainment and Hospitality - Statutory Policy Councillor Vehicle Lease Agreement – Private Use of Vehicle</i>

Policy Version	Approval Date	Adopted/Approved
1	3 June 2008	Ordinary Meeting of Council
2	15 October 2008	Ordinary Meeting of Council
3	1 April 2009	Ordinary Meeting of Council
4	14 December 2011	Ordinary Meeting of Council
5	18 December 2013	Ordinary Meeting of Council
6	6 May 2015	Ordinary Meeting of Council
7	14 December 2016	Ordinary Meeting of Council
8	12 December 2018	Ordinary Meeting of Council
9	21 April 2021	Ordinary Meeting of Council

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Councillor Expenses Reimbursement - Statutory Policy

1. PURPOSE

The purpose of this policy is to provide for the:

- (1) payment of reasonable expenses incurred or to be incurred by Councillors for discharging their duties and responsibilities as Councillors; and
- (2) provision of facilities to Councillors for that purpose.¹

2. SCOPE

This policy applies to all Councillors of Western Downs Regional Council.

This policy does not provide for Councillor remuneration. Councillor remuneration is determined annually by the Local Government Remuneration Commission.

3. POLICY

3.1 Statement of Principles

This policy ensures that Council's reimbursement of expenses incurred by Councillors and provision of facilities provided to Councillors is consistent with the local government principles² as defined in the *Local Government Act 2009*.

Councillors are entitled to be reimbursed for reasonable expenses incurred in undertaking Council business and be provided with facilities to assist them in carrying out their duties and responsibilities as Councillors.

Councillors use of facilities and reimbursement of expenses must:

- (a) be **reasonable and in the public interest**, enabling representation whilst avoiding waste;
- (b) be **publicly defensible**, in line with general community expectations; and
- (c) be **accountable and transparent**, approved by Council resolution or administrative process, and disclosed in Council's Annual Report.

3.2 Council Business

Council will reimburse reasonable expenses incurred, or to be incurred, by a Councillor representing Council on Council business and provide facilities necessary for the discharge of a Councillor's responsibilities and duties of office.

Council business is official business conducted on behalf of and/or approved by Council where a Councillor is required to undertake tasks to satisfy legislative requirements³ or achieve business objectives for Council. Council business should result in a benefit being achieved either for Council, the Western Downs area or the community.

Council business includes functions that are a statutory requirement of the Councillors role and include attending an event or function to perform official duties or where a formal invitation has been received inviting the Councillor in their official capacity, such as:-

- (a) preparing for, attending and participating in Council meetings, committee meetings, Councillor information sessions and approved workshops, strategic briefings, deputations and other meetings relating to Council business; or
- (b) seminars and conferences where Councillors are required to either deliver a paper and/or attend as a delegate of Council in accordance with a resolution of Council or by Mayoral approval; or
- (c) approved training and professional development opportunities; or
- (d) attending civic functions or civic events to perform official duties or as an official Council representative.

It is recognised that there is a community expectation and a legislative requirement for the Mayor to represent the local government at ceremonial or civic functions.⁴

¹ *Local Government Regulation 2012*, section 249(2)

² *Local Government Act 2009*, section 4

³ *Local Government Act 2009*, section 12

⁴ *Local Government Act 2009* - section 12(4)(h)



Councillor Expenses Reimbursement - Council Policy

3.3 Expenses

Expenses will be paid to a Councillor in accordance with the relevant administrative processes as approved by the Chief Executive Officer, subject to the limits as outlined in this policy and within budget. Wherever possible most expenses will be booked and paid for by Council in advance. A Councillor making a claim for legitimate reasonable expenses incurred for Council business must submit the appropriate form detailing the relevant expense within three months (or later date at the discretion of the Chief Executive Officer) of the expense being incurred or invoiced.

Expense Categories	Details
<i>Professional Development and Study Assistance</i>	<p>Council will reimburse expenses incurred for Council-approved professional development. Council will endeavour to provide Councillors with the opportunity to attend conferences, seminars, courses and workshops on an equitable basis and within the available budget.</p> <p>Any additional professional development or training programs identified by the individual Councillor will require approval from the Council or Chief Executive Officer.</p>
<i>Travel Expenses</i>	<p>All Councillor approved travel will be booked and paid for by Council.</p> <p>Councillors are required to travel the most direct route, using the most economical and efficient mode of transport.</p> <p>Any fines incurred while travelling in Council owned vehicles will be the responsibility of the Councillor incurring the fine.</p> <p>Any travel transfer and parking expenses will be reimbursed at the actual amount expended by the Councillor.</p>
<i>Accommodation</i>	<p>All Councillor accommodation will be booked and paid for by Council where possible. Accommodation will be selected that provides Council with the best price value and is convenient to the conference/meeting. The minimum standard for Councillor accommodation will be a three-star rating.</p> <p>Where accommodation is recommended by conference/event organisers, Council will take advantage of the package deal provided by conference organisers.</p> <p>Council may approve alternative accommodation arrangements taking into account the total cost, location, value for money, convenience and traveller safety.</p> <p>Accommodation expenses may be incurred:</p> <ul style="list-style-type: none"> (a) where the duration exceeds six hours and the travel time to the Councillor's principal place of residence is in excess of two hours (if the duration of the business is known to exceed six hours and the business commences prior to 10am, the Councillor can incur accommodation expenses for the night prior to the business. In such circumstances, they cannot claim accommodation expenses for the night proceeding the business); or (b) where the Councillor is required to attend over consecutive days; or (c) where business commences prior to 7.00 a.m. or does not conclude before 6.30 p.m.
<i>Meals</i>	<p>Council will reimburse reasonable costs of meals for a Councillor when:</p> <ul style="list-style-type: none"> (a) the Councillor incurs the cost personally; and

Councillor Expenses Reimbursement - Council Policy

Expense Categories	Details
	<p>(b) the meal was not provided within the registration costs of the approved activity/event; and</p> <p>(c) a copy of a tax invoice is provided.</p> <p>Council reimbursement for meal expenses shall be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, dinner as provided in the <i>Australian Taxation Office Guidelines for Reasonable Travel Allowances</i> set for each financial tax year.</p>

3.4 Provision of Facilities

All facilities provided to Councillors remain the property of Council and must be returned to Council when a Councillor ceases to be a Councillor.

Councillors will be provided facilities as detailed in the table below. These have been provided on the principles that:

- (a) no private benefit is to be gained from the facilities provided; and
- (b) Councillors are expected to comply with the same conditions of use, guidelines, and processes that apply to employees.

The Chief Executive Officer can, in exceptional circumstances (for example, if a Councillor does not have internet access at their principal place of residence and the mobile service does not allow for efficient use of the devices provided to the Councillor to undertake their duties from their principal place of residence, the Chief Executive Officer can approve the cost of providing an internet access), approve a claim for an expense not expressly included in the below table.

Facilities Categories	Details
Administrative Tools	<p>Council will provide Councillors with technology/stationery as required to enable Councillors to carry out their role effectively.</p> <p>A suitable space will be provided at each Customer Service Centre for Councillors to utilise when working in the area. Meeting rooms will be required to be booked in advance with Executive Services support staff.</p>
Mobile Telephone	<p>Council will provide a mobile telephone to Councillors with the full cost of mobile expenses paid by Council.</p> <p>Where Councillors elect to use their own mobile device for official purposes this will be at the Councillors expense. Privately supplied devices must comply with Councils information technology security requirements including the installation of any software deemed necessary for the protection of Councils data and network.</p>
Maintenance costs of Council owned equipment	<p>Council will be responsible for the cost of ongoing maintenance, and reasonable wear and tear, of Council owned equipment that is supplied to Councillors.</p>
Corporate Uniform and Personal Protective Equipment	<p>Council will provide Councillors with appropriate personal protective equipment and a \$350 per annum corporate uniform allowance.</p>
Vehicles	<p>Due to the vast area which Western Downs Regional Council covers (38,039 square kilometres) Councillors will be provided with a fully maintained Council vehicle for official purposes.</p> <p>Council authorises the private use of Council vehicles if a Councillor has entered into a motor vehicle lease agreement with Council, which</p>



Councillor Expenses Reimbursement - Council Policy

Facilities Categories	Details
	defines the terms of the lease agreement, including applicable lease payments.
Fuel Costs	In accordance with the <i>Use of Council Motor Vehicle - Terms of Reference</i> , conditions for <i>Category 2 - Restricted Private Use</i> .
Insurance Cover and Legal Representation/Costs	<p>Councillors will be covered under Council insurance policies whilst discharging their official duties as a Councillor. Specifically, insurance cover is provided for public liability, professional indemnity, Councillors' liability and workers' compensation.</p> <p>Access to legal representation is available via Council's insurance policies for any inquiry, investigation, hearing or legal proceeding into the alleged misconduct or corrupt conduct of a Councillor, or arising out of or in connection with, the performance of the Councillors functions.</p> <p>Council will pay the excess (deductible) on all insurance claims made in accordance with any policy of insurance.</p> <p>Where a finding of misconduct or corrupt conduct is made against a Councillor, the Councillor will be liable for all Council costs up to the limit of each excess (deductible) payable on all insurance claims made in accordance with any policy of insurance.</p> <p>Councillors choosing to engage their own legal representative or seek alternative assistance outside of the facilities available via Council's insurance cover will be wholly responsible for their costs.</p> <p>Council will not meet Councillor costs for matters involving a conduct breach and may make an order for the reimbursement of Council's costs for all or some of the costs arising from the conduct breach in accordance with s.150AH of the <i>Local Government Act 2009</i>.</p>

3.5 Reporting

The *Local Government Regulation 2012* legislates that Council must adopt a policy providing for payment of reasonable expenses incurred, or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors and provision of facilities to the Councillors for that purpose.

The *Local Government Regulation 2012* legislates that Council must in its Annual Report detail the expenses incurred by, and the facilities provided to each Councillor during the year under the local government's expenses reimbursement policy and include a copy of the local government's expenses reimbursement policy.



Title Corporate Services Report Review Councillors as Portfolio Spokespersons - Council Policy

Date 16 August 2024

Responsible Manager P. Greet, CUSTOMER SUPPORT AND GOVERNANCE MANAGER

Summary

The purpose of this report is to present the proposed *Councillor Portfolios - Community Policy* for adoption as a result of a review of the *Councillors as Portfolio Spokespersons - Council Policy*.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- *We focus on proactive, sustainable planning for the future.*
- *Our people are skilled and values driven to make a real difference.*
- *Our agile and responsive business model enables us to align our capacity with service delivery.*

Councillor portfolios provide for each Councillor to have specific involvement and strategic leadership in their assigned portfolio area.

Material Personal Interest/Conflict of Interest

There are no material personal interests nor conflicts of interest associated with this report.

Officer's Recommendation

That Council resolves to adopt the *Councillor Portfolios - Community Policy* as contained within Attachment Two.

Background Information

Western Downs Regional Council has assigned Councillor portfolios since amalgamation in 2008. At its Ordinary Meeting held 20 September 2023, Council resolved:

That Council undertake a strategic workshop to:

- (1) *review existing Councillor Portfolios;*
- (2) *give consideration and compare the effectiveness of portfolios and committee structures in local government governance; and*
- (3) *provide recommendations to the next Council on effectiveness and suggested changes.*

Council engaged Stevenson Consulting to perform a governance review of Councillor Committee Portfolio Structures. A Councillor workshop was subsequently held on 1 February 2024, with outcomes from the workshop detailed in the attached *Workshop Outcomes Report 1 February 2024*.

Outcomes of the Councillor workshop included:

- (1) consensus support for continuation of Councillor Portfolios, with no support for the introduction of Committees;
- (2) consensus support for continuation of the existing Portfolio allocations, that is portfolios linked to the functional (operational) areas of Council divided into distinct portfolios, with some refinement and with regard for Councillors' interests and skills; and
- (3) consensus that improvements to both the portfolio system and allocations be facilitated in a review of the existing *Councillors as Portfolio Spokespersons - Council Policy*.

Council, at its Post-Election Meeting held 9 April 2024, assigned Councillor portfolios for the current term of Council at which time Council was advised a further report will come to Council following the review of the *Councillors as Portfolio Spokespersons - Council Policy* noting the outcomes of the Councillor Workshop held 1 February 2024.

The *Councillors as Portfolio Spokespersons - Council Policy* has been periodically reviewed in accordance with Council's adopted *Policy Framework* to ensure organisational relevancy and legislative compliance and having regard to the outcomes of the abovementioned Councillor Workshop.

Report

The *Councillor Portfolios - Community Policy* proposes to define and establish a Councillor portfolio framework which will enable collaboration with community and stakeholders, support the implementation of Council's strategic priorities aligned with the portfolio subject area, and create opportunities for partnerships and innovation.

The proposed amendments to the existing policy:

- (1) have regard to the outcomes from the workshop facilitated by Stevenson Consulting with the predecessor Council on 1 February 2024,
- (2) reclassify and rename the policy to *Councillor Portfolios - Community Policy* to align with Council's adopted *Policy Framework*; and
- (3) include provisions for portfolio Councillor support and engagement.

Consultation (Internal/External)

The proposed *Councillor Portfolios - Community Policy* was endorsed by Council's Executive Leadership Team and workshopped with Councillors at information sessions held 1 and 15 August 2024.

Legal/Policy Implications (Justification if applicable)

There is no legislative requirement for Councils to assign Councillor portfolios. Section 12 of the *Local Government Act 2009* prescribes the responsibilities of Councillors and the *Code of Conduct for Councillors in Queensland* sets out the principles and standards of behaviour expected of Councillors when performing their roles, responsibilities, and obligations as elected representatives for their communities.

The *Councillor Portfolios - Community Policy* is proposed to

- (1) work in conjunction with the *Local Government Act*, the Code of Conduct, and various other policies;
- (2) provide a framework for the assignment of Councillor portfolios, to define the role or portfolio Councillors; and
- (3) outline the support provided to and engagement with, portfolio Councillors.

Budget/Financial Implications

There are no budget nor financial implications associated with the proposed policy.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) requires public entities 'to act and make decisions in a way compatible with human rights'. There are no human rights implications associated with the proposed policy.

Conclusion

Council has adopted a Councillor portfolio model to facilitate engagement with the community and support productive, professional, and appropriate relationships within the organisation to advance Council's strategic priorities. The *Councillor Portfolios - Community Policy* proposes amendments to the existing *Councillors as Portfolio Spokespersons - Council Policy* to provide an appropriate framework for Councillor portfolios.

Attachments

1. Councillors as Portfolio Spokespersons - Council Policy (Mark- up).
2. Councillor Portfolios - Community Policy as proposed.

Authored by: K. Gillespie, GOVERNANCE COORDINATOR

Councillor_s as Portfolio_s Spokespersons

- Council Policy Community Policy

Effective Date	Post-Election Meeting of Council - 27 April 2020
Policy Owner	Customer Support and Governance Manager
Link to Corporate Plan	Advocacy - A Regional Voice Strong Economic GrowthDiverse Economy Active Vibrant Communities Great LiveabilityQuality Lifestyle Financial SustainabilitySustainable Organisation
Review Date	April 2024 April 2028 (Post Election)
Related Legislation	Local Government Act 2009 Local Government Regulation 2012
Related Documents	Code of Conduct for Councillors in Queensland Acceptable Request Guidelines - Council Policy Media Relations Policy - Council Policy Councillor Briefings and Workshops - Council Policy Councillor Expenses Reimbursement - Statutory Policy

Policy Version	Approval Date	Adopted/Approved
1	7 May 2008	Ordinary Meeting of Council
2	22 February 2012	Ordinary Meeting of Council
3	18 December 2013	Ordinary Meeting of Council
4	13 April 2016	Post-Election Meeting of Council
5	27 April 2020	Post-Election Meeting of Council

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Councillors as Portfolio Spokespersons - Council Community Policy

1. PURPOSE

The purpose of this policy is to define and establish a Councillor Portfolio system which will enable collaboration with community and stakeholders, support the implementation of Council's strategic priorities aligned with the portfolio subject area, and create opportunities for partnerships and innovation.

Set clear guidelines to define the roles and responsibilities support provided to portfolio Councillors, of the Mayor and Councillors as spokespersons for the portfolios of Council.

Assigning Councillors as Portfolio Spokespersons ensures:

- the workload associated with being an elected member is shared across all Councillors;
- the Councillor's individual skill, knowledge and background is utilised by linking them to an area of interest;
- the community can identify which Councillor to approach according to the strategic issue at hand;
- informed discussion is generated by the whole of Council;
- Councillors act as sounding boards for strategic issues and suggestions from senior officers, members of the public, and other Councillors relating to their portfolio; and
- Councillors are reporting back to the community.

2. SCOPE

This policy applies to the Councillors of Western Downs Regional Council, the Chief Executive Officer, Executive and Senior Leadership teams, Communications and Marketing team, and the Executive Support team. However, the Mayor acts as spokesperson for the whole of Council.

Section 12 of the Local Government Act 2009 in section 12 prescribes the responsibilities of Councillors, and the Code of Conduct for Councillors in Queensland sets out the principles and standards of behaviour expected of Councillors when carrying out performing their roles, responsibilities, and obligations as elected representatives for their communities.

3. POLICY

3.1 BackgroundIntroduction

The functional areas of Council are divided into distinct portfolios, each with strategic objectives and strategies designed to achieve long-term success for our the Western Downs region.

At the beginning of a new term of Council, the Council will assign each Councillor as spokesperson for one a portfolio. Portfolios may be reviewed as Council deems appropriate or in the event of a Council by-election.

Assigning Councillors as Portfolio Spokespersons ensures: Assigning Councillor portfolios:

- ensures the workload associated with being an elected member is shared across all Councillors;
- the ensures Councillor's' individual skills, knowledge, interests, and background isare utilised; by linking them to an area of interest;
- assists the community can to identify which Councillor to approach according to the regarding a specific strategic issue at hand; and
- helps facilitate Council's engagement with the community and productive, professional, and appropriate relationships within the organisation to advance the delivery of Council's strategic priorities and services as identified in the Corporate, Operational, and Strategic plans.



Councillors as Portfolio Spokespersons - Council Community Policy

informed discussion is generated by the whole of Council;

Councillors act as sounding boards for strategic issues and suggestions from senior officers, members of the public, and other Councillors relating to their portfolio; and

Councillors are reporting back to the community.

3.2 Policy Guidelines Role of Portfolio Councillors

- (a) ~~The following guidelines define the role and responsibility of~~The portfolio Councillor's role is to represent Council in that portfolio subject area, understanding key issues and opportunities for Western Downs Regional Council. The Councillor may be actively engaged in their portfolio area and attend external stakeholder meetings, acting as Portfolio Spokespersons for Western Downs Regional Council.
- (b) ~~Councillors are responsible for~~Portfolio Councillors will be well- being fully informed of issues reported on within their assigned relevant to their portfolio and will endeavour to have a detailed understanding of the relevant issues, at Council meetings. Conducting further research may be necessary, including engaging with the community and requesting further information from Council Officers ~~in accordance with the Acceptable Request Guidelines - Council Policy - Council Policy.~~
- (c) ~~n or direct the organisation or officers~~Portfolio Councillors are not responsible for the performance outcomes of their portfolio areas.
- (d) The communication of information to Councillors in general will not change, with all Councillors being kept informed of issues requiring all Councillors' knowledge for possible future Council action.
- (e) Requests for information must be consistent with Council's *Acceptable Request Guidelines - Council Policy*.
- (f) Portfolio Councillors may provide an elected representative's viewpoint and act as a sounding board for Executive and Senior leadership and Council on issues relating to their portfolio.
- (g) Any media enquiries will be handled by the Mayor, as prescribed by the legislative responsibilities of the Mayor to act as spokesperson for Council. Portfolio Councillors will abide by the *Code of Conduct for Councillors in Queensland* in respect to making any public comment.
- (h) Portfolio Councillors will be given preference to attend training and conferences relating to their portfolio, subject to budget considerations.
- (i) Portfolio Spokespersons must *manage* operational enquiries received from the community in accordance with *Acceptable Request Guidelines - Council Policy*.
- (a)(j) Portfolio Councillors may report on key focus areas and issues on matters relating to their portfolio in Council workshops and briefings sessions, for example the Councillors 'Around the Grounds' session.

In the role of Portfolio Spokesperson a Councillor must ensure he/she accurately represents the view of the whole of Council rather than their own personal view. No formal delegated authority is inferred upon a Councillor acting as a Portfolio Spokesperson

1. ~~This policy should be interpreted so that its purpose or objective is achieved.~~

2. ~~While performing his/her role as Portfolio Spokesperson, a Councillor must act in accordance with Council's Acceptable Request Guidelines - Council Policy and section 170 of the Local Government Act 2009 and must not direct, or attempt to direct, any employee about the way in which the employee's duties are to be performed. The Mayor may give a direction to the Chief Executive Officer in accordance with section 170(1) and (2) of the Local Government Act 2009.~~

Councillors as Portfolio Spokespersons - Council Community Policy

~~3. In the role of Portfolio Spokesperson a Councillor must ensure he/she accurately represents the view of the whole of Council rather than their own personal view. No formal delegated authority is inferred upon a Councillor acting as a Portfolio Spokesperson.~~

~~4. To ensure that due consideration is given to each portfolio of Council, Councillors are required to study the whole meeting agenda paying particular interest to reports contained within their assigned portfolio.~~

~~5. The Mayor acts as spokesperson for the whole of Council and is therefore Council's primary media representative. However, where appropriate Portfolio Spokespersons may also act as Council media representatives working closely with the Chief Executive Officer and/or relevant General Manager to formulate appropriate media approaches and responses. In this capacity Councillors are expected to be available where possible for media engagements.~~

~~6. Councillors will be invited to represent Council at meetings and functions held by community, industry and professional groups. Any public comment by Councillors on behalf of Council should be consistent with Council's strategic direction. If the comments are a personal view, they must be clearly expressed to represent a personal view and not the official view of Council.~~

~~7. Portfolio Spokespersons must report back to Council any feedback received from the community significant to strategic and/or future planning issues.~~

~~Portfolio Spokespersons must direct operational enquiries received from the community through the appropriate Council channels in accordance with *Acceptable Request Guidelines - Council Policy*.~~

3.3 Support

~~The Executive and Senior Leadership team and Executive Services Support team must provide appropriate support to Portfolio Councillors to enable them to:~~

- ~~(a) be across the details of portfolio relevant proposals coming before Council;~~
- ~~(b) be well placed to present and advocate portfolio issues within the community;~~
- ~~(c) remain informed of research and other developments relevant to their portfolio; and~~
- ~~(d) understand and communicate the implications of decisions by other levels of government on portfolio matters.~~

3.4 Engagement between Portfolio Councillor and Executive and Senior Leadership

- ~~(a) Portfolio Councillors may regularly meet with the relevant General Manager (and Senior Leadership as deemed appropriate) to be informed of topical issues, proposed legislative changes, and industry and technology updates et-cetera. These meetings should be strategic in nature and be held as often as required.~~
- ~~(b) Portfolio Councillors may discuss the proposed content of reports with the General Manager, but the report preparation and content will always remain the Officer's responsibility and must be prepared free from improper influence or direction from the Portfolio Councillor.~~
- ~~(c) Any issues or problems relating to a portfolio should be discussed with the relevant General Manager in the first instance. Where the issue or problem cannot be resolved between the Portfolio Councillor and the General Manager, the matter is to be escalated to the Chief Executive Officer and/or the Mayor.~~



Councillors as Portfolio Spokespersons - Council Community Policy

Schedule: Current Councillor Portfolios as adopted at Post-Election Meeting 27 April 2020

Portfolio	Portfolio Definition	Portfolio Spokesperson
Executive (Mayor)	Disaster Management, Economic Development, Internal Audit, Communications and Marketing	Cr. P.M. McVeigh
Finance, Corporate Services and Business Strategy	Finance, Governance, Business Planning, Safer Communities and Health Services	Cr. I.J. Rasmussen
Works and Technical Services	Civil Works, Fleet, Quarries, Asset Management and Design	Cr. O.G. Moore
Utilities	Water, Wastewater and Gas	Cr. P.T. Saxelby
Strategic Communication and Council Facilities	Strategic Communications, Council Facilities (Aerodromes, Sporting Facilities, Showgrounds and Community Buildings).	Cr. M.J. James
Planning, Environment and Agribusiness	Statutory Planning, Development and Compliance, Environment and Health, Waste, Rural Services and Agribusiness	Cr. A.N. Smith
Tourism, Events and Regional Promotion	Council and Community Major Events, Tourism Attraction and Regional Promotion	Cr. K.A. Bourne
Community and Cultural Development	Libraries, Community Development, Cultural Development and Community Services	Cr. K.A. Maguire
Recreational Spaces and Cemeteries	Parks, Open Spaces, Gardens and Cemeteries	Cr. C.T. Tillman





Councillor Portfolios - Community Policy

Effective Date	27 April 2020
Policy Owner	Customer Support and Governance Manager
Link to Corporate Plan	Advocacy - A Regional Voice Strong Diverse Economy Active Vibrant Community Quality Lifestyle Sustainable Organisation
Review Date	April 2028 (Post Election)
Related Legislation	Local Government Act 2009 Local Government Regulation 2012
Related Documents	Code of Conduct for Councillors in Queensland Acceptable Request Guidelines - Council Policy Media Relations Policy - Council Policy Councillor Briefings and Workshops - Council Policy Councillor Expenses Reimbursement - Statutory Policy

Policy Version	Approval Date	Adopted/Approved
1	7 May 2008	Ordinary Meeting of Council
2	22 February 2012	Ordinary Meeting of Council
3	18 December 2013	Ordinary Meeting of Council
4	13 April 2016	Post-Election Meeting of Council
5	27 April 2020	Post-Election 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.**

Councillor Portfolios - Community Policy

1. PURPOSE

The purpose of this policy is to define and establish a Councillor Portfolio system which will enable collaboration with community and stakeholders, support the implementation of Council's strategic priorities aligned with the portfolio subject area, and create opportunities for partnerships and innovation.

2. SCOPE

This policy applies to the Councillors of Western Downs Regional Council, the Chief Executive Officer, Executive and Senior Leadership teams, Communications and Marketing team, and the Executive Support team. Section 12 of the *Local Government Act 2009* prescribes the responsibilities of Councillors and the *Code of Conduct for Councillors in Queensland* sets out the principles and standards of behaviour expected of Councillors when performing their roles, responsibilities, and obligations as elected representatives for their communities.

3. POLICY

3.1 Introduction

The functional areas of Council are divided into distinct portfolios, each with strategic objectives designed to achieve long-term success for the Western Downs region. At the beginning of a new term of Council, Council will assign each Councillor a portfolio. Portfolios may be reviewed as Council deems appropriate or in the event of a Council by-election.

Assigning Councillor portfolios:

- (a) ensures the workload associated with being an elected member is shared across all Councillors;
- (b) ensures Councillors' individual skills, knowledge, interests, and background are utilised;
- (c) assists the community to identify which Councillor to approach regarding a specific strategic issue; and
- (d) helps facilitate Council's engagement with the community and productive, professional, and appropriate relationships within the organisation to advance the delivery of Council's strategic priorities and services as identified in the Corporate, Operational, and Strategic plans.

3.2 Role of Portfolio Councillors

- (a) The portfolio Councillor's role is to represent Council in that portfolio subject area, understanding key issues and opportunities for Western Downs Regional Council. The Councillor may be actively engaged in their portfolio area and attend external stakeholder meetings.
- (b) Portfolio Councillors will be well-informed of issues relevant to their portfolio and will endeavour to have a detailed understanding of the relevant issues. Conducting further research may be necessary, including engaging with the community and requesting further information from Council Officers.
- (c) Portfolio Councillors are not responsible for the performance outcomes of their portfolio areas.
- (d) The communication of information to Councillors in general will not change, with all Councillors being kept informed of issues requiring all Councillors' knowledge for possible future Council action.
- (e) Requests for information must be consistent with Council's *Acceptable Request Guidelines - Council Policy*.
- (f) Portfolio Councillors may provide an elected representative's viewpoint and act as a sounding board for Executive and Senior leadership and Council on issues relating to their portfolio.
- (g) Any media enquiries will be handled by the Mayor, as prescribed by the legislative responsibilities of the Mayor to act as spokesperson for Council. Portfolio Councillors will abide by the *Code of Conduct for Councillors in Queensland* in respect to making any public comment.
- (h) Portfolio Councillors will be given preference to attend training and conferences relating to their portfolio, subject to budget considerations.
- (i) Portfolio Spokespersons must manage operational enquiries received from the community in accordance with *Acceptable Request Guidelines - Council Policy*.
- (j) Portfolio Councillors may report on key focus areas and issues on matters relating to their portfolio in Council workshops and briefings sessions, for example the Councillors 'Around the Grounds' session.



Councillor Portfolios - Community Policy

3.3 Support

The Executive and Senior Leadership team and Executive Services Support team must provide appropriate support to Portfolio Councillors to enable them to:

- (a) be across the details of portfolio relevant proposals coming before Council;
- (b) be well placed to present and advocate portfolio issues within the community;
- (c) remain informed of research and other developments relevant to their portfolio; and
- (d) understand and communicate the implications of decisions by other levels of government on portfolio matters.

3.4 Engagement between Portfolio Councillor and Executive and Senior Leadership

- (a) Portfolio Councillors may regularly meet with the relevant General Manager (and Senior Leadership as deemed appropriate) to be informed of topical issues, proposed legislative changes, and industry and technology updates etcetera. These meetings should be strategic in nature and be held as often as required.
- (b) Portfolio Councillors may discuss the proposed content of reports with the General Manager but the report preparation and content will always remain the Officer's responsibility and must be prepared free from improper influence or direction from the Portfolio Councillor.
- (c) Any issues or problems relating to a portfolio should be discussed with the relevant General Manager in the first instance. Where the issue or problem cannot be resolved between the Portfolio Councillor and the General Manager, the matter is to be escalated to the Chief Executive Officer and/or the Mayor.



Title **Corporate Services Report Review Investigation - Council Policy**

Date 19 August 2024

Responsible Manager P Greet, CUSTOMER SUPPORT AND GOVERNANCE MANAGER

Summary

The purpose of this report is to present the proposed *Councillor Investigation - Statutory Policy* for adoption as a result of a review of the *Investigation - Council Policy*.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- *We are recognised as a financially intelligent and responsible Council.*
- *Our people are skilled and values driven to make a real difference.*
- *Our agile and responsive business model enables us to align our capacity with service delivery.*

Councillors play a fundamental role in their communities with high standards of behaviour expected by the community. An effective, independent Councillor complaints framework is vital to maintaining public confidence in local government. This framework includes Council's Investigations Policy.

Material Personal Interest/Conflict of Interest

There are no material personal interests nor conflicts of interest associated with this report.

Officer's Recommendation

That Council resolves to adopt the *Councillor Investigation - Statutory Policy* as contained within Attachment Two.

Background Information

The existing *Investigation - Council Policy* is due for review by November 2024, however legislative changes affecting this policy triggered an earlier review.

Report

Section 150AE of the *Local Government Act 2009* prescribes that Council must adopt an investigation policy about how it deals with suspected Councillor conduct breaches referred to Council by the Independent Assessor. The *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023* has made a number of amendments to the *Local Government Act 2009* and *Local Government Regulation 2012* which necessitated a review of Council's *Investigation - Council Policy*.

The significant legislative amendments pertaining to an investigation policy include:

- (1) the introduction of a preliminary assessment process that the Independent Assessor must undertake to determine how best to deal with a complaint, notice or information about Councillor conduct, including a time limitation for accepting the complaint, notice or information;
- (2) additional annual reporting requirements on the Independent Assessor and local governments and requires local governments to inform the Independent Assessor about particular decisions;
- (3) updated natural justice requirements in relation to suspected conduct breaches;
- (4) requirement to publish suspected conduct breach investigation reports and summaries (with appropriate redactions); and clarification of related meeting requirements; and
- (5) changed conduct definitions.

The Department of Housing, Local Government, Planning and Public Works publishes an example investigation policy and the amendments to Council's policy therefore largely reflect the Department's updated example investigation policy, with some amendments for clarity.

Furthermore, in accordance with Council's adopted *Policy Framework*, the policy is proposed to be classified as a Statutory policy.

Consultation (Internal/External)

The proposed *Councillor Investigation - Statutory Policy* was endorsed by Council's Executive Leadership Team and subsequently workshopped with Councillors at information sessions held 1 and 15 August 2024.

Legal/Policy Implications (Justification if applicable)

Council must adopt an investigation policy about how it deals with a suspected conduct breach by a Councillor. Sections 150AE(2) and (3) of the *Local Government Act 2009* provide what must be included in the investigation policy. In summary, the investigation policy must:

- (a) *include a procedure for investigating the suspected conduct breaches of councillors; and*
- (b) *state the circumstances in which another entity may investigate the conduct; and*
- (c) *be consistent with the principles of natural justice; and*
- (d) *require the local government to prepare a report above each investigation; and*
- (e) *require councillors and persons who make complaints about councillors' conduct to be given notice about the outcome of investigations; and*
- (f) *include a procedure about when the local government may decide not to start, or to discontinue, an investigation under section 150AEA.*

The policy must also require Council:

- (1) to give the subject Councillor information about the suspected conduct, including evidence of the conduct;
- (2) to give the subject Councillor and the complainant a notice if an investigation is not started or discontinued;
- (3) to provide the subject Councillor with the preliminary findings of the investigation prior to preparing an investigation report and to allow the Councillor to give evidence or a written submission to Council about the suspected conduct and preliminary findings;
- (4) to consider such evidence and submission in preparing the investigation report and include a summary of the evidence and a full copy of the written submission in the investigation report; and
- (5) publish the investigation policy on Council's website.

Failure to adopt an investigation policy which meets the legislative requirements will result in non-compliance with the *Local Government Act 2009*.

Budget/Financial Implications

Council must pay the expenses associated with the investigation of a suspected conduct breach of a Councillor including any costs of:

- (1) an independent investigator engaged on behalf of Council;
- (2) travel where the investigator needed to travel to undertake the investigation, or to interview witnesses; and
- (3) obtaining legal or expert advice.

Council may order the subject Councillor to reimburse Council for all or some of the costs arising from a Councillor's sustained conduct breach. These costs would usually only relate to obtaining legal or expert advice and reasonable costs for the investigator engaged to undertake the investigation. Any costs incurred by complainants or the subject Councillor will not be met by Council.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) requires public entities '*to act and make decisions in a way compatible with human rights*'. Consideration has been given to relevant human rights, particularly the right to take part in public life (section 23 of the *Human Rights Act*), right to privacy and reputation (section 25 of the *Human Rights Act*), and the right to a fair hearing (section 31 of the *Human Rights Act*). It is considered that in observing and applying the law prescribed in *Local Government Act 2009*, Council will be respecting and acting compatibly with these rights as prescribed in the *Human Rights Act*.

Conclusion

Legislative change has resulted in Council's existing *Investigation - Council Policy* being reviewed, with amendments for Council's consideration proposed in the renamed *Councillor Investigation - Statutory Policy*.

Attachments

1. Investigation - Council Policy (Mark-up).
2. Councillor Investigation - Statutory Policy as proposed.

Authored by: K. Gillespie, GOVERNANCE COORDINATOR

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Councillor Investigation - Council PolicyStatutory Policy

Effective Date	12 December 2018
Policy Owner	Customer Support & Governance
Link to Corporate Plan	Strategic Priority: Financial SustainabilitySustainable Organisation
Review Date	November 2024, 2028
Related Legislation	Local Government Act 2009 Local Government Regulation 2012 Crime and Corruption Act 2001 Public Interest Disclosure Act 2010
Related Documents	Confidentiality – Council PolicyGuideline Meetings – Council PolicyProcedures Information Privacy Policy Public Interest Disclosure Policy and Procedures Code of Conduct for Councillors in Queensland Queensland Government Example Local Government Investigation Policy February 2024

Policy Version	Approval Date	Adopted/Approved
1	12 December 2018	Ordinary Meeting of Council
2	17 February 2021	Ordinary Meeting of Council

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Investigation - ~~Council~~ Statutory Policy

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Councillor Investigation - Council Statutory Policy

1. PURPOSE

This policy ~~provides for details~~ how ~~a complaints referred to Council by the Independent Assessor (the Assessor)~~ about ~~the a inappropriate suspected~~ conduct ~~breach of by a~~ Councillors will be dealt with as required by the section 150AE of the *Local Government Act 2009* ~~(the LG Act)~~. ~~This policy does not relate to more serious Councillor conduct.~~

2. SCOPE

This ~~investigation~~ policy applies to investigations and determinations ~~about a of a complaint about the alleged suspected inappropriate~~ conduct ~~breach of a~~ Western Downs Regional Council Councillor/s, including ~~the Mayor~~, which has been referred by the Independent Assessor.

~~This Policy does not relate to:-~~

- ~~(1) suspected misconduct or corrupt conduct by a Councillor, which are dealt with under separate legislative provisions; or~~
- ~~(2) unsuitable meeting conduct, or~~
- ~~(3) any conduct undertaken in a personal capacity by a Councillor (for example, a sitting Councillor campaigning for re-election or attending a private social function).~~

3. ~~POLICY~~ INVESTIGATION PRINCIPLES

3.1 Confidentiality

Matters ~~relating to the investigation of a suspected inappropriate~~ conduct ~~breach of a~~ Councillor are confidential ~~except as otherwise specifically provided for either in the LG Act or this investigation policy to Council during the investigation period, except:-~~

- ~~(1) to give the subject Councillor information about the suspecteding conduct, including details about the evidence of the conduct;~~
- ~~(2) to give the subject Councillor the preliminary findings of the investigation, before preparing an investigation report about the investigation;~~
- ~~(3) to give the subject Councillor a notice if an investigation is not started or is discontinued; and~~
- ~~(4) for conduct the subject of a complaint, to give the person who made the complaint, and the Assessor a notice if an investigation is not started or is discontinued.~~

~~Once the matter has been investigated and a report has been provided to Council, the matter will be placed on a Council meeting agenda and the investigation report and any recommendations of the investigator may be debated in the Council meeting, which may be in a closed session under section 254J(i) of the Local Government Regulation 2012.~~

~~The investigation report is remains confidential until:-~~

- ~~(1) a decision is made about the conduct at a Council meeting and the investigation report is made publicly available by 5.00 p.m. on the tenth day after the meeting at which the decision was made, or when the minutes of the meeting are made publicly available¹; or~~
- ~~(2) within ten business days after the decision is made.~~

~~Information as identified in section 150AGA(2) of the Local Government Act 2009, contained in the investigation report must not be made publicly available and must be redacted from the investigation report.~~

~~A summary of the investigation report including information identified in section 150AFA(4) of the Local Government Act 2009, must be attached to the agenda papers and made publicly available by 5.00 p.m. on the next business day after notice of the meeting at which the decision is to be made is given under section 254C of the Local Government Regulation 2012. Information identified in section 150AFA(5) of the Local Government Act 2009 contained in the summary investigation report must not be made publicly available (-).~~

¹ Local Government Regulation 2012 - sections 239C(3) and (4)



Councillor Investigation - ~~Council~~ Statutory Policy



Councillor Investigation - Council Statutory Policy

~~3.1 which rationale (i) or (ii) the Chief Executive Officer or Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the local government. Any release of information that a Councillor knows, or should reasonably know, to be confidential to the local government, may be contrary to section 174(3) of the LG Act and dealt with as misconduct. Please refer to the Confidentiality – Council Policy for further information.~~

3.2 Natural Justice

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. ~~An overview of the principles of natural justice follows.~~

"Natural justice" or procedural fairness, refers to three key principles:-

- ~~1-(1) that the person Councillor who is the subject of a suspected conduct breach matter being investigated has a chance to have his or her/their say before adverse formal findings are made and before any adverse action is taken (fair hearing);~~
- ~~2-(2) that the investigator(s) should be objective and impartial (absence of bias); and~~
- ~~3-(3) that any action taken, or decision made is based on evidence (not suspicion or speculation).~~

A fair hearing means the Councillor who is the subject of ~~the a suspected inappropriate conduct breach~~ matter ~~will receive information about the suspected conduct, including:-~~

- ~~(1) the preliminary findings of the investigation before the preparation of an investigation report about the investigation; and~~
- ~~(2) a notice if an investigation is not started or is discontinued, including the reasons for the decision; and~~
- ~~(3) allowing the Councillor to give evidence or a written submission to Council about the suspected conduct breach and preliminary findings; and~~
- ~~(4) requiring Council to consider the evidence or written statement from the subject Councillor in preparing the investigation report; and~~
- ~~(5) include, if evidence is given by the Councillor, a summary of the evidence and, if a written submission is provided, a full copy of the written submission; in the investigation report, must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.~~

~~is~~

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

~~Ensuring decisions are based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.~~

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

Note: It must be kept in mind that the matter when referred, is suspected, and not yet proven.

3.3 Standard of Proof

~~The civil standard of proof is applied by the Investigator when determining whether a Councillor has engaged in a conduct breach.~~

~~The civil standard of proof is 'on the balance of probabilities,' which means the weighing up and comparison of the likelihood of the existence of competing facts or conclusions.~~



Councillor Investigation - Council Statutory Policy

An allegation is sustained 'on the balance of probabilities,' if based on the evidence, the Investigator and/or Council, is reasonably satisfied that its existence is more probable than not.

3.4 Timeliness

The Councillor conduct framework must be effective and efficient. The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than within eight weeks of commencing the investigation, after the receipt of the complaint from the Assessor.

Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor or delegate (if the Mayor is not the investigator managing the investigation) to seek an extension of time. Delay in procuring an investigator to undertake the investigation should be avoided.



Councillor Investigation - Council Statutory Policy

3.5 Expenses

~~Council must pay any reasonable~~the expenses of Council-associated with the investigation of a suspected inappropriate conduct breach of a Councillor including any costs of:

- ~~— the president of the Tribunal in undertaking an investigation for Council~~
- ~~— an independent investigator engaged on behalf of, or by the Tribunal;~~
- (1) an independent investigator engaged on behalf of the local government Council;
- (2) travel where the investigator needed to travel to undertake the investigation, or to interview witnesses; and
- ~~— seeking obtaining legal or expert advice; and/or~~
- (3) engaging an expert.

Note: Council may order the subject Councillor reimburse it Council for all or some of the costs arising from thea Councillor's inappropriate sustained conduct breach.---. These costs would usually only relate to obtaining legal or expert advice and reasonable costs for the investigator engaged to undertake the investigation.

Any costs incurred by complainants, or the subject Councillor found to have engaged in inappropriate conduct will not be met by Council. Where possible, costs should be kept to a reasonable rate taking into consideration the costs for more serious matters dealt with by, for example, the Councillor Conduct Tribunal or other jurisdictions who deal with conduct matters (by way of example). Costs incurred by a subject Councillor found not to have engaged in inappropriate conduct may be reimbursed in accordance with the Councillor Expenses Reimbursement - Council Policy. Costs incurred by complainants will not be met by Council.

3.6 13Councillor Conduct Register

The Chief Executive Officer must ensure decisions and any orders made under section 150AH of the *Local Government Act 2009*, including a decision not to start, or to discontinue an investigation² about a suspected inappropriate Councillor conduct breach, of a Councillor/s are entered into the Councillor conduct register.

~~Where a complaint has been resolved under the early resolution provisions of this policy or otherwise withdrawn by the complainant, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.~~

4. INVESTIGATION PROCEDURES

4.1 3.3Independent Assessor's Referral

Council will receive a referral notice from the Assessor a referral notice about the suspected inappropriate conduct breach of a Councillor/s. The referral notice will include details of the conduct and any complaint received about the conduct, state why the assessor reasonably suspects that the Councillor has engaged in inappropriate a conduct breach, and include information about the facts and circumstances that form the basis of the Assessor's reasonable suspicion.

Council must deal with the matter and the investigation must be conducted in a way that is consistent with this Investigation Policy.

The Assessor must also give a notice to the subject Councillor that states the Councillor's conduct has been referred to Council to deal with manage and a copy of the referral notice must be attached.

Commented [KG1]: ??Delete from here and the Councillor Expenses Reimbursement Policy, given the Department's investigation policy differs.

Commented [PG2R1]: Agree - delete, covered in the expenses reimbursement policy

² Local Government Act 2009 - section 150AEA

Councillor Investigation - Council Statutory Policy

3.2 ~~The referral notice may be accompanied by a recommendation from the assessor about how the local government may investigate or deal with the conduct. The recommendation of the assessor may be inconsistent with this policy.~~



Councillor Investigation - Council Statutory Policy

~~3.3 The investigation must be conducted in a way consistent with:~~

~~3.4 any recommendation of the assessor;~~

~~3.5 to the extent that this policy is not inconsistent with the recommendation of the assessor – this investigation policy; or~~

~~3.6 in another way the local government decides by resolution.~~

~~3.7~~

~~3.8 A resolution under subsection (iii) must state the decision and the reasons for the decision.~~

~~3.9~~

4.2 3.4 Receipt of Assessor's Referral

On receipt of a referral notice about the suspected ~~inappropriate conduct~~ breach of a Councillor/s from the ~~Office of the Independent Assessor (OIA the Assessor)~~, Council's ~~the~~ Chief Executive Officer will forward a copy of that referral notice to the Mayor and all Councillors, ~~other than including the subject Councillor, who is the subject of the complaint, or the complainant if the complainant is a Councillor, as a confidential document.~~

The subject Councillor and the complainant, if the complainant is a Councillor, have a declarable conflict of interest and should manage the declarable conflict of interest in a way consistent with the requirements of the Local Government Act 2009 and Council's Meeting Procedures.

The Mayor will manage the investigation process and may undertake the investigation ~~themselves, or themselves or~~ engage an external investigator, to investigate the suspected conduct breach and prepare an investigation report with recommendations about whether the Councillor engaged in a conduct breach and how the conduct may be dealt with.

If the Mayor has a conflict of interest in the matter, the Mayor's powers to manage the investigation will be assumed by the Deputy Mayor, or if both the Mayor and the Deputy Mayor are conflicted, then a Councillor acting Mayor will be appointed by resolution, to manage the investigation.

If the subject Councillor agrees to all of the facts presented and accepts complete accountability for the suspected conduct breach, then there would be no requirement for an external investigation; the matter will be presented to the Council for resolution, which must state the decision and reason for the decision.

~~3.10~~ | |

~~3.11 Should the Mayor or a Councillor/s disagree with any recommendation accompanying the Assessor's referral notice, or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting to decide, by resolution, the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council's meeting procedure requirements.~~

4.3 When Council may Decide not to Start, or to Discontinue, an Investigation

On receipt of the referral notice from the Assessor, the Mayor will manage the investigation unless it is delegated. If there are circumstances for considering not starting or discontinuing an investigation, the matter will be placed on the agenda for the next Council meeting. Council may decide by resolution not to start, or to discontinue, a suspected conduct breach matter. The resolution must state the decision and the reasons for the decision.

The only circumstances in which Council can resolve formally to not start or to discontinue a matter are provided in section 150AEA of the Local Government Act 2009.

Note: The matters not started and matters discontinued must be reported in the annual report and recorded in the Councillor conduct register (including the reasons).

Commented [BB3] : Is this necessary and if so, is there an English (preferably plain English) version?

Councillor Investigation - Council Statutory Policy

4.4 Investigating a Suspected Conduct Breach by a Councillor

Unless the matter has been delegated by Council, the Mayor will manage the investigation of suspected conduct breach matters relating to other Councillors by either performing the role of Investigator or engaging a suitably qualified person to undertake the investigation and provide an investigation report for Council to consider. The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with Council's procurement policy.

If the investigator obtains information which indicates a Councillor may have engaged in misconduct, the investigator must cease the investigation and advise the Mayor and the Chief Executive Officer. The Chief Executive Officer will determine if the conduct is within the timeframe for reporting the matter (as prescribed by section 150SB of the Local Government Act 2009) and if it is, -The Chief Executive Officer will then provide an information notice to the Assessor giving the details of the suspected misconduct. The notice must be given within one (1) year after the conduct occurred, or within six (6) months after the conduct comes to the knowledge of the Chief Executive Officer or another person who gave the information notice to the Assessor, but within two (2) years after the conduct occurred.

If the investigator obtains information that indicates a Councillor may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Mayor and Chief Executive Officer. The Chief Executive Officer will then provide an information notice to the Assessor giving the details of the suspected corrupt conduct and notify the Crime and Corruption Commission of the suspected corrupt conduct. There are no reporting time limits for corrupt conduct.

4.5 Engaging an Investigator

Once an investigator has been selected to undertake the investigation, theyat investigator will follow relevant investigation standards.

Once the investigation is finalised, the investigator will prepare a report for Council including the following details:-

- (1) the investigation process;
- (2) any witnesses interviewed;
- (3) documents or other evidence obtained;
- (4) a statement of the relevant facts ascertained;
- (5) confirmation that the subject Councillor has been provided with an opportunity to respond to the complaint and the evidence compiled;:
- (6) the investigation findings;
- (7) a statement of any relevant previous disciplinary history;
- (8) any recommendations about dealing with the conduct; and
- (9) a record of the investigation costs.



Councillor Investigation - Council Statutory Policy

~~3.12 Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.~~

~~3.13~~

~~3.14 If the suspected inappropriate conduct involves conduct where, in the circumstances, the Mayor believes it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer may refer the suspected inappropriate conduct to the President of the Councillor Conduct Tribunal (the Tribunal) or another entity to investigate and make recommendations to Council about dealing with the conduct.~~

~~3.15~~

~~3.16 If the suspected inappropriate conduct involves an allegation about the conduct of the Mayor, or the Mayor as the complainant, then the Chief Executive Officer may refer the suspected inappropriate conduct to the President of the Tribunal, or another entity, to investigate and make recommendations to Council about dealing with the conduct.~~

~~3.17~~

~~3.18 3.6 — Early Resolution~~

~~3.19 Before beginning an investigation, the investigator should consider whether the matter is appropriate for resolution prior to the investigation. This consideration can include any recommendation made by the assessor.~~

~~3.20~~

~~3.21 A matter is only appropriate for early resolution if the parties to the matter both voluntarily agree to explore early resolution. The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.~~

~~3.22~~

~~3.23 If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.~~

~~3.24~~

~~3.25 If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all Councillors that the matter has been resolved. The Chief Executive Officer will also update the Councillor Conduct Register to reflect this.~~



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~~3.27 3.7 — Timeliness~~

~~3.28 The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.~~

~~3.29~~

~~3.30 Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor (if the Mayor is not the investigator) to seek an extension of time.~~

~~3.31~~

~~3.32 3.8 — Assistance for Investigator~~

~~3.33 If the Mayor, or another Councillor appointed by Council resolution, is the investigator of a matter of suspected inappropriate conduct, the Mayor or Councillor may use section 170A of the LG Act to seek assistance during the investigation.~~

~~3.34~~

~~3.35 The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.~~

~~3.36~~

~~3.37 3.9 — Possible Misconduct or Corrupt Conduct~~

~~3.38 If during the course of an investigation the investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Assessor of the possible misconduct.~~

~~3.39~~

~~3.40 If during the course of an investigation, the investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.~~

~~3.41~~

~~3.42 Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or Crime and Corruption Commission to be inappropriate conduct.~~

~~3.43~~

4.6 3.10 Completion of Investigation

~~3.43.1 — On the completion of an investigation, the investigator will provide a report to a Council meeting outlining as appropriate:-~~

~~3.43.2 —~~

~~3.43.3 — the investigation process;~~

~~3.43.4 — any witnesses interviewed;~~

~~3.43.5 — documents or other evidence obtained;~~



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- 3.43.6 — ~~a statement of the relevant facts ascertained;~~
- 3.43.7 — ~~confirmation that the subject Councillor has been provided with an opportunity to respond to the complaint and the evidence gathered;~~
- 3.43.8 — ~~the investigation findings;~~
- 3.43.9 — ~~a statement of any relevant previous disciplinary history;~~
- 3.43.10 — ~~any recommendations about dealing with the conduct; and~~
- 3.43.11 — ~~a record of the investigation costs.~~
- 3.43.12 —
- 3.43.13 — ~~If there is a risk to the health and safety of the complainant, under section 254J of the Local Government Regulation 2012, Council may resolve that the meeting be closed to the public for the Councillors to consider the investigation report and any recommendations.~~
- 3.43.14 —
- 3.43.15 — ~~Council (with the exception of the Councillor the subject of the investigation and the complainant, if another Councillors) will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LG Act. In accordance with section 254J(6) of the LG Regulation, the resolution in relation to what action is to be taken as a result of the investigation must be made after the meeting has re-opened to the public and the decision recorded in the meeting minutes. The Chief Executive Officer is also required to ensure the details are entered into the Councillor conduct register.~~
- 3.43.16 —

4.6.1 Findings and Recommendations

~~The investigator must prepare a Preliminary Statement of Findings and must give the preliminary findings to the subject Councillor before preparing the Investigation Report and allow the subject Councillor to give evidence or a written statement about the conduct and preliminary findings.~~

~~The investigator must consider any evidence or written submission given by the subject Councillor in preparing the investigation report and include a summary of the evidence and a full copy of any written submission in the investigation report.~~

4.6.2 Investigation Report

~~The investigator must prepare an investigation report about the investigation of a suspected conduct breach matter referred by the Assessor to Council under section 150AFA of the Local Government Act 2009. The investigation report must include the findings of the investigation, a summary of the evidence or a full copy of any written submission given by the subject Councillor, and recommendations for consideration by Council.~~

~~A summary investigation report with a preliminary Statement of Findings and summary of the outcome of the investigation attached, must be prepared for public availability in accordance with section 254D of the Local Government Regulation 2012 before the meeting where Council will consider the investigation report matter, on or before the day and time prescribed by in accordance with:~~

~~Council must prepare a summary of the investigation report that must include:—~~

- ~~(1) the name of the Councillor whose conduct has been investigated; and~~
- ~~(2) a description of the alleged conduct; and~~
- ~~(3) a statement of the facts established by the investigation; and~~
- ~~(4) a description of how natural justice was afforded to the Councillor during the conduct of the investigation; and~~



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(5) a summary of the findings of the investigation; and

(6) any recommendations made by the investigator ~~who investigated the conduct.~~

The following information must not be made publicly available:—

(1) if the investigation relates to the conduct of a Councillor that was the subject of a complaint:

(a) the name of the person who made the complaint or any other person, other than the Councillor; or

(b) information that could reasonably be expected to result in identifying a person who made the complaint or any other person; and

(2) if a person, other than the Councillor, provided information for the purposes of the investigation, including, for example, by giving an interview or making a submission or affidavit:

(a) the name of the person; ~~or~~

(b) information that could reasonably be expected to result in identifying the person or any other person, other than the Councillor; or

(c) any other information the local government is entitled or required to keep confidential under a law.



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4.7 Making a Decision about the Investigation

Council must make a decision as to whether the subject Councillor has engaged in a conduct breach.

When debating this matter the subject Councillor who has a declarable conflict of interest in the matter, must declare the conflict of interest; and the eligible Councillors (those who do not have a conflict of interest in the matter) can decide by resolution for the subject Councillor to remain in the meeting during the debate and may answer questions put to the subject Councillor through the Chairperson to assist the eligible Councillors in making a decision. The resolution can include conditions that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed a conduct breach and what, if any, penalty to impose if the Councillor is found to have committed a conduct breach.

a – any reason, including If a decision is reached that the subject Councillor has engaged in a conduct breach, Council (with the exception of the Councillor the subject of the investigation ~~and the complainant, if another Councillor~~), will consider the findings and recommendations of the investigator's report and decide what, if any, action it will take under section 150AH of the *Local Government Act 2009*.

A final decision about whether a Councillor engaged in a conduct breach and if so, any decision about orders which are made under section 150AH of the *Local Government Act 2009*, must be made by resolution of Council in an open Council meeting. Any decision that is not consistent with the recommendation of the investigation report must state the reasons for the decision in the minutes of the meeting. The minutes must give sufficient information to demonstrate the rationale that has been applied to justify the decision not to follow the recommendation of the investigation report.

After making a decision about the conduct breach, Council must make the investigation report publicly available, in accordance with section 254F of the *Local Government Regulation 2012*. The following information contained in the investigation report must **not** be made publicly available:

- (1) if the investigation relates to the conduct of a Councillor that was the subject of a complaint:
 - (a) the name of the person who made the complaint or any other person, other than the Councillor, even if that person has a declarable conflict of interest; or
 - (b) information that could reasonably be expected to result in identifying a person; and
- (2) if a person, other than the Councillor, provided information for the purposes of the investigation including, for example, by giving an interview or making a submission or affidavit:
 - (a) the name of the person;
 - (b) information that could reasonably be expected to result in identifying the person or any other person, other than the Councillor;
 - (c) the submission or affidavit of or a record or transcript of information provided orally by a person, including, for example, a transcript of an interview; or
 - (d) any other information Council is entitled or required to keep confidential under a law (for example, documents subject to legal professional privilege or information that is part of a public interest disclosure under the *Public Interest Disclosure Act 2010*).

The investigation report made publicly available must include the name of the person who made the complaint if:

- (1) the person is a Councillor or the Chief Executive Officer of the local government; and
- (2) the person's identity as the complainant was disclosed at the meeting at which the report for the investigation was considered.

4.7.1 Quorum

Where the local government meeting loses a quorum due to conflicts of interest of Councillors or absent Councillors, then the conduct matter must be delegated to the Mayor to make a decision. If the referral notice is about a suspected conduct breach by the Mayor, then the matter must be delegated to a standing committee for decision.

³ *Local Government Act 2009* - section 257(2)

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~~in accordance with section 254F of the Local Government Regulation 2012, and/or (for example,)~~



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~~4.8~~ **3.11 Disciplinary Action against Councillors**

If Council decides ~~at the completion of the investigation~~ that the Councillor has engaged in ~~a inappropriate~~ conduct ~~breach, any of the following orders may be imposed~~ Council may:-

- ~~i. (1)~~ ~~order~~ that no action be taken against the Councillor; or
- ~~ii. (2)~~ ~~make an order~~ outlining action the Councillor must undertake in accordance with section 150AH(1)(b) of the ~~LG Act~~ Local Government Act 2009.

~~3.44-~~

~~4.9~~ **3.12 Notice About the Outcome of Investigation**

After an investigation is finalised, Council must give notice about the outcome ~~of the investigation if Council decides not to start or to discontinue an investigation (section 150AEA of the Local Government Act 2009); or makes a decision about whether the Councillor has engaged in a conduct breach (section 150AG of the Local Government Act 2009) including the reasons for the decision and any orders made under section 150AH of the Local Government Act 2009~~ to:

- ~~(1)~~ the Assessor;
- ~~(2)~~ the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation; and
- ~~(3)~~ the subject Councillor.

3.13 — Councillor Conduct Register

~~The Chief Executive Officer must ensure decisions about suspected inappropriate conduct of a Councillor/s are entered into the Councillor conduct register.~~

~~Where a complaint has been resolved under the early resolution provisions of this policy or otherwise withdrawn by the complainant, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.~~

3.14 — Expenses

Council must pay any reasonable expenses of Council associated with the investigation of suspected inappropriate conduct of a Councillor including any costs of:

- ~~• the president of the Tribunal in undertaking an investigation for Council~~
- ~~• an independent investigator engaged on behalf of, or by the Tribunal;~~
- ~~• a independent investigator engaged on behalf of the local government;~~
- ~~• travel where the investigator needed to travel to undertake the investigation, or to interview witnesses;~~
- ~~• seeking legal advice; and/or~~
- ~~• engaging an expert.~~



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~~Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct.~~

~~Any costs incurred by the subject Councillor found to have engaged in inappropriate conduct will not be met by Council. Costs incurred by a subject Councillor found not to have engaged in inappropriate conduct may be reimbursed in accordance with the Councillor Expenses Reimbursement – Council Policy. Costs incurred by complainants will not be met by Council.~~

attachments:

Nil

5. DEFINITIONS:

Assessor means the Independent Assessor appointed under section 150C~~VT~~ of the LG ActLocal Government Act 2009.

Behavioural standard means a standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under sections 150D and 150E of the LG ActLocal Government Act 2009.

Conduct includes:

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct.

Councillor conduct register means the register required to be kept by Council as set out in section 150DX and 150DY of the Local Government Act 2009LG Act.

Inappropriate Cconduct breach see section 150K of the Local Government Act 2009LG Act.

Investigation policy, refers to this policy, as required by section 150AE of the Local Government Act 2009LG Act.

Investigator means the person responsible under this investigation policy for carrying out the investigation of the suspected ~~inappropriate~~ conduct breach of a Councillor or Mayor.

~~LG Act means the Local Government Act 2009.~~

Local government meeting means a meeting of:

- (a) a local government; or
- (b) a committee of a local government.

Misconduct see section 150L of the Local Government Act 2009LG Act.

Model procedures see section 150F of the LG Act.

Natural justice — a set of principles to ensure fair and just decision-making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.

Referral notice see sections 150AB, 150AC and 150AD of the Local Government Act 2009LG Act.

Tribunal means the Councillor Conduct Tribunal as established under section 150DK of the Local Government Act 2009LG Act.

Unsuitable meeting conduct see section 150H of the Local Government Act 2009LG Act.

Commented [BB4] : If this is merely a regurgitation of section 150C of the Local government Act, which it appears to be, then why include it here? Merely default to the Act.

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6. REVIEW TRIGGER:

- (1) Periodic review
- (2) Change in legislation



Councillor Investigation - Statutory Policy

Effective Date	<i>12 December 2018</i>
Policy Owner	<i>Customer Support & Governance</i>
Link to Corporate Plan	<i>Sustainable Organisation</i>
Review Date	<i>2028</i>
Related Legislation	<i>Local Government Act 2009 Local Government Regulation 2012 Crime and Corruption Act 2001 Public Interest Disclosure Act 2010</i>
Related Documents	<i>Confidentiality Guideline Meetings Procedures Information Privacy Policy Public Interest Disclosure Policy and Procedures Code of Conduct for Councillors in Queensland Queensland Government Example Local Government Investigation Policy February 2024</i>

Policy Version	Approval Date	Adopted/Approved
<i>1</i>	<i>12 December 2018</i>	<i>Ordinary Meeting of Council</i>
<i>2</i>	<i>17 February 2021</i>	<i>Ordinary Meeting of Council</i>

*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.***

Investigation - Statutory Policy

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Councillor Investigation - Statutory Policy

1. PURPOSE

This policy details how a complaint referred to Council by the Independent Assessor (the Assessor) about a suspected conduct breach by a Councillor will be dealt with as required by the section 150AE of the *Local Government Act 2009*.

2. SCOPE

This policy applies to investigations and determinations about a suspected conduct breach of a Western Downs Regional Council Councillor, including the Mayor, which has been referred by the Independent Assessor.

This Policy does not relate to:

- (1) suspected misconduct or corrupt conduct by a Councillor, which are dealt with under separate legislative provisions;
- (2) unsuitable meeting conduct, or
- (3) any conduct undertaken in a personal capacity by a Councillor (for example, a sitting Councillor campaigning for re-election or attending a private social function).

3. INVESTIGATION PRINCIPLES

3.1 Confidentiality

Matters relating to the investigation of a suspected conduct breach of a Councillor are confidential to Council during the investigation period, except:

- (1) to give the subject Councillor information about the suspected conduct, including details about the evidence of the conduct;
- (2) to give the subject Councillor the preliminary findings of the investigation, before preparing an investigation report about the investigation;
- (3) to give the subject Councillor a notice if an investigation is not started or is discontinued; and
- (4) for conduct the subject of a complaint, to give the person who made the complaint and the Assessor a notice if an investigation is not started or is discontinued.

Once the matter has been investigated and a report has been provided to Council, the matter will be placed on a Council meeting agenda and the investigation report and any recommendations of the investigator may be debated in the Council meeting, which may be in a closed session under section 254J(j) of the *Local Government Regulation 2012*.

The **investigation report** is confidential until:-

- (1) a decision is made about the conduct at a Council meeting and the investigation report is made publicly available by 5.00 p.m. on the tenth day after the meeting at which the decision was made, or when the minutes of the meeting are made publicly available¹; or
- (2) within ten business days after the decision is made.

Information as identified in section 150AGA(2) of the *Local Government Act 2009*, contained in the investigation report must not be made publicly available and must be redacted from the investigation report.

A **summary of the investigation report** including information identified in section 150AFA(4) of the *Local Government Act 2009*, must be attached to the agenda papers and made publicly available by 5.00 p.m. on the next business day after notice of the meeting at which the decision is to be made is given under section 254C of the *Local Government Regulation 2012*. Information identified in section 150AFA(5) of the *Local Government Act 2009* contained in the summary investigation report must not be made publicly available.

¹ *Local Government Regulation 2012* - sections 239C(3) and (4)



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3.2 Natural Justice

Any investigation of suspected inappropriate conduct of a Councillor must be carried out in accordance with natural justice.

Natural justice or procedural fairness refers to three key principles:

- (1) that the Councillor who is the subject of a suspected conduct breach matter has a chance to have their say before adverse formal findings are made and before any adverse action is taken (fair hearing);
- (2) that the investigator should be objective and impartial (absence of bias); and
- (3) that any action taken or decision made is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of a suspected conduct breach matter will receive information about the suspected conduct, including:

- (1) the preliminary findings of the investigation before the preparation of an investigation report about the investigation;
- (2) a notice if an investigation is not started or is discontinued, including the reasons for the decision;
- (3) allowing the Councillor to give evidence or a written submission to Council about the suspected conduct breach and preliminary findings;
- (4) requiring Council to consider the evidence or written statement from the subject Councillor in preparing the investigation report; and
- (5) if evidence is given by the Councillor, a summary of the evidence and if a written submission is provided, a full copy of the written submission in the investigation report.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

Note: It must be kept in mind that the matter when referred, is suspected and not yet proven.

3.3 Standard of Proof

The civil standard of proof is applied by the Investigator when determining whether a Councillor has engaged in a conduct breach. The civil standard of proof is 'on the balance of probabilities,' which means the weighing up and comparison of the likelihood of the existence of competing facts or conclusions.

An allegation is sustained 'on the balance of probabilities,' if based on the evidence, the Investigator and/or Council is reasonably satisfied that its existence is more probable than not.

3.4 Timeline

The Councillor conduct framework must be effective and efficient. The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting within eight weeks of commencing the investigation, after the receipt of the complaint from the Assessor.

Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor or delegate (if the Mayor is managing the investigation) to seek an extension of time. Delay in procuring an investigator to undertake the investigation should be avoided.



Councillor Investigation - Statutory Policy

3.5 Expenses

Council must pay the expenses associated with the investigation of a suspected conduct breach of a Councillor including any costs of:

- (1) an independent investigator engaged on behalf of Council;
- (2) travel where the investigator needed to travel to undertake the investigation, or to interview witnesses; and
- (3) obtaining legal or expert advice.

Note: Council may order the subject Councillor reimburse Council for all or some of the costs arising from a Councillor's sustained conduct breach. These costs would usually only relate to obtaining legal or expert advice and reasonable costs for the investigator engaged to undertake the investigation. Any costs incurred by complainants or the subject Councillor will not be met by Council. Where possible, costs should be kept to a reasonable rate taking into consideration the costs for more serious matters dealt with by the Councillor Conduct Tribunal or other jurisdictions who deal with conduct matters (by way of example).

3.6 Councillor Conduct Register

The Chief Executive Officer must ensure decisions and any orders made under section 150AH of the *Local Government Act 2009*, including a decision not to start or to discontinue an investigation² about a suspected Councillor conduct breach, are entered into the Councillor conduct register.

4. INVESTIGATION PROCEDURES

4.1 Independent Assessor's Referral

Council will receive a referral notice from the Assessor about the suspected conduct breach of a Councillor. The referral notice will include details of the conduct and any complaint received about the conduct, state why the assessor reasonably suspects that the Councillor has engaged in a conduct breach, and include information about the facts and circumstances that form the basis of the Assessor's reasonable suspicion.

Council must deal with the matter and the investigation must be conducted in a way that is consistent with this Investigation Policy.

The Assessor must also give a notice to the subject Councillor that states the Councillor's conduct has been referred to Council to manage and a copy of the referral notice must be attached.

4.2 Receipt of Assessor's Referral

On receipt of a referral notice about the suspected conduct breach of a Councillor from the Assessor, the Chief Executive Officer will forward a copy of that referral notice to the Mayor and all Councillors, including the subject Councillor, as a confidential document.

The subject Councillor and the complainant, if the complainant is a Councillor, have a declarable conflict of interest and should manage the declarable conflict of interest in a way consistent with the requirements of the *Local Government Act 2009* and Council's *Meeting Procedures*.

The Mayor will manage the investigation process and may undertake the investigation themselves or engage an external investigator to investigate the suspected conduct breach and prepare an investigation report with recommendations about whether the Councillor engaged in a conduct breach and how the conduct may be dealt with.

If the Mayor has a conflict of interest in the matter, the Mayor's powers to manage the investigation will be assumed by the Deputy Mayor. If both the Mayor and the Deputy Mayor are conflicted, a Councillor will be appointed by resolution, to manage the investigation.

If the subject Councillor agrees to all of the facts presented and accepts complete accountability for the suspected conduct breach, then there would be no requirement for an external investigation; the matter will be presented to the Council for resolution, which must state the decision and reason for the decision.

² *Local Government Act 2009* - section 150AEA



Councillor Investigation - Statutory Policy

4.3 When Council may Decide not to Start or to Discontinue an Investigation

On receipt of the referral notice from the Assessor, the Mayor will manage the investigation unless it is delegated. If there are circumstances for considering not starting or discontinuing an investigation, the matter will be placed on the agenda for the next Council meeting. Council may decide by resolution not to start or to discontinue a suspected conduct breach matter. The resolution must state the decision and the reasons for the decision. The only circumstances in which Council can resolve to not start or to discontinue a matter are provided in section 150AEA of the *Local Government Act 2009*.

Note: The matters not started and matters discontinued must be reported in the annual report and recorded in the Councillor conduct register (including the reasons).

4.4 Investigating a Suspected Conduct Breach by a Councillor

Unless the matter has been delegated by Council, the Mayor will manage the investigation of suspected conduct breach matters relating to other Councillors by either performing the role of Investigator or engaging a suitably qualified person to undertake the investigation and provide an investigation report for Council to consider. The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with Council's procurement policy.

If the investigator obtains information which indicates a Councillor may have engaged in misconduct, the investigator must cease the investigation and advise the Mayor and the Chief Executive Officer. The Chief Executive Officer will determine if the conduct is within the timeframe for reporting the matter (as prescribed by section 150SB of the *Local Government Act 2009*) and if it is, the Chief Executive Officer will provide an information notice to the Assessor giving the details of the suspected misconduct.

If the investigator obtains information that indicates a Councillor may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Mayor and Chief Executive Officer. The Chief Executive Officer will then provide an information notice to the Assessor giving the details of the suspected corrupt conduct and notify the Crime and Corruption Commission of the suspected corrupt conduct. There are no reporting time limits for corrupt conduct.

4.5 Engaging an Investigator

Once an investigator has been selected to undertake the investigation, they will follow relevant investigation standards.

Once the investigation is finalised, the investigator will prepare a report for Council including the following details:

- (1) the investigation process;
- (2) any witnesses interviewed;
- (3) documents or other evidence obtained;
- (4) a statement of the relevant facts ascertained;
- (5) confirmation that the subject Councillor has been provided with an opportunity to respond to the complaint and the evidence compiled;
- (6) the investigation findings;
- (7) a statement of any relevant previous disciplinary history;
- (8) any recommendations about dealing with the conduct; and
- (9) a record of the investigation costs.



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4.6 Completion of Investigation

4.6.1 Findings and Recommendations

The investigator must prepare a Preliminary Statement of Findings and must give the preliminary findings to the subject Councillor before preparing the Investigation Report and allow the subject Councillor to give evidence or a written statement about the conduct and preliminary findings.

The investigator must consider any evidence or written submission given by the subject Councillor in preparing the investigation report and include a summary of the evidence and a full copy of any written submission in the investigation report.

4.6.2 Investigation Report

The investigator must prepare an investigation report about the investigation of a suspected conduct breach matter referred to Council under section 150AFA of the *Local Government Act 2009*. The investigation report must include the findings of the investigation, a summary of the evidence or a full copy of any written submission given by the subject Councillor, and recommendations for consideration by Council.

A summary investigation report with a preliminary Statement of Findings and summary of the outcome of the investigation attached must be prepared for public availability in accordance with section 254D of the *Local Government Regulation 2012* before the meeting where Council will consider the investigation report matter. Council must prepare a summary of the investigation report that must include:

- (1) the name of the Councillor whose conduct has been investigated;
- (2) a description of the alleged conduct;
- (3) a statement of the facts established by the investigation;
- (4) a description of how natural justice was afforded to the Councillor during the conduct of the investigation;
- (5) a summary of the findings of the investigation; and
- (6) any recommendations made by the investigator.

The following information must not be made publicly available:

- (1) if the investigation relates to the conduct of a Councillor that was the subject of a complaint:
 - (a) the name of the person who made the complaint or any other person, other than the Councillor; or
 - (b) information that could reasonably be expected to result in identifying a person who made the complaint or any other person; and
- (2) if a person, other than the Councillor, provided information for the purposes of the investigation, including, for example, by giving an interview or making a submission or affidavit:
 - (a) the name of the person;
 - (b) information that could reasonably be expected to result in identifying the person or any other person, other than the Councillor; or
 - (c) any other information the local government is entitled or required to keep confidential under a law.



Councillor Investigation - Statutory Policy

4.7 Making a Decision about the Investigation

Council must make a decision as to whether the subject Councillor has engaged in a conduct breach. When debating this matter the subject Councillor who has a declarable conflict of interest in the matter, must declare the conflict of interest and the eligible Councillors (those who do not have a conflict of interest in the matter) can decide by resolution for the subject Councillor to remain in the meeting during the debate and may answer questions put to the subject Councillor through the Chairperson to assist the eligible Councillors in making a decision. The resolution can include conditions that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed a conduct breach and what, if any, penalty to impose if the Councillor is found to have committed a conduct breach.

If a decision is reached that the subject Councillor has engaged in a conduct breach, Council (with the exception of the Councillor the subject of the investigation) will consider the findings and recommendations of the investigator's report and decide what, if any, action it will take under section 150AH of the *Local Government Act 2009*.

A final decision about whether a Councillor engaged in a conduct breach and if so, any decision about orders which are made under section 150AH of the *Local Government Act 2009*, must be made by resolution of Council in an open Council meeting. Any decision that is not consistent with the recommendation of the investigation report must state the reasons for the decision in the minutes of the meeting. The minutes must give sufficient information to demonstrate the rationale that has been applied to justify the decision not to follow the recommendation of the investigation report.

After making a decision about the conduct breach, Council must make the investigation report publicly available, in accordance with section 254F of the *Local Government Regulation 2012*. The following information contained in the investigation report must **not** be made publicly available:

- (1) if the investigation relates to the conduct of a Councillor that was the subject of a complaint:
 - (a) the name of the person who made the complaint or any other person, other than the Councillor, even if that person has a declarable conflict of interest; or
 - (b) information that could reasonably be expected to result in identifying a person; and
- (2) if a person, other than the Councillor, provided information for the purposes of the investigation including, for example, by giving an interview or making a submission or affidavit:
 - (a) the name of the person;
 - (b) information that could reasonably be expected to result in identifying the person or any other person, other than the Councillor;
 - (c) the submission or affidavit of or a record or transcript of information provided orally by a person, including, for example, a transcript of an interview; or
 - (d) any other information Council is entitled or required to keep confidential under a law (for example, documents subject to legal professional privilege or information that is part of a public interest disclosure under the *Public Interest Disclosure Act 2010*).

The investigation report made publicly available must include the name of the person who made the complaint if:

- (1) the person is a Councillor or the Chief Executive Officer of the local government; and
- (2) the person's identity as the complainant was disclosed at the meeting at which the report for the investigation was considered.

4.7.1 Quorum

Where the local government meeting loses a quorum due to conflicts of interest of Councillors or absent Councillors, then the conduct matter must be delegated to the Mayor to make a decision. If the referral notice is about a suspected conduct breach by the Mayor, then the matter must be delegated to a standing committee for decision.³

³ *Local Government Act 2009* - section 257(2)



Councillor Investigation - Statutory Policy

4.8 Disciplinary Action against Councillors

If Council decides that the Councillor has engaged in a conduct breach, any of the following orders may be imposed:

- (1) that no action be taken against the Councillor; or
- (2) outlining action the Councillor must undertake in accordance with section 150AH(1)(b) of the *Local Government Act 2009*.

4.9 Notice About the Outcome of Investigation

After an investigation is finalised, Council must give notice about the outcome if Council decides not to start or to discontinue an investigation (section 150AEA of the *Local Government Act 2009*) or makes a decision about whether the Councillor has engaged in a conduct breach (section 150AG of the *Local Government Act 2009*) including the reasons for the decision and any orders made under section 150AH of the *Local Government Act 2009* to:

- (1) the Assessor;
- (2) the person who made the complaint about the Councillor's conduct that was the subject of the investigation; and
- (3) the subject Councillor.

5. DEFINITIONS:

Assessor means the Independent Assessor appointed under section 150CT of the *Local Government Act 2009*.

Behavioural standard means a standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under sections 150D and 150E of the *Local Government Act 2009*.

Conduct includes:

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct.

Councillor conduct register means the register required to be kept by Council as set out in section 150DX and 150DY of the *Local Government Act 2009*.

Conduct breach see section 150K of the *Local Government Act 2009*.

Investigation policy, refers to this policy, as required by section 150AE of the *Local Government Act 2009*.

Investigator means the person responsible under this investigation policy for carrying out the investigation of the suspected conduct breach of a Councillor or Mayor.

Local government meeting means a meeting of:

- (a) a local government; or
- (b) a committee of a local government.

Misconduct see section 150L of the *Local Government Act 2009*.

Referral notice see sections 150AB, 150AC and 150AD of the *Local Government Act 2009*.

Tribunal means the Councillor Conduct Tribunal as established under section 150DK of the *Local Government Act 2009*.

Unsuitable meeting conduct see section 150H of the *Local Government Act 2009*.

6. REVIEW TRIGGER:

- (1) Periodic review
- (2) Change in legislation



Title Corporate Services Report Review Meetings - Council Policy

Date 20 August 2024

Responsible Manager P. Greet, CUSTOMER SUPPORT AND GOVERNANCE MANAGER

Summary

The purpose of this report is to present the proposed *Western Downs Regional Council Meetings Procedure* for adoption as a result of a review of the existing *Meetings - Council Policy*.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- *We are recognised as a financially intelligent and responsible Council.*
- *We focus on proactive, sustainable planning for the future.*
- *Our people are skilled and values driven to make a real difference.*
- *Our agile and responsive business model enables us to align our capacity with service delivery.*

Open and transparent meeting procedures preserve and build public confidence in Council's decision-making processes.

Material Personal Interest/Conflict of Interest

There are no material personal interests nor conflicts of interest associated with this report.

Officer's Recommendation

That Council resolves to:

- (1) rescind the *Meetings - Council Policy*; and
- (2) adopt the *Western Downs Regional Council Meetings Procedure* as contained within Attachment Two.

Background Information

The existing *Meetings - Council Policy* has been periodically reviewed in accordance with Council's adopted *Policy Framework*. The *Meetings - Council Policy* is due for review by October 2024, with legislative changes also necessitating a review.

Report

Section 150G of the *Local Government Act 2009* requires that a local government must adopt procedures for the conduct of meetings of a local government and its committees. Council has previously elected to prepare and adopt procedures for the conduct of its meetings that are consistent with the model procedures made by the State Government. Council also utilises the State Government's *Best Practice Standing Orders* as a guide for Council's preferred meeting processes.

Council's *Meetings - Council Policy* outlines procedures that must be followed specifically relating to unsuitable meeting conduct, suspected conduct breach, and making and recording of conflicts of interest, as well as providing rules for the conduct of meetings. In accordance with Council's adopted *Policy Framework* which identifies that a 'Policy' is focussed on the outcome, and a 'Procedure' is focussed on the process, it is proposed that the existing *Meetings - Council Policy* be rescinded and replaced by a new *Western Downs Regional Council Meetings Procedure*.

Significant amendments included in the proposed *Meetings Procedure* include changes that are consequential to legislative amendments in accordance with the *Local Government (Councillor Conduct) and Other Legislation*

Amendment Act 2023 and in line with the subsequently amended *Model Meeting Procedures* as provided by the State Government (in February 2024 and more recently August 2024) specifically:

- (1) the Councillor conduct complaints system has been significantly realigned to introduce new provisions in relation to local government investigations into conduct breach matters referred to local governments by the Office of the Independent Assessor (IOA). These changes require the meeting procedures to reflect new procedures for deciding the outcome of the investigation matters in a Council meeting;
- (2) a provision has been included in the legislation to allow a meeting to be closed to the public during a debate about an investigation report in relation to a conduct breach matter;
- (3) when a decision is made about a conduct breach matter at a meeting that is inconsistent with the recommendations provided in the investigation report, a statement of reasons for the inconsistency must be included in the minutes, and a copy of the investigation report must be made publicly available within ten (10) business days of the decision (redactions of complainants and witnesses' details must be made before publication unless they are Councillors);
- (4) procedures in relation to loss of quorum as a result of the number of Councillors with a conflict of interest has been amended to include that Council may decide by resolution, not to decide the matter and take no further action in relation to the matter, unless the *Local Government Act* or another Act provides that the local government must decide the matter. Conduct matters must be decided either when a quorum is available or by ministerial approval for conflicted Councillors to vote on the matter;
- (5) unsuitable meeting conduct by a Chairperson at a meeting has been introduced to the legislation. If a Councillor reasonably believes that the Chairperson has engaged in unsuitable meeting conduct during a meeting, Councillors present at the meeting, other than the Chairperson, must decide by resolution if that is the case and if so, may make an order reprimanding the Chairperson; and
- (6) if the conduct of a Councillor, including a Chairperson at the meeting becomes a conduct breach as a result of three instances of unsuitable conduct in one year, Council is not required to notify the Independent Assessor about the conduct and it may be dealt with at the next Council meeting.

Furthermore, the following changes are proposed to align to current and best practice:

- (1) the timing of giving written notice of motion from two (2) days to at least five (5) business days and that a notice to rescind or amend a resolution must be provided at least seven (7) business days before the meeting (previously five (5) days).
- (2) the inclusion of provisions for Councillor leave of absence from a meeting and for public attendance and participation at meetings;
- (3) inclusion of provision for the modification of motions;
- (4) inclusion of requirement that a procedural motion 'that the debate on the motion and/or amendment be adjourned' specify a time and date to which the debate is to be adjourned and that a procedural motion 'that the meeting procedures be suspended', specify the reason and the duration of the suspension.
- (5) in respect to petitions, allow for a member of the public, as part of a deputation, to present a petition and the removal of the option for Council to resolve that a petition is invalid;
- (6) to require a person to apply to be received as a deputation not less than seven (7) business days before the meeting (previously one (1) day);
- (7) a provision to allow the Chairperson to call for an adjournment of the meeting at any time for a rest break; and
- (8) the proposed Meetings Procedure has been drafted to reflect current practices and to include additional detail where further clarity is needed, as well as any consequential amendments necessary as a result of the abovementioned legislative changes.

Consultation (Internal/External)

The Department of Housing, Local Government, Planning and Public Works (the Department) has provided *Model Meeting Procedures* and *Best Practice Standing Orders* and the proposed *Meetings Procedure* has been drafted to ensure consistency with these documents. The *Meetings Procedure* was endorsed by the Executive Leadership team at its meeting held 27 June 2024 and workshopped with Council at Councillor information sessions held 1 and 15 August 2024.

Legal/Policy Implications (Justification if applicable)

The *Local Government Act 2009* and *Local Government Regulation 2012* contain many legislative provisions in respect to the conduct of Council meetings. Council meetings are the principal decision-making forum for local government, with adherence to the legislative provisions relating to Council meetings, including proper meeting procedures, of critical importance. As such, Council's *Meeting Procedures* must be reflective of the legislative requirements to ensure that decisions are made lawfully.

Budget/Financial Implications

There are no budget nor financial implications associated with this report.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) requires public entities '*to act and make decisions in a way compatible with human rights*'. Consideration has been given to relevant human rights, particularly the right to take part in public life (section 23 of the *Human Rights Act*), right to privacy and reputation (section 25 of the *Human Rights Act*), and the right to a fair hearing (section 31 of the *Human Rights Act*). It is considered that in observing and applying the law prescribed in *Local Government Act 2009* and *Local Government Regulation 2012*, Council will be respecting and acting compatibly with these rights as prescribed in the *Human Rights Act*.

Conclusion

Legislative and organisational change has resulted in Council's existing *Meetings - Council Policy* being reviewed, with a recommendation to rescind the existing policy and replace with the *Western Downs Regional Council Meetings Procedure*.

Attachments

1. Meetings - Council Policy (existing)
2. Western Downs Regional Council Meetings Procedure (as proposed).

Authored by: K. Gillespie, GOVERNANCE COORDINATOR

Meetings - Council Policy

Effective Date	23 February 2012
Policy Owner	Customer Support and Governance
Link to Corporate Plan	Strategic Priority - Financial Sustainability
Review Date	October 2024
Related Legislation	Local Government Act 2009 Local Government Regulation 2012 Western Downs Regional Council Local Law No. 1 (Administration) 2011 Information Privacy Act 2009 Public Records Act 2002
Related Documents	Code of Conduct for Councillors in Queensland Model Meeting Procedures Investigations - Council Policy Confidentiality - Council Policy Information Privacy - Council Policy Acceptable Request Guidelines - Council Policy Advisory Committees - Council Policy Disclosures (Conflicts of Interest, Gifts and Personal Benefits and Prescribed Personal Interests) - Council Policy

Policy Version	Approval Date	Adopted/Approved
1	23 February 2012	Ordinary Meeting of Council
2	5 June 2013	Ordinary Meeting of Council
3	6 May 2014	Ordinary Meeting of Council
4	18 March 2015	Ordinary Meeting of Council
5	12 December 2018	Ordinary Meeting of Council
6	17 February 2021	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.**

Meetings - Council Policy

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PART 1 - INTRODUCTION

1. Policy Objectives/Purpose

The object of this policy is to provide standing orders for the orderly and proper conduct of Council meetings.

Principles

The Meetings - Council Policy complements the provisions of the *Local Government Act 2009*, *Local Government Regulation 2012* and *Western Downs Regional Council Local Law No. 1 (Administration) 2011*. Collectively, these documents provide the procedures and standards for the proper conduct of business by Council at its Meetings. Chapter 8 part 2 of the *Local Government Regulation 2012* provides core requirements for local government meetings.

Council has an obligation to act in accordance with the Local Government Principles as detailed in section 4 of the *Local Government Act 2009*, namely:-

- a. Transparent and effective processes, and decision-making in the public interest; and
- b. Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- c. Democratic representation, social inclusion and meaningful community engagement; and
- d. Good governance of, and by, local government; and
- e. Ethical and legal behaviour of Councillors and local government employees.

2. Organisational Scope

- 2.1 This policy (standing orders) applies to all local government meetings of Western Downs Regional Council, and all participants in those meetings. These standing orders do not apply to meetings of the audit committee. The conduct of audit committee meetings is provided for in the *Local Government Regulation 2012*¹ and the *Western Downs Regional Council Audit Committee - Terms of Reference*.
- 2.2 The provisions of these standing orders may be suspended by resolution at any meeting of the local government except those sections that are mandatory under the *Local Government Act 2009* (LG Act) and *Local Government Regulation 2012* (LG Regulation). A separate resolution is required for any suspension and must specify the application and duration of each suspension.
- 2.3 Where a matter arises at the local government meeting that is not provided for in these standing orders or legislation, the matters shall be determined by resolution of the local government upon a motion which may be put without notice but otherwise conforming with these standing orders.

¹ *Local Government Regulation 2012* - sections 210, 211

PART 2 - PREPARATION FOR WESTERN DOWNS REGIONAL COUNCIL MEETINGS

3. Frequency of Meetings

3.1 Post-Election Meetings²

- 3.1.1 Council must hold a Post-Election Meeting within 14 days after -
a) the conclusion of each quadrennial election; and
b) the conclusion of a fresh election of its Councillors.
- 3.1.2 The CEO will fix the date and time for the Post-Election Meeting.
- 3.1.3 Council must, by resolution, appoint a Deputy Mayor from its Councillors:-
a) at the Post-Election Meeting; and
b) at the first meeting after the office of the Councillor who is the Deputy Mayor becomes vacant.³
- 3.1.4 The matters to be considered at a Post-Election Meeting may include the day and time for holding Council's Ordinary Meetings.⁴

3.2 Ordinary Meetings

- 3.2.1 Council must meet at least once each month, except where a written application by Council to vary this requirement has been approved by the Minister⁵.
- 3.2.2 The CEO may fix the date and time for Ordinary Meetings and the location of the Ordinary Meetings where the meetings are to be held at one of Council's Customer Service Centres. The CEO must, if practicable, consult with Council about the proposed date, time and location for the meetings.
- 3.2.3 Where an Ordinary Meeting is to be held at any place other than one of Council's Customer Services Centres, Council must, by resolution, fix another place for the meeting.⁶

3.3. Special Meetings

- 3.3.1 The CEO must call a Special Meeting of Council if:-
a. the Special Meeting is required by a resolution of Council; or
b. a written request for a Special Meeting is lodged with the CEO signed by the Mayor or three (3) or more Councillors which specifies the object of the Special Meeting and proposes a day and time for the holding of the Special Meeting; or
c. a Special Meeting is required to comply with the LG Act or some other legislation; or
d. where the CEO determines it is in the best interests of Council that a Special Meeting be held.
- 3.3.2 The only business that may be conducted at a Special Meeting is the business specified in the notice of meeting.⁷

3.4. Committee Meetings

- 3.4.1 Meetings of a Committee are held at the times and places decided by the Committee⁸.
- 3.4.2 If there is no resolution fixing the date, time and place for a Committee meeting, the CEO may fix the date, time and place for the meeting.
- 3.4.3 Before the CEO fixes the date, time and place for a Committee meeting, the CEO must, if practicable, consult with the Chairperson of the Committee and Councillor Committee members.

² Local Government Act 2009 - section 175(1)

³ Local Government Act 2009- section 175(2)

⁴ Local Government Regulation 2012 - section 256(1)

⁵ Local Government Regulation 2012 - section 257(1)(2)

⁶ Local Government Regulation 2012 - section 257(3)

⁷ Local Government Regulation 2012 - section 254C(4)

⁸ Local Government Regulation 2012 - section 268

4. Notice of Meetings and Agendas

- 4.1 The CEO must give notice of each Ordinary and Committee Meeting or adjourned Ordinary and Committee Meeting to each Councillor or Committee Member at least two (2) days before the day of the meeting, unless it is impracticable to give the notice before that time.⁹
- 4.2 The notice must state the day, time and location of the Meeting and include the agenda for the meeting.¹⁰
- 4.3 The notice for Special Meetings must also state the business to be conducted at the meeting.¹¹
- 4.4 The notice will ordinarily be given to a Councillor and Committee Member electronically.
- 4.5 The agenda may contain:-
- a. notice of meeting
 - b. minutes of the previous meeting
 - c. business arising out of previous meetings
 - d. matters of which notice has been given
 - e. Officers' reports referred to the meeting by the CEO
 - f. deputations and delegations from the community that are approved to attend
 - g. any other business Council determines by resolution be included on the agenda.
- 4.6 A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business by way of a Notice of Motion (Councillor Business Paper) to the CEO at least two (2) days before the notice of meeting is given.
- 4.7 Business not on the agenda, or not fairly arising from the agenda, will not be considered at any Council meeting unless permission for that purpose is given by the local government at the meeting. Business must be in accordance with the adopted terms of reference for each committee.
- 4.8 The agenda including related reports (with the exception of information confidential to Council) for a meeting must be made publicly available by 5.00pm on the next business day after notice of the meeting is given to each Councillor.¹²
- 4.9 Related reports (with the exception of information confidential to Council) made available to Councillors after the notice for the meeting is given and immediately before the meeting is held must be publicly available as soon as practicable after being made available to Councillors.¹³
- 4.10 Matters on the agenda that will require the meeting to be in a closed session will be clearly identified, include the reasons why the session will be closed.

⁹ Local Government Regulation 2012 - section 254C(1)(b)

¹⁰ Local Government Regulation 2012 - section 254C(2)(a)(c)

¹¹ Local Government Regulation 2012 - section 254C(2)(b)

¹² Local Government Regulation 2012 - section 254D(1)(2)(3)

¹³ Local Government Regulation 2012 - section 254D(2)(b)(3)

PART 3 - PROCEDURES FOR WESTERN DOWNS REGIONAL COUNCIL MEETINGS

5. Order of Business

5.1 Post- Election Meetings

- 5.1.1 The Chief Executive Officer will Chair the Post-Election Meeting until the Mayor completes his/her Declaration of Office.¹⁴
- 5.1.2 The order of business for the Post-Election Meeting may include:-
- a. Present / Apologies;
 - b. Opening Prayer;
 - c. *Local Government Act 2009* - Principles;
 - d. Declaration of Office - Mayor and Councillors;
 - e. Mayoral Address;
 - f. Appointment of Deputy Mayor;
 - g. Consideration and Composition of Committees, Working Groups and Steering Groups and Councillor Portfolios;
 - h. Appointment of Committee, Working Groups and Steering Groups Chairpersons;
 - i. Appointment to Committees, Statutory Bodies and Other Organisations;
 - j. Setting of Meeting Dates, Times and Venues.

5.2 Order of Business Generally

- 5.2.1 Council must proceed with its business at a meeting in the order indicated on the agenda for the meeting.
- 5.2.2 However, Council may, by resolution, alter the order in which it proceeds with the business for a particular meeting. A motion to alter the order of business may be moved without notice.
- 5.2.3 The minutes of a preceding meeting (***previous minutes***) not previously confirmed may be taken into consideration at every meeting, in order that the previous minutes may be confirmed.
- 5.2.4 Unless otherwise altered, the order of business for Meetings may be as follows:
- a. Present / Apologies;
 - b. Opening prayer and one minute silence
 - c. Congratulations
 - d. Confirmation of Minutes and adoption of reports and minutes of meetings of Committees;
 - e. Business arising from the minutes of previous meetings;
 - f. Declarations of Conflicts of Interest
 - g. Presentation of petitions
 - h. Presentation of Mayoral Update
 - i. Reports and correspondence for each Area of Council Responsibility
 - j. Consideration of notices of motion
 - k. Questions Without Notice
 - l. Reception of notices of motion for next meeting
 - m. Urgent General Business
 - n. Deputations at 10.30 am unless otherwise notified.

¹⁴ *Local Government Act 2009* - section 169(3)

6. Quorum

- 6.1 Business may be conducted at a meeting only if a quorum is present.
- 6.2 A quorum at a meeting is a majority of its Councillors or Members.
- 6.3 However, if the number of Councillors or Members is an even number, one-half of the number is the quorum.
- 6.4 If a quorum is not present within 15 minutes after the time appointed for a Meeting, the Meeting may be adjourned to a later hour or another day within 14 days after the day of adjournment, by—
 - a. a majority of the Councillors or Members present; or
 - b. if only one Councillor or Member is present—the Councillor or Member; or
 - c. if no Councillors are present—the CEO¹⁵.
- 6.5 Apologies for late, non-attendance or requests to attend by teleconference by Councillors or Members shall be directed to the Mayor prior to commencement of the meeting. Such apologies shall be in writing where practicable.

7. Petitions

- 7.1 Any petition presented to a meeting of the Council shall:-
 - a. be in legible writing or typewritten and contain a minimum of 10 signatories;
 - b. include the name and contact details of the principal petitioner (i.e. the person who is the organiser and who will act as the key contact for the issue);
 - c. include the postcode of all petitioners; and
 - d. have the details of the specific request/matter appear on each page of the petition.
- 7.2 A petition may be presented to a meeting by a Councillor, the CEO or delegate who will read and state the nature of the petition, and before the meeting as far as practicable, become acquainted with the subject matter of the petition.
- 7.3 Where a petition is presented to a meeting, no debate on or in relation to the petition shall be allowed, and the only motion which may be moved is that—
 - a. the petition be received and a report be brought back to Council; or
 - b. the petition be received and no further action be taken; or
 - c. the petition not be received because it is deemed invalid.
- 7.4 Council will respond to the principal petitioner in relation to all petitions.

8. Deputations

- 8.1 A person or group wishing to be received as a deputation by Council at a meeting should apply in writing to the CEO not less than one (1) day before the meeting unless otherwise determined by the CEO..
- 8.2 The CEO must notify the Chairperson of the receipt of the request who will determine whether the deputation may be heard.
- 8.3 The CEO must inform the deputation of the determination.
- 8.4 A deputation must be given an adequate opportunity to explain the purpose of the deputation.
- 8.5 If a member of the deputation other than the appointed speakers interjects or attempts to address the Council meeting, the Chairperson may terminate the deputation.

¹⁵ Local Government Regulation 2012 - Section 261

- 8.6 The Chairperson of a meeting may terminate an address by a person in a deputation at any time if—
- the Chairperson has allotted a specific period of time for a person's address and the period of time has elapsed; or
 - the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting; or
 - the person uses insulting or offensive language or is derogatory towards Councillors or others .
- 8.7 Any person invited to address a meeting shall—
- stand (where applicable), act and speak with decorum;
 - frame any remarks in respectful and courteous language;
 - limit the address to a maximum of 5 minutes; and
 - if a person is considered by the Council or Chairperson to be unsuitably dressed, the person may be directed by the Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder

9. **Closed Session**¹⁶

- 9.1 Council may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:
- appointment, dismissal or discipline of the CEO
 - industrial matters affecting employees
 - the Council's budget
 - rating concessions
 - legal advice obtained by Council, including legal proceedings that may be taken by or against the Council
 - matters that may directly affect the health and safety of an individual or a group of individuals
 - negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council
 - negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967*
 - a matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- 9.2 A Council meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillor's conflict of interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a declarable conflict of interest in the matter.
- 9.3 Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and Council must:-
- delegate the matter;
 - decide by resolution to defer to a later meeting; or
 - decide by resolution to take no further action on the matter.
- Note:** None of the above (section 9.3) will be considered, discussed, voted on or made during a closed session.
- 9.4 If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

¹⁶ Local Government Regulation 2012 - section 254J

- 9.5 To take a matter into a closed session Council must abide by the following:
- pass a resolution to close the meeting
 - the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
 - if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
 - not make a resolution while in a closed meeting (other than a procedural resolution).

10. **Prescribed Conflict of Interest**¹⁷

- 10.1 Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council or Committee Meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:
- 10.2 A Councillor who has notified the CEO of a prescribed conflict of interest in a matter to be discussed in a Council meeting must also give notice during the meeting.
- 10.3 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a Council Meeting must immediately inform the meeting of the conflict of the interest.
- 10.4 When notifying the Meeting of a prescribed conflict of interest, the following details must be provided:-
- if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
 - if it arises because of an application or submission, the subject of the application or submission;
 - the name of any entity other than the Councillor that has an interest in the matter;
 - the nature of the Councillor's relationship with the entity that has an interest in a matter;
 - details of the Councillor's and any other entity's interest in the matter.
- 10.5 The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister given under section 150EV of the LG Act to participate in the matter.
- 10.6 Once the Councillor has left the area where the meeting is being conducted, the Council can continue discussing and deciding on the matter at hand.

¹⁷ Local Government Act 2009 - Chapter 5B Part 2

11. Declarable Conflict of Interest¹⁸

- 11.1 Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council or Committee Meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).
- 11.2 A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors have a belief or suspicion the personal interest might be a conflict of interest, the Councillor has a duty to report their belief or suspicion pursuant to section 150EW of the LGA.
- 11.3 When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:
- A Councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a Council meeting must also give notice during the meeting.
 - A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Council meeting must inform the meeting of the conflict of interest
 - When notifying the meeting of a declarable conflict of interest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:
 - the nature of the declarable conflict of interest
 - if it arises because of the Councillor's relationship with a related party:
 - the name of the related party to the Councillor
 - the nature of the relationship of the related party to the Councillor
 - the nature of the related party's interest in the matter
 - if it arises because of a gift or loan from another person to the Councillor or a related party:
 - the name of the other person
 - the nature of the relationship of the other person to the Councillor or related party
 - the nature of the other person's interest in the matter
 - the value of the gift or loan and the date the gift or loan was made.
- 11.4 After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 11.5 If the Councillor chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision.
- 11.6 The other non-conflicted Councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the non-conflicted Councilors.
- 11.7 In deciding on a Councillor's declarable conflict of interest in a matter, only Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA.
- 11.8 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- 11.9 When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors should consider the particular circumstances of the matter

¹⁸ Local Government Act 2009 - Chapter 5B Part 3

including, but not limited to:

- a. how does the inclusion of the Councillor in the deliberation affect the public trust;
- b. how close or remote is the Councillor's relationship to the related party;
- c. if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
- d. will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them;
- e. how does the benefit or detriment the subject Councillor stands to receive compare to others in the community;
- f. how does this compare with similar matters that Council has decided and have other Councillors with the same or similar interests decided to leave the meeting;
- g. whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

- 11.10 If the non-conflicted Councillors cannot decide about the declarable conflict of interest of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the non-conflicted Councillors discuss and vote on the matter.
- 11.11 A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and all subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a Council meeting about the same matter e.g. briefing sessions or workshops.
- 11.12 In making the decision under 11.6, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 11.13 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

12. Reporting a Suspected Conflict of Interest¹⁹

- 12.1 If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that Councillor is participating in a decision on that matter, the Councillor must immediately inform the Chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
- 12.2 The Chairperson then should ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures above.
- 12.3 If the Councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 12.4 The non-conflicted Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures above.
- 12.5 If the Councillors cannot reach a majority decision, then they are taken to have determined that the Councillor has a declarable conflict of interest.

¹⁹ Local Government Act 2009 - section 150EW & 150EX

13. Loss of Quorum

- 13.1 In the event where one or more Councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the Council must resolve to:
- delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
 - defer the matter to a later meeting; or
 - not decide the matter and take no further action in relation to the matter.
- 13.2 All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.
- 13.3 The Council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
- 13.4 If the matter cannot be delegated under an Act, the Council should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister may impose.

14. Recording Prescribed and Declarable Conflicts of Interest²⁰

- 14.1 When a Councillor informs a meeting that they or another Councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being:
- the name of any Councillor and any other councillor who may have a prescribed or declarable conflict of interest;
 - the particulars of the prescribed or declarable conflict of interest provided by the Councillor;
 - the actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest;
 - any decision then made by the eligible Councillors;
 - whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
 - Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;
 - the name of each Councillor who voted on the matter and how each voted;
 - if the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor, the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the Councillors voted;
 - where a decision has been made about a Councillor with a declarable conflict of interest participation in a decision – the minutes must include the decision and reasons for the decision, and the name of each eligible Councillor who voted and how each eligible Councillor voted.

15. Questions

- 15.1 At a Meeting a Councillor may ask a question for reply by another Councillor or an officer of the Council regarding any matter under consideration at the Meeting.
- 15.2 A question must be asked categorically and without argument and discussion is not permitted at the meeting in relation to the reply or the refusal to reply to the question.
- 15.3 A Councillor or officer who is asked a question may request that the question be taken on notice for the next meeting or for a specified future meeting.
- 15.4 A Councillor who asks a question at a meeting, whether or not upon notice, is deemed not to have spoken to the debate of the motion to which the question relates.

²⁰ Local Government Act 2009 - section 150FA

- 15.5 The Chairperson may disallow a question which he or she considers is inconsistent with an acceptable request or good order.
- 15.6 A Councillor may move a procedural motion that a ruling of the Chairperson under section 19.5 be dissented with, and if such motion is carried, the Chairperson must allow the question.

16. Urgent General Business

- 16.1 Councillors may raise a matter of a genuinely urgent or emergent nature that is not a change to Council Policy and cannot be delayed until the next scheduled Council Meeting.

17. Motions

17.1 Notices of Motion (Councillor Business Papers)

- 17.1.1 Notices of Motion are a means available of showing an intention to do something at a particular Meeting. An advantage of giving notice is that interested persons are made aware of the motion on the Agenda and therefore have time to consider its implications.
- 17.1.2 Submission of "Notice of Motion" must be given at least seven (7) days prior to the Meeting, at which the motion is to be presented.
- 17.1.3 Where a Councillor or Committee Member, who has given notice of a motion, is absent from the Meeting at which the motion is to be considered, the motion may be:-
- a. moved by another Councillor or Member at the Meeting; or
 - b. deferred to the next appropriate Meeting.
- 17.1.4 Notified motions must:-
- i. be framed as succinctly as possible; and
 - ii. include relevant discussion and background material; and
 - iii. be relevant to the good order of business of the local government; and
 - iv. not be an action that would be dealt with in operational procedures.
- 17.1.5 The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.
- ### **17.2 Notices of Motion - Rescinding or Repealing Previous Resolutions**
- 17.2.1 A resolution of Council can only be rescinded or repealed if it has not been acted upon.
- 17.2.2 If a Councillor or Committee Member wishes to rescind or repeal a resolution, a notice to rescind or repeal, along with a notice of intention to move the alternative motion must be provided a least five (5) days (but preferably seven (7) days) before the meeting at which the proposal is to be made.²¹
- 17.2.3 Where a motion to rescind or repeal a previous resolution is lost, a motion of the same or like effect is not to be moved until at least three (3) months after the date on which the first mentioned motion to rescind was lost, unless Council or the Committee, by resolution, decides otherwise.

²¹ Local Government Regulation 2012 - Section 262

17.3 Consideration of Motions and Amendments

- 17.3.1 A motion brought before a meeting in accordance with the LG Act or Council's Meetings Policy may be received and put to the meeting by the Chairperson.
- 17.3.2 The Chairperson may require a motion or an amendment to a motion to be stated in full or recorded in writing before permitting it to be received.
- 17.3.3 An item on the meeting agenda must not be removed from the agenda where a Councillor at the meeting objects to its being removed.
- 17.3.4 When a motion has been moved and seconded, it becomes subject to the control of the Council and must not be withdrawn without the consent of the mover.
- 17.3.5 A motion or an amendment to a motion with the exception of a procedural motion, must not be debated at a Meeting of the Council unless or until the motion or the amendment is seconded.
- 17.3.6 A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
- 17.3.7 Notwithstanding subsection 17.3.5, a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, speak in support of the motion or amendment before it is seconded.
- 17.3.8 An amendment to a motion must—
- i. be in terms which maintain or further clarify the intent of the motion; and
 - ii. does not contradict or negate the motion.
- 17.3.9 Not more than one motion or one proposed amendment to a motion may be put before a Meeting at any one time.
- 17.3.10 Where an amendment to a motion is before a Meeting, no other amendment to the motion can be considered until after the first amendment has been put.
- 17.3.11 Where a motion is amended by another motion and determined, the original motion must not be put as a subsequent motion to amend the substantive motion.
- 17.3.12 A Councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

17.4 Speaking to Motions and Amendments

- 17.4.1 Subject to section 17.3.6 and 17.3.7, the mover of an amendment to a motion must read the amendment and state that the amendment is so moved, but must not speak to the amendment until it is seconded.
- 17.4.2 A Councillor or Committee Member may request further information from the Chairperson before or after the motion or the amendment to the motion is seconded.
- 17.4.3 Following the seconding of a motion or an amendment of a motion, the Chairperson will manage the debate by allowing the mover of the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for and against the motion or amendment, unless the Chairperson in his or her discretion rules otherwise.
- 17.4.4 The mover of a motion has the right of reply.
- 17.4.5 The mover of an amendment to a motion has no right of reply.
- 17.4.6 Each Councillor must speak not more than once to the same motion or the same amendment except as a right of reply unless the Chairperson in his or her discretion rules otherwise.

- 17.4.7 Each speaker is restricted to not more than five minutes and must speak directly to the motion or amendment unless the Chairperson in his or her discretion rules otherwise.
- 17.4.8 Where two or more Councillors request to speak at the same time, the Chairperson is to determine who is entitled to priority.

17.5 Withdrawal of a Motion

- 17.5.1 A Councillor who has moved a motion may elect to withdraw the motion:-
- before an amendment to the motion is moved and seconded; or
 - after an amendment is seconded but not adopted.
- 17.5.2 A modification to a motion may be accepted by the Councillors who have moved and seconded the motion if there is full agreement by both the mover and seconder.

17.6 Foreshadowed Motion

- 21.6.1 During debate on a motion, a Councillor may indicate a foreshadowed motion that the Councillor intends to move after the motion under consideration has been dealt with.
- 21.6.2 A foreshadowed motion may not be debated or put to a vote unless and until the motion under consideration has been dealt with.

18. Method of Voting

- 18.1 Business may be conducted at a meeting of a local government only if a quorum is present.²²
- 18.2 Voting must be open.
- 18.3 A motion is decided by a majority of the votes of the Councillors present.²³
- 18.4 Subject to chapter 5B of the LG Act, each Councillor present has a vote on each question to be decided and, if the votes are equal, the Chairperson presiding also has a casting vote.²⁴
- 18.5 If a Councillor present and entitled to vote fails to vote, the Councillor is taken to have voted in the negative.²⁵
- 18.6 Before any matter is put to the vote, the Chairperson may direct that the motion or amendment be read again by the CEO or delegate.
- 18.7 The Chairperson must, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- 18.8 On recording the vote, if the motion is not carried unanimously, the number of votes in the affirmative and the negative shall be recorded in the minutes.
- 18.9 Any Councillor may call for a division or seek clarification in relation to the taking of a vote immediately following the Chairperson declaring the result of the vote.
- 18.10 If a division is taken, the CEO must record the names of the Councillors voting and how they voted.²⁶
- 18.11 The Chairperson must declare the result of a vote or a division as soon as it has been determined.

²² Local Government Regulation 2012 - Section 254E (1)

²³ Local Government Regulation 2012- Section 254E (2)(a)

²⁴ Local Government Regulation 2012 - Section 254E (2)(b)

²⁵ Local Government Regulation 2012 - Section 254E (2)(c)

²⁶ Local Government Regulation 2012 - Section 254F(2)(b)

- 18.12 Councillors may request that their names and how they voted be recorded in the minutes for voting other than by division.
- 18.13 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.
- 18.14 In accordance with section 254H of the LG Regulation, if a decision made at the Council meeting is inconsistent with a recommendation or advice given to Council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice (see section 26).

19. Points of Order

1. A Councillor may ask the Chairperson to decide a point of order where it is believed that:-
 - a. another Councillor has failed to comply with proper procedures; or
 - b. a matter before Council is in contravention of this policy, the Act or the Regulation; or
 - c. a matter before Council is beyond the jurisdictional power of the Council.
2. A point of order cannot be used as a means of contradicting a statement made by a Councillor speaking about a matter.
3. The Chairperson must determine whether the point of order is upheld.
4. Upon a point of order arising during the process of a debate, the Councillor raising the point of order may speak to the point of order.
5. Despite anything to the contrary in the standing orders, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

20. Procedural Motions

1. At a meeting, a Councillor may, during the debate of a matter at the meeting and without the need for a seconder, move as a procedural motion the following motions:-

- a. that the motion be put;
- b. that the debate be adjourned;
- c. that the Meeting proceed to the next item of business;
- d. that the matter lie on the table;
- e. that the Chairperson's ruling be dissented from;
- f. that a report/document be tabled;
- g. to suspend requirements of a rule;
- h. that the Meeting stand adjourned/resumed.

2. Procedural motions are detailed as follows:-

1. *Motion - That the Motion be Put*

- a. A procedural motion "that the motion be put", may only be moved by a Councillor who has not spoken to the motion or amendment before the Meeting.
- b. Where a procedural motion is lost, debate on the motion or amendment before the Meeting must continue.

2. *Motion - That the Debate be Adjourned*

- a. A procedural motion "that the debate on the motion and/or amendment before a meeting be adjourned", may specify a time and date, to which the debate is to be adjourned.
- b. A motion must not adjourn debate on a matter the subject of a motion for more than two months after the date of the procedural motion.

3. *Motion - That the Meeting Proceed to the Next Item of Business*

- a. Where a procedural motion "that the meeting proceed to the next item" is carried, debate on the matter the subject of the motion must cease and the motion is deemed to have lapsed.
- b. However, debate on the matter the subject of the motion may be considered again on the giving of a notice of motion in accordance with section 17.1 of this Policy.

4. *Motion - That the Matter Lie on the Table*

- a. A procedural motion "that a motion or question lie on the table" can only be moved where the Chairperson or a Councillor requires additional information on the matter before the Meeting (or the result of some other action of the Council or a person is required) before the matter may be concluded at the Meeting or a later Meeting.
- b. Where a motion is carried, another procedural motion "that the matter be taken from the table" may be moved at any time during the Meeting or at a later Meeting.
- c. Where a motion is carried whilst an amendment is before the Chair, both the motion and the amendment are laid on the table.
- d. Where a motion is lost, debate continues and the tabling motion cannot be moved again in respect to that substantive motion.

5. *Motion - That the Chairperson's Ruling be Dissented From*



- a. A Councillor may move "a motion of dissent" in relation to a ruling of the Chairperson on a point of order.
- b. Where a motion is moved further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
- c. Where a motion of dissent is carried—
 - i. the matter to which the ruling of the Chairperson was made must proceed as though that ruling had not been made; and
 - ii. where, as a result of a ruling of the Chairperson on a point of order, a matter was discharged as out of order — the matter must be restored to the meeting agenda and be dealt with in the normal course of business.

6. *Motion - That a Report/Document be Tabled*

- a. A motion "that a report or document be tabled" may be used by a Councillor to introduce a report or other document to a Meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws.
- b. On the tabling of a report or document, the report or document ceases to be a confidential document and is available for public scrutiny.

7. *Motion - To Suspend Requirements of a Rule*

- a. A procedural motion "to suspend the requirements of a rule" may be made by a Councillor in order to permit some action that otherwise would be prevented by the standing orders.
- b. A motion must specify the duration of the suspension.

8. *Motion - That the Meeting Stand Adjourned/Resumed*

- a. A procedural motion "that the Meeting stands adjourned" may be moved by a Councillor or Committee Member at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor's or Committee Member's time for speaking to the matter, and must be put without debate.
- b. A motion may specify the time for the resumption of the Meeting and on the resumption of the Meeting the Council must continue with the business before the meeting at the point where it was discontinued on the adjournment.
- c. At the conclusion of the specified period, a procedural motion "that the Meeting be resumed" be made.

PART 4 - CONDUCT AT WESTERN DOWNS REGIONAL COUNCIL MEETINGS

21. Conduct during Council Meetings

- 21.1 Councillors must conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the [Code of Conduct for Councillors in Queensland](#).
- 21.2 After a meeting of the Council has been formally constituted and the business commenced, a Councillor must not enter or leave the meeting without first notifying the Chairperson.
- 21.3 A Councillor may stand and address the Chairperson while—
- moving any motion or amendment.
 - proposing a Foreshadowed Motion.
- 21.4 A Councillor must address the Chairperson while—
- seconding any motion or amendment; or
 - taking part in any discussion; or
 - placing or replying to any question; or
 - addressing the Council for any other purpose.
- 21.5 Councillors must address each other during a meeting by their respective titles, “Mayor” or “Councillor”, and in speaking of or addressing officers must—
- designate them by their respective official or departmental title; and
 - confine their remarks to the matter then under consideration.
- 21.6 Councillors must remain seated and silent while a vote is being taken except when calling for a division.
- 21.7 A Councillor must not interrupt another Councillor who is speaking except upon a point of order being raised either by the Chairperson or the Councillor.
- 21.8 If the Chairperson speaks during the process of a debate, any Councillor then speaking or offering to speak will immediately cease speaking, and each Councillor present must preserve strict silence so that the Chairperson may be heard without interruption.
- 21.9 The Chairperson may:-
- call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor or Officer; and
 - direct a Councillor or Officer to discontinue a speech.

22. Process for Dealing with Unsuitable Meeting Conduct

- 22.1 The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Council meeting and contravenes a behavioural standard of the Code of Conduct for Councillors. When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:
- 22.1.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
 - 22.1.2 If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 22.1.7.
 - 22.1.3 If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - a. ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - b. apologising for their conduct;
 - c. withdrawing their comments.
 - 22.1.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
 - 22.1.5 If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request could result in an order being issued.
 - 22.1.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
 - 22.1.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under 22.1.3, the Chairperson may make one or more of the orders below:
 - a. an order reprimanding the Councillor for the conduct
 - b. an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
 - 22.1.8 If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting.
 - 22.1.9 Following the completion of the meeting, the Chairperson must ensure:
 - a. details of any order issued is recorded in the minutes of the meeting
 - b. if it is the third or more order made within a 12-month period against a Councillor, or the Councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the Council and treated as inappropriate conduct
 - c. the Council's (CEO) is advised to ensure details of any order made is updated in the Council's Councillor conduct register.
 - 22.1.10 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 22.1.1, 22.1.7 and 22.1.8 above.

Note: Chairpersons of a meeting are carrying out a statutory responsibility under the LG Act to manage and lead the meeting. As such, where a Chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust do not arise because Councillors disagree with the Chairperson's decision or ruling during the meeting.

23. Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to Council by the Independent Assessor (IA)

- 23.1 Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to a local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 22.1.9 (b). When dealing with an instance of suspected inappropriate conduct which has been referred to a local government by the IA:
- 23.1.1 Council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J of the LGR to discuss the allegation.
 - 23.1.2 The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor by the Chairperson to assist the other Councillors in making a decision. This permission to remain in the meeting for the debate is on the condition that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
 - 23.1.3 Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 11. If the complainant Councillor who has a declarable conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other Councillors must decide how to deal with the conflict of interest under section 11. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
 - 23.1.4 Council must debate the issue and decide whether the accused Councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the LG Act or deferred to another date when a quorum will be present.
 - 23.1.5 If a decision is reached that the accused Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed in 23.1.6, if any, to impose on the Councillor. In deciding what penalty to impose, Council may consider any previous inappropriate conduct of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that Council is reasonably satisfied is true.
 - 23.1.6 Council may order that no action be taken against the Councillor or make one or more of the following:
 - a. an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - b. an order reprimanding the Councillor for the conduct
 - c. an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - d. an order that the Councillor be excluded from a stated Council meeting
 - e. an order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the local government on a State board or Committee
 - f. an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
 - g. an order that the Councillor reimburse Council for all or some of the costs arising from the Councillor's inappropriate conduct.

- 23.1.7 A local government may not make an order that the Councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future, in relation to a person who is no longer a Councillor.
- 23.1.8 The subject Councillor, and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the Chairperson must advise them of the details of the decision.
- 23.1.9 The Chairperson must ensure the meeting minutes reflect the resolution made.

24. Teleconferencing²⁷

- 24.1 If a Councillor wishes to be absent from a Council meeting place during a meeting, the Councillor must apply to the Chairperson to participate by teleconference at least three (3) business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. The Chairperson may allow a Councillor to participate in a Council or Committee meeting by teleconference.
- 24.2 A Councillor taking part by teleconference is taken to be present at the meeting if the Councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor must be recorded in the minutes as present at the meeting.

Note: Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

25. Acts of Disorder

- 25.1 The Chairperson may, where disorder arises at a meeting other than by a Councillor, adjourn the meeting for 30 minutes.
- 25.2 On resumption of the meeting, the Chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- 25.3 Where a motion to proceed with the meeting under subsection 29.6 is lost, the Chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

²⁷ Local Government Regulation - section 254K

PART 5 - RECORD OF WESTERN DOWNS REGIONAL COUNCIL MEETINGS

26. Recording of Reasons for Particular Decisions²⁸

- 26.1 If a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of Council and either or both of the following apply to the decision—
- i. the decision is about entering into a contract the total value of which is more than the greater of the following—
 - a. \$200,000 exclusive of GST;
 - b. 1% of Council's net rate and utility charges as stated in Council's audited financial statements included in the Council's most recently adopted annual report;
 - ii. the decision is inconsistent with a policy adopted by Council resolution or the approach ordinarily followed by Council for the type of decision.
- 26.2 In this section, an advisor of Council, is a person—
- i. who is an employee of the local government or is otherwise engaged to provide services to the local government; and
 - ii. whose duties include giving a recommendation or advice.
- 26.3 The CEO must ensure the minutes of the meeting include a statement of the reasons for not adopting the recommendation or advice.

27. Audio and Video Recording of Meetings

- 27.1 A person must not make an audio or video recording of any proceedings at a Meeting unless approved by Council resolution or with the permission of the Chairperson.
- 27.2 Should approval be given to record any or all of the meeting, all persons in attendance at the Meeting will be made aware that the proceedings are being recorded.

REVIEW TRIGGER:

List of factors which require the policy to be reviewed e.g.:-

- Periodic review
- Change in legislation; corporate plan, planning scheme etc affecting this policy
- Change in community priorities or circumstances relating to this policy.

²⁸ Local Government Regulation 2012 - section 254H

Western Downs Regional Council Meetings Procedure

Effective Date	23 February 2012
Procedure Owner	Customer Support and Governance
Link to Corporate Plan	Strategic Priority - Sustainable Organisation
Review Date	October 2028
Related Legislation	Local Government Act 2009 Local Government Regulation 2012 Western Downs Regional Council Local Law No. 1 (Administration) 2011 Information Privacy Act 2009 Public Records Act 2002
Related Documents	Code of Conduct for Councillors in Queensland Queensland Government Model Meeting Procedures Investigations - Council Policy Confidentiality - Guideline Information Privacy - Council Policy Acceptable Request Guidelines - Council Policy

Procedure Version	Approval Date	Adopted/Approved
1	23 February 2012	Ordinary Meeting of Council
2	5 June 2013	Ordinary Meeting of Council
3	6 May 2014	Ordinary Meeting of Council
4	18 March 2015	Ordinary Meeting of Council
5	12 December 2018	Ordinary Meeting of Council
6	17 February 2021	Ordinary Meeting of Council

This procedure 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.

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PART 1 – INTRODUCTION

1. Purpose

The *Western Downs Regional Council Meeting Procedure* provides standing orders for the orderly and proper conduct of Council meetings. It provides a framework to ensure that meetings of Council are conducted in a professional, efficient, effective, fair, and transparent manner to facilitate appropriate contributions from elected members, staff, and the community in a way which supports the highest standards of democratic governance.

2. Principles

Council has an obligation to act in accordance with the Local Government Principles as detailed in section 4 of the *Local Government Act 2009*, namely:

- (a) Transparent and effective processes, and decision-making in the public interest;
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services;
- (c) Democratic representation, social inclusion and meaningful community engagement;
- (d) Good governance of, and by, local government; and
- (e) Ethical and legal behaviour of Councillors and local government employees.

3. Organisational Scope

- 3.1 The *Western Downs Regional Council Meeting Procedure* (Procedure) applies to all local government meetings¹ of Western Downs Regional Council and all participants in those meetings. It does not apply to meetings of the Audit Committee. The conduct of Audit Committee meetings is provided for in the *Local Government Regulation 2012*² and the *Western Downs Regional Council Audit Committee – Terms of Reference*.

¹ *Local Government Act 2009* - Schedule 4

² *Local Government Regulation 2012* - sections 210, 211



PART 2 – PREPARATION FOR COUNCIL MEETINGS

4. Categories of Meetings

4.1 **Post-Election Meetings³**

- 4.1.1 Council must hold a Post-Election Meeting within fourteen (14) days after:
 - (a) the conclusion of each quadrennial election⁴; and
 - (b) the conclusion of a fresh election of its Councillors.
- 4.1.2 The Chief Executive Officer will fix the date and time for the Post-Election Meeting.
- 4.1.3 Council must, by resolution, appoint a Deputy Mayor from its Councillors:
 - (a) at the Post-Election Meeting; or
 - (b) at the first meeting after the office of the Councillor who is the Deputy Mayor becomes vacant⁵.
- 4.1.4 The matters to be considered at a Post-Election Meeting must include the day and time for holding Council's Ordinary Meetings⁶.

4.2 **Ordinary Meetings**

- 4.2.1 Council must meet at least once each month, except where a written application by Council to vary this requirement has been approved by the Minister⁷.
- 4.2.2 The Chief Executive Officer may fix the date and time for Ordinary Meetings and the location of the Ordinary Meetings where the meetings are to be held at one of Council's Customer Service Centres. The Chief Executive Officer must, if practicable, consult with the Mayor about the proposed date, time and location for the meetings.
- 4.2.3 Where an Ordinary Meeting is to be held at any place other than one of Council's Customer Services Centres, Council must, by resolution, fix another place for the meeting⁸.

4.3 **Special Meetings**

- 4.3.1 The Chief Executive Officer must call a Special Meeting of Council if:
 - (a) the Special Meeting is required by a resolution of Council;
 - (b) a written request for a Special Meeting is lodged with the Chief Executive Officer signed by the Mayor or three (3) or more Councillors which specifies the object of the Special Meeting and proposes a day and time for the holding of the Special Meeting;
 - (c) a Special Meeting is required to comply with the *Local Government Act* or some other legislation; or
 - (d) where the Chief Executive Officer determines it is in the best interests of Council that a Special Meeting be held.
- 4.3.2 The only business that may be conducted at a Special Meeting is the business specified in the notice of meeting⁹.

4.4 **Closed Meetings¹⁰**

- 4.4.1 Council may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:
 - (a) appointment, dismissal or discipline of the Chief Executive Officer;

³ *Local Government Act 2009* - section 175(1)

⁴ *Local Government Electoral Act 2011* - section 7

⁵ *Local Government Act 2009*- section 175(2)

⁶ *Local Government Regulation 2012* - section 256(1)

⁷ *Local Government Regulation 2012* - section 257(1)(2)

⁸ *Local Government Regulation 2012* - section 257(3)

⁹ *Local Government Regulation 2012* - section 254C(4)

¹⁰ *Local Government Regulation 2012* - section 254J



- (b) industrial matters affecting employees;
- (c) the Council's budget which does not include the monthly financial statements;
- (d) rating concessions;
- (e) legal advice obtained by Council, including legal proceedings that may be taken by or against the Council;
- (f) matters that may directly affect the health and safety of an individual or a group of individuals;
- (g) negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council;
- (h) negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967*;
- (i) a matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- (j) an investigation report given to the local government under Chapter 5A, Part 3, Division 5 of the *Local Government Act 2009*.

4.4.2 A Council meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a prescribed or declarable conflict of interest in the matter.

4.4.3 Furthermore, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and Council must:

- (a) delegate the matter;
- (b) decide by resolution to defer to a later meeting; or
- (c) decide by resolution to take no further action on the matter.

Note: None of the above actions will be considered, discussed, voted on, or made during a closed session.

4.4.4 If a closed session includes attendance by audio link or audio-visual link, the Councillor(s) must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

4.4.5 To take a matter into a closed session Council must abide by the following:

- (a) pass a resolution to close the meeting;
- (b) the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered;
- (c) if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and an explanation of why it is deemed necessary to take the issue into closed session must be stated.
- (d) not make a resolution while in a closed meeting (other than a procedural resolution).

Note: discussion and debate whilst in a closed session continues as it would in an open session of Council.

4.5 Committee Meetings

4.5.1 Meetings of a Committee are held at the times and places decided by the Committee¹¹.

4.5.2 If there is no resolution fixing the date, time, and place for a Committee meeting, the Chief Executive Officer may fix the date, time and place for the meeting.

4.5.3 Before the Chief Executive Officer fixes the date, time and place for a Committee meeting, the Chief Executive Officer must, if practicable, consult with the Chairperson of the Committee.

¹¹ *Local Government Regulation 2012* - section 268



5. **Preparation**

5.1 **Times of Meetings**

- 5.1.1 The Council may, by resolution, fix dates, times, and locations for its Ordinary and Committee meetings.
- 5.1.2 If there is no resolution fixing the dates, times, and locations for an Ordinary or Committee meeting, the Chief Executive Officer must fix the date, time, and location for the meeting.
- 5.1.3 Before the Chief Executive Officer fixes the date, time, and location for an Ordinary or Committee meeting, the Chief Executive Officer must, if practicable, consult with the Mayor about the proposed date, time, and location for the meeting.

5.2 **Notice of Meetings and Agendas**

- 5.2.1 The Chief Executive Officer must give notice of each Ordinary, Special, and Committee Meeting or adjourned Ordinary, Special, and Committee Meeting to each Councillor or Committee Member at least two (2) days before the day of the meeting unless it is impracticable to give the notice before that time¹².
- 5.2.2 The notice must state the day, time, and location of the Meeting and include the agenda for the meeting¹³.
- 5.2.3 The notice for Special Meetings must also state the business to be conducted at the meeting.¹⁴
- 5.2.4 The notice will ordinarily be given to a Councillor and Committee Member electronically.
- 5.2.5 The agenda may contain:
 - (a) notice of meeting;
 - (b) minutes of the previous meeting;
 - (c) business arising out of previous meetings;
 - (d) matters of which notice has been given;
 - (e) Officers' reports referred to the meeting by the Chief Executive Officer;
 - (f) deputations and delegations from the community which are approved to attend; and
 - (g) any other business Council determines by resolution be included on the agenda.
- 5.2.6 A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business by way of a Notice of Motion to the Chief Executive Officer at least five (5) business days before the notice of meeting is given (refer to section 8.7 for further detail regarding Notices of Motion).
- 5.2.7 Business not on the agenda or not fairly arising from the agenda must not be considered at any meeting unless such meeting resolves to admit such business.
- 5.2.8 The agenda, including related reports (with the exception of information confidential to Council), for a meeting must be made publicly available by 5.00pm on the next business day after notice of the meeting is given to each Councillor.¹⁵
- 5.2.9 Related reports (with the exception of information confidential to Council) made available to Councillors after the notice for the meeting is given and immediately before the meeting is held must be publicly available as soon as practicable after being made available to Councillors.¹⁶
- 5.2.10 Matters on the agenda requiring the meeting to be in a closed session consistent with the provisions under section 254J of the *Local Government Regulation* will be clearly identified on the agenda, including the reasons why the session will be closed.

¹² *Local Government Regulation 2012* - section 254C(1)(b)

¹³ *Local Government Regulation 2012* - section 254C(2)(a)(c)

¹⁴ *Local Government Regulation 2012* - section 254C(2)(b)

¹⁵ *Local Government Regulation 2012* - section 254D(1)(2)(3)

¹⁶ *Local Government Regulation 2012* - section 254D(2)(b)(3)



6. **Attendance**

6.1 **Presiding Officer**

- 6.1.1 The Mayor will preside at a meeting of the local government.
- 6.1.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 6.1.3 If the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting must preside at the meeting.

6.2 **Participation by Audio Link or Audio Visual Link¹⁷**

- 6.2.1 If a Councillor wishes to be absent from a Council meeting place during a meeting, the Councillor must apply to the Chairperson or Chief Executive Officer¹⁸ to participate by audio link¹⁹ or audio-visual link²⁰ at least three (3) business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. The Chairperson or Chief Executive Officer may allow a Councillor to participate in a Council or Committee meeting by audio link or audio-visual link.
- 6.2.2 A Councillor taking part by audio link or audio-visual link is taken to be present at the meeting if the Councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor must be recorded in the minutes as being present at the meeting.

Note: Audio link or audio-visual link includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

6.3 **Quorum**

- 6.3.1 Business may be conducted at a meeting only if a quorum is present.
- 6.3.2 A quorum at a meeting is a majority, being at least one half of its Councillors or Members.
- 6.3.3 If a quorum is not present within thirty (30) minutes after the time appointed for a Meeting, the Meeting may be adjourned to a later hour or another day within fourteen (14) days after the day of adjournment, by:
 - (a) a majority of the Councillors or Members present; or
 - (b) if only one Councillor or Member is present—the Councillor or Member; or
 - (c) if no Councillors are present —the Chief Executive Officer²¹.
- 6.3.4 Apologies for late or non-attendance by Councillors or Members shall be directed to the Chairperson and/or Chief Executive Officer prior to commencement of the meeting. Such apologies shall be in writing where practicable.

6.4 **Leave of Absence**

- 6.4.1 A Councillor must seek a leave of absence from a meeting where a Councillor cannot attend a meeting due to a private or business purpose.
- 6.4.2 Leave is granted at the discretion of the Council.
- 6.4.3 An application for leave of absence does not need to be made in person. Consequently, Council may grant such leave while a Councillor is absent.
- 6.4.4 Where a Councillor is absent from a meeting without an approved leave of absence or a submitted apology, the Councillor will not be listed in the apologies section of the meeting minutes.
- 6.4.5 A leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for the Councillor to attend a conference or event.

¹⁷ Local Government Regulation - section 254K

¹⁸ per delegated authority

¹⁹ see Evidence Act 1977, section 39C

²⁰ see Evidence Act 1977, schedule 3

²¹ Local Government Regulation 2012 - Section 261



6.5 Public Attendance and Participation at Meetings

- 6.5.1 An area must be made available at the place where a meeting is to take place for members of the public to attend the meeting and as many people as can reasonably be accommodated in the area must be permitted to attend the meeting.
- 6.5.2 If, in accordance with section 254J of the *Local Government Regulation*, Council resolves that all or part of the meeting be closed to the public, the public will be excluded from the meeting.
- 6.5.3 A member of the public may take part in the proceedings of a meeting only when invited to do so by the Chairperson.
- 6.5.4 In each meeting, time may be allowed to permit members of the public to address the local government on matters of public interest related to Council. The appropriate time period allowed for each speaker and the number of speakers allowed shall be at the discretion of the Chairperson.
- 6.5.5 If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may request the person to cease making the submission or comment.
- 6.5.6 For any matter arising from a submission or comment from a member of the public, Council may:
 - (a) refer the matter to a Committee; or
 - (b) deal with the matter immediately; or
 - (c) place the matter on notice for discussion at a future meeting; or
 - (d) note the matter and take no further action.
- 6.5.7 Any person addressing Council shall stand, act, and speak with decorum and frame any remarks in respectful and courteous language. If a person is considered by the Council or Chairperson to be acting inappropriately, the person may be directed by the Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.



PART 3 – PROCESS FOR COUNCIL MEETINGS

7. Order of Business

7.1 **Post- Election Meetings**

- 7.1.1 The Chief Executive Officer will Chair the Post-Election Meeting until the Mayor completes his/her Declaration of Office.²²
- 7.1.2 The order of business for the Post-Election Meeting may include:
 - (a) Present / Apologies;
 - (b) Opening Prayer;
 - (c) Mayoral Address;
 - (d) Appointment of Deputy Mayor;
 - (e) Consideration and Composition of Committees, Working Groups and Steering Groups and Councillor Portfolios;
 - (f) Appointment of Committee, Working Groups and Steering Groups Chairpersons;
 - (g) Appointment to Committees, Statutory Bodies and Other Organisations;
 - (h) Setting of Meeting Dates, Times and Venues.

7.2 **Order of Business Generally**

- 7.2.1 Council must proceed with its business at a meeting in the order indicated on the agenda for the meeting.
- 7.2.2 However, Council may, by resolution, alter the order in which it proceeds with the business for a particular meeting. A motion to alter the order of business may be moved without notice.
- 7.2.3 The minutes of a preceding meeting (**previous minutes**) not previously confirmed may be taken into consideration at every meeting, in order that the previous minutes may be confirmed.
- 7.2.4 Unless otherwise altered, the order of business for Meetings may be as follows:
 - (a) Present / Apologies;
 - (b) Opening prayer and one minute silence;
 - (c) Congratulations;
 - (d) Confirmation of Minutes and adoption of reports and minutes of meetings of Committees;
 - (e) Business arising from the minutes of previous meetings;
 - (f) Declarations of Conflicts of Interest;
 - (g) Presentation of petitions;
 - (h) Presentation of Mayoral Update;
 - (i) Officers' Reports;
 - (j) Consideration of notices of motion;
 - (k) Urgent General Business; and
 - (l) Deputations / Public Participation at 10.30 am, unless otherwise notified.

8. Commencement of Business

- 8.1 The Council shall commence business as soon as practicable after the time specified in the notice of meeting, once a quorum is present.

²² Local Government Act 2009 - section 169(3)



9. Motions

9.1 **Consideration of Motions, Amendments, and Modifications**

- 9.1.1 A Councillor is required to 'move' a motion or an amendment to a motion and another Councillor is required to 'second' the motion or amendment to a motion.
- 9.1.2 Before a recommendation in a Council Officer's report is moved, Councillors may ask questions of the relevant officers only to clarify or obtain further information in relation to the recommendation.
- 9.1.3 The Chairperson may require a motion or an amendment to a motion to be stated in full or recorded in writing before permitting it to be received.
- 9.1.4 An item on the meeting agenda must not be removed from the agenda where a Councillor at the meeting objects to its being removed.
- 9.1.5 In the absence of a mover of a motion, the meeting shall move to the next item of business.
- 9.1.6 When a motion has been moved and seconded, it becomes subject to the control of the Chairperson and cannot be withdrawn without the consent of the mover.
- 9.1.7 A motion or an amendment to a motion must not be debated at a Meeting of the Council unless or until the motion or the amendment is seconded.
- 9.1.8 A motion or an amendment to a motion (other than a procedural motion) that is not seconded, lapses for want of a seconder.
- 9.1.9 Notwithstanding subsection 8.2.1, a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, speak in support of the motion or amendment before it is seconded.
- 9.1.10 An amendment to a motion must:
 - (a) be in terms which maintain or further clarify the intent of the motion; and
 - (b) does not contradict or negate the motion.
- 9.1.11 Not more than one motion or one proposed amendment to a motion may be put before a Meeting at any one time.
- 9.1.12 A modification to a motion must be accepted by both of the Councillors who have moved and seconded the motion. Any modification to a motion must not contradict or negate the motion.
- 9.1.13 Where an amendment to a motion is before a Meeting, no other amendment to the motion can be considered until after the first amendment has been put.
- 9.1.14 Where a motion is amended by another motion and determined, the original motion must not be put as a subsequent motion to amend the substantive motion.
- 9.1.15 A Councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

9.2 **Speaking to Motions and Amendments**

- 9.2.1 The mover of a motion or an amendment to a motion must read it and state that it is so moved but must not speak to it until it is seconded.
- 9.2.2 A Councillor or Committee Member may request further information through or from the Chairperson before or after the motion or the amendment to the motion is seconded.
- 9.2.3 Following the seconding of a motion or an amendment of a motion, the Chairperson will manage the debate by allowing the mover of the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternately for and against the motion or amendment, unless the Chairperson, at their discretion, rules otherwise.
- 9.2.4 The mover of a motion has the right to conclude the debate immediately before the vote is taken (the 'right of reply').
- 9.2.5 The mover of an amendment to a motion has no 'right of reply'.



- 9.2.6 Each Councillor must speak not more than once to the same motion or the same amendment except as a right of reply, unless the Chairperson, at their discretion, rules otherwise.
- 9.2.7 Each speaker is restricted to not more than five minutes and must speak directly to the motion or amendment, unless the Chairperson, at their discretion, rules otherwise.
- 9.2.8 Where two or more Councillors request to speak at the same time, the Chairperson is to determine who is entitled to priority.

9.3 Withdrawal of a Motion

- 9.3.1 A Councillor who has moved a motion may elect to withdraw the motion:
- (a) before an amendment to the motion is moved and seconded; or
 - (b) after an amendment is seconded but not adopted.

9.4 Foreshadowed Motion

- 9.4.1 During debate on a motion, a Councillor may indicate a foreshadowed motion that the Councillor intends to move if the motion under consideration is lost or withdrawn.
- 9.4.2 A foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is subsequently moved and seconded.

9.5 Absence of Mover

- 9.5.1 Where a Councillor who has given notice of a motion (in accordance with section 5.2.6) is absent from the meeting of Council at which the motion is to be considered, the motion may be:
- (a) moved by another Councillor at the meeting; or
 - (b) deferred to the next appropriate meeting.

9.6 Procedural Motion

- 9.6.1 At a meeting, a Councillor may, during the debate of a matter at the meeting and without the need for a seconder, move as a procedural motion the following motions:
- (a) that the motion be put;
 - (b) that the debate be adjourned;
 - (c) that the Meeting proceed to the next item of business;
 - (d) that the matter lie on the table;
 - (e) that the Chairperson's ruling be dissented from;
 - (f) that a report/document be tabled;
 - (g) that the meeting procedures be suspended; or
 - (h) that the Meeting stand adjourned/resumed.

- 9.6.2 Procedural motions are detailed as follows:

(a) Motion – That the Motion be Put

- (i) A procedural motion 'that the motion be put', may only be moved by a Councillor who has not spoken to the motion or amendment.
- (ii) Where the procedural motion is passed, the motion or amendment to which the procedural motion referred must be put to the vote, without further debate.
- (iii) Where the procedural motion is lost, debate on the motion or amendment must continue.

(b) Motion – That the Debate be Adjourned

- (i) A procedural motion 'that the debate on the motion and/or amendment be adjourned', must specify a time and date to which the debate is to be adjourned.
- (ii) A motion must not adjourn debate on a matter the subject of a motion for more than two months after the date of the procedural motion.



- (c) **Motion – That the Meeting Proceed to the Next Item of Business**
- (i) Where a procedural motion 'that the meeting proceed to the next item' is carried, debate on the matter the subject of the motion must cease and the motion is deemed to have lapsed.
 - (ii) However, debate on the matter the subject of the motion may be considered again on the giving of a notice of motion in accordance with section 8.7 of this Procedure.
- (d) **Motion – That the Matter Lie on the Table**
- (i) A procedural motion 'that a motion or question lie on the table' can only be moved where the Chairperson or a Councillor requires additional information on the matter (or the result of some other action of the Council or a person is required) before the matter may be concluded at the Meeting or a later Meeting.
 - (ii) A procedural motion 'that a motion or question lie on the table' must specify the additional information or action required and the timeframe for the matter to be brought back to the Council.
 - (iii) Where a motion is carried, another procedural motion 'that the matter be taken from the table' may be moved at any time during the Meeting or at a later Meeting.
 - (iv) Where a motion is carried whilst an amendment is before the Chair, both the motion and the amendment are laid on the table.
 - (v) Where a motion is lost, debate continues and the tabling motion cannot be moved again in respect to that substantive motion.
- (e) **Motion – That the Chairperson's Ruling be Dissented From**
- (i) A Councillor may move 'a motion of dissent' in relation to a ruling of the Chairperson on a point of order.
 - (ii) Where a motion is moved, further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
 - (iii) Where a motion of dissent is carried:
 - (1) the matter to which the ruling of the Chairperson was made must proceed as though that ruling had not been made; and
 - (2) where, as a result of a ruling of the Chairperson on a point of order, a matter was discharged as out of order — the matter must be restored to the meeting agenda and be dealt with in the normal course of business.
- (f) **Motion – That a Report/Document be Tabled**
- (i) A motion 'that a report or document be tabled' may be used by a Councillor to introduce a report or other document to a Meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws.
 - (ii) On the tabling of a report or document, the report or document ceases to be a confidential document and is available for public scrutiny.
- (g) **Motion – That the Meeting Procedures be Suspended**
- (i) A procedural motion 'that a provision of these meeting procedures be suspended for a specified period' may be made by a Councillor in order to permit some action that otherwise would be prevented by a procedural rule.
 - (ii) A procedural motion to suspend the meeting procedures must specify the reason and the duration of the suspension.
 - (iii) At the conclusion of the specified period, a procedural motion 'to resume the meeting procedures' must be made to reinstate the meeting procedures.
- (h) **Motion – That the Meeting Stand Adjourned/Resumed**



- (i) A procedural motion 'that the Meeting be adjourned' may be moved by a Councillor or Committee Member at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor's or Committee Member's time for speaking to the matter and must be put without debate.
- (ii) Such a procedural motion must specify the time for the resumption of the Meeting and on the resumption of the Meeting the Council must continue with the business before the meeting at the point where it was discontinued on the adjournment.

9.7 Notices of Motion

- 9.7.1 Notices of Motion are a means available of showing an intention to do something at a particular Meeting. An advantage of giving notice is that interested persons are made aware of the motion on the Agenda and therefore have time to consider its implications.
- 9.7.2 Submission of Notice of Motion must be given at least five (5) business days prior to the Meeting at which the motion is to be presented.
- 9.7.3 Where a Councillor or Committee Member who has a given Notice of a Motion is absent from the Meeting at which the motion is to be considered, the motion may be:
 - (a) moved by another Councillor or Member at the Meeting; or
 - (b) deferred to the next appropriate Meeting.
- 9.7.4 Notified motions must:
 - (a) be framed as succinctly as possible;
 - (b) include relevant discussion and background material;
 - (c) be relevant to the good order of business of the local government; and
 - (d) not be an action that would be dealt with in operational procedures.

9.8 Points of Order

- 9.8.1 A Councillor may ask the Chairperson to decide a point of order where it is believed that:
 - (a) another Councillor has failed to comply with proper procedures;
 - (b) a matter before Council is in contravention of this procedure, the Act or the Regulation; or
 - (c) a matter before Council is beyond the jurisdictional power of the Council.
- 9.8.2 A point of order cannot be used as a means of contradicting a statement made by a Councillor speaking about a matter.
- 9.8.3 The Chairperson must determine whether the point of order is upheld.
- 9.8.4 Upon a point of order arising during the process of a debate, the Councillor raising the point of order may speak to the point of order.
- 9.8.5 Despite anything to the contrary in the standing orders, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

9.9 Method of Voting

- 9.9.1 Business may be conducted at a meeting of a local government only if a quorum is present.²³
- 9.9.2 A motion is decided by a majority of the votes of the Councillors present.²⁴
- 9.9.3 Voting must be open.
- 9.9.4 Subject to chapter 5B of the *Local Government Act*, each Councillor present has a vote on each question to be decided and, if the votes are equal, the Chairperson presiding also has a casting vote.²⁵

²³ *Local Government Regulation 2012 - Section 254E (1)*

²⁴ *Local Government Regulation 2012- Section 254E (2)(a)*

²⁵ *Local Government Regulation 2012 - Section 254E (2)(b)*



- 9.9.5 If a Councillor present and entitled to vote fails to vote, the Councillor is taken to have voted in the negative.²⁶
- 9.9.6 Before any matter is put to the vote, the Chairperson may direct that the motion or amendment be read again.
- 9.9.7 The Chairperson must, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- 9.9.8 On recording the vote, if the motion is not carried unanimously, the number of votes in the affirmative and the negative shall be recorded in the minutes.
- 9.9.9 Any Councillor may call for a division or seek clarification in relation to the taking of a vote immediately following the Chairperson declaring the result of the vote.
- 9.9.10 If a division is taken, the names of the Councillors voting and how they voted must be recorded.²⁷
- 9.9.11 The Chairperson must declare the result of a vote or a division as soon as it has been determined.
- 9.9.12 Councillors may request that their names and how they voted be recorded in the minutes for voting other than by division.
- 9.9.13 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.
- 9.9.14 In accordance with section 254H of the *Local Government Regulation*, if a decision made at the Council meeting is inconsistent with a recommendation or advice given to Council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice (see section 24.2).

9.10 Rescinding or Amending Resolutions

- 9.10.1 A resolution of Council can only be rescinded or amended if it has not been acted upon.
- 9.10.2 A notice to rescind or amend a resolution must be provided to the Chief Executive Officer at least seven (7) business days before the meeting at which the proposal is to be made.
- 9.10.3 Notice of the rescission or amendment of a resolution must be given to Councillors at least five (5) days before the meeting at which it will be considered.²⁸
- 9.10.4 Where a notice to rescind or amend a resolution is received in accordance with this section, the original resolution shall be placed in abeyance.
- 9.10.5 Where a motion to rescind or repeal a resolution is lost, a motion of the same or like effect is not to be moved until at least three (3) months after the date on which the first mentioned motion to rescind was lost, unless Council or the Committee, by resolution, decides otherwise.
- 9.10.6 Where a resolution of Council relates to a matter the subject of a resolution passed more than three (3) months previously, the earlier resolution is repealed or amended to the extent that it is inconsistent with the later resolution.

10. Petitions

10.1 Any petition presented to a meeting of the Council shall:

- (a) be in legible writing or typewritten and contain a minimum of ten (10) signatories;
- (b) include the name and contact details of the principal petitioner (that is, the person who is the organiser and who will act as the key contact for the issue);
- (c) include the postcode of all petitioners; and
- (d) have the details of the specific request/matter appear on each page of the petition.

10.2 A petition may only be presented to a meeting by:

²⁶ *Local Government Regulation 2012 - Section 254E (2)(c)*

²⁷ *Local Government Regulation 2012 - Section 254F(2)(b)*

²⁸ *Local Government Regulation 2012 - Section 262*



- (a) a Councillor, the Chief Executive Officer, or delegate, who will read and state the nature of the petition and before the meeting, as far as practicable, become acquainted with the subject matter of the petition; or
 - (b) a member of the public, as part of a deputation.
- 10.3 Where a petition is presented to a meeting, no debate on or in relation to the petition shall be allowed and the only motion which may be moved is that:
 - (a) the petition be received and a report be brought back to Council; or
 - (b) the petition be received and no further action be taken.
- 10.4 Council will respond to the principal petitioner in relation to all petitions.
- 11. Deputations**
- 11.1 A person or group wishing to be received as a deputation by Council at a meeting should apply in writing to the Chief Executive Officer not less than seven (7) business days before the meeting, unless otherwise determined by the Chief Executive Officer.
- 11.2 The Chief Executive Officer must notify the Chairperson of the receipt of the request. The Chairperson will determine whether the deputation may be heard.
- 11.3 The Chief Executive Officer must inform the deputation of the Chairperson's determination.
- 11.4 If a member of the deputation other than the appointed speaker(s) interjects or attempts to address the Council meeting, the Chairperson may terminate the deputation.
- 11.5 The Chairperson of a meeting may terminate an address by a person in a deputation at any time if:
 - (a) the Chairperson has allotted a specific period of time for a person's address and the period of time has elapsed;
 - (b) the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting; or
 - (c) the person uses insulting or offensive language or is derogatory towards Councillors or others.
- 11.6 Any person invited to address a meeting shall:
 - (a) stand (where applicable), act, and speak with decorum;
 - (b) frame any remarks in respectful and courteous language;
 - (c) limit the address to a maximum of five (5) minutes; and
 - (d) if a person is considered by the Council or Chairperson to be inappropriately presented, the person may be directed by the Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.
- 11.7 Each deputation will be heard without debate.
- 11.8 The appointed speaker(s) will be notified of any developments or actions arising from the deputation.
- 11.9 Pertinent matters arising from deputations will be reported through the Business arising section of the meeting agenda.
- 12. Questions**
- 12.1 At a Meeting a Councillor may ask a question for reply by another Councillor or an officer of the Council regarding any matter under consideration at the Meeting.
- 12.2 A question must be asked categorically and without argument and discussion is not permitted at the meeting in relation to the reply or the refusal to reply to the question.
- 12.3 A Councillor or officer who is asked a question may request that the question be taken on notice for the next meeting or for a specified future meeting.
- 12.4 A Councillor who asks a question at a meeting, whether or not upon notice, is deemed not to have spoken to the debate of the motion to which the question relates.
- 12.5 The Chairperson may disallow a question which they consider is inconsistent with an acceptable request or good order.



- 12.6 A Councillor may move a procedural motion that a ruling of the Chairperson under section 11.5 be dissented with and if such motion is carried, the Chairperson must allow the question.
- 13. Urgent General Business**
- 13.1 Councillors may raise a matter of a genuinely urgent or emergent nature that is not a change to Council policy and cannot be delayed until the next scheduled Council Meeting.
- 14. Adjournment of Meetings**
- 14.1 An adjournment may be called by the Chairperson at any time in order for a rest break.
- 15. Procedure Not Provided For**
- 15.1 Where a matter arises at the local government meeting that is not provided for in the *Western Downs Regional Council Meeting Procedure* or legislation, the matters shall be determined by resolution of the local government upon a motion which may be put without notice but otherwise conforming with this Procedure.



PART 4 – CONFLICTS OF INTEREST

16. Prescribed Conflict of Interest²⁹

- 16.1 Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council or Committee Meeting (other than ordinary business matters³⁰). When dealing with a prescribed conflict of interest, Councillors must abide by this section.
- 16.2 A Councillor who has notified the Chief Executive Officer of a prescribed conflict of interest in a matter to be discussed in a Council meeting must also give notice during the meeting.
- 16.3 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a Council Meeting must immediately inform the meeting of the conflict of the interest.
- 16.4 When notifying the Meeting of a prescribed conflict of interest, the following details must be provided:
- (a) if it arises because of a gift, loan or contract, the value of the gift, loan, or contract;
 - (b) if it arises because of an application or submission, the subject of the application or submission;
 - (c) the name of any entity other than the Councillor that has an interest in the matter;
 - (d) the nature of the Councillor's relationship with the entity that has an interest in a matter; and
 - (e) details of the Councillor's and any other entity's interest in the matter.
- 16.5 The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister given under section 150EV of the *Local Government Act* to participate in the matter.

Once the Councillor has left the area where the meeting is being conducted or remains in the meeting under ministerial approval, the Council can continue discussing and deciding on the matter at hand. However, if the prescribed conflict of interest was reported to the meeting by a Councillor other than the subject Councillor, then the Councillor must disclose their belief or suspicion to the Chairperson and the processes, duty to report another Councillor's conflict of interest under section 150EW of the *Local Government Act*, will apply. If more than one Councillor is reported by another Councillor to have a suspected prescribed conflict of interest in a matter, the meeting must deal with each Councillor individually.

Note: Ministerial approval may be obtained when a quorum is lost due to the number of Councillors with a prescribed conflict of interest in the matter, and the matter cannot be delegated. The Councillor with the conflict of interest must apply to the Minister for approval to participate. The Minister may give the approval subject to the conditions stated in the notice of approval.

17. Declarable Conflict of Interest³¹

- 17.1 Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council or Committee Meetings that might lead to a decision that is contrary to the public interest (other than interests that are not declarable conflicts of interest³² and ordinary business matters³³).
- 17.2 A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors have a belief or suspicion the personal interest might be a conflict of interest, the Councillor has a duty to report their belief or suspicion pursuant to section 150EW of the *Local Government Act*. If more than one Councillor is reported by another Councillor to have a suspected declarable conflict of interest in a matter, the meeting must deal with each Councillor individually. The eligible Councillors must then make a decision under section 150EX(2) of the *Local Government Act*.
- 17.3 When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:
- (a) A Councillor who has notified the Chief Executive Officer of a declarable conflict of interest in a matter to be discussed at a Council meeting must also give notice during the meeting;
 - (b) A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Council

²⁹ *Local Government Act 2009* - Chapter 5B Part 2

³⁰ Ordinary business matters prescribed in section 150EF of *Local Government Act 2009*

³¹ *Local Government Act 2009* - Chapter 5B Part 3

³² *Local Government Act 2009* - section 150EO

³³ *Local Government Act 2009* - section 150EF



meeting must stop participating in the decision on the matter and must immediately inform the meeting of the conflict of the declarable interest including the particulars stated in 16.3(c); and

- (c) When notifying the meeting of a declarable conflict of interest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:

- (i) the nature of the declarable conflict of interest;
- (ii) if it arises because of the Councillor's relationship with a related party:
 - (1) the name of the related party to the Councillor;
 - (2) the nature of the relationship of the related party to the Councillor; and
 - (3) the nature of the related party's interest in the matter; and
- (iii) if it arises because of a gift or loan from another person to the Councillor or a related party:
 - (1) the name of the other person; and
 - (2) the nature of the relationship of the other person to the Councillor or related party; and
 - (3) the nature of the other person's interest in the matter; and
 - (4) the value of the gift or loan and the date the gift or loan was made.

17.4 After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed, unless they have reasons why their participation would improve making the decision in the public interest or they have ministerial approval to participate.

17.5 If the Councillor chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision.³⁴

17.6 The other eligible (non-conflicted) Councillors at the meeting must then decide, by resolution, whether the Councillor (and separately in respect of each Councillor) can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible Councillors. The eligible Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting (for example, may stay for the debate but must leave for the vote). The Councillor must comply with any decision or condition imposed by the eligible Councillors.

17.7 In deciding on a Councillor's declarable conflict of interest in a matter, only Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting or is a single eligible Councillor consistent with section 150ET of the *Local Government Act*. If there is a single eligible Councillor deciding, then a seconder for the resolution is not required.

17.8 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the eligible Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.

17.9 When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors should consider the particular circumstances of the matter including, but not limited to:

- (a) how does the inclusion of the Councillor in the deliberation affect the public trust;
- (b) how close or remote is the Councillor's relationship to the related party;
- (c) if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;

³⁴ *Local Government Act 2009* - section 150ES



- (d) will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them;
 - (e) how does the benefit or detriment the subject Councillor stands to receive compare to others in the community;
 - (f) how does this compare with similar matters that Council has decided and have other Councillors with the same or similar interests decided to leave the meeting; and
 - (g) whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 17.10 If the eligible Councillors cannot decide about the declarable conflict of interest of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the eligible Councillors discuss and vote on the matter³⁵.
- 17.11 A decision about a Councillor who has a declarable conflict of interest in a matter will apply to participating in the decision and all subsequent decisions, about the same matter³⁶ unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the eligible Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a Council meeting about the same matter e.g. briefing sessions or workshops.
- 17.12 In making the decision under 16.6, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 17.13 A Councillor must not participate in a decision relating to the matter unless the Councillor participates in the decision in compliance with a decision made under this procedure (section 150ES of the Act) or under written approval from the Minister³⁷.
- 18. Reporting a Suspected Conflict of Interest³⁸**
- 18.1 If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest and that Councillor is participating in a decision on that matter, the informing Councillor must immediately inform the Chairperson of the meeting of their belief or suspicion and the facts and circumstances that led to their belief or suspicion. If more than one Councillor is reported to have a suspected personal interest in a matter, the meeting must deal with each Councillor individually.
- 18.2 The Chairperson asks the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflicts of interest in the matter. If the Councillor agrees that they have a conflict of interest, the Councillor must follow the relevant actions outlined in sections 15 and 16 of this *Meeting Procedure* for prescribed or declarable conflicts of interest.
- 18.3 If the Councillor believes that they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 18.4 The eligible (non-conflicted) Councillors must decide whether the relevant Councillor has a prescribed conflict of interest, a declarable conflict of interest, or that the Councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant actions outlined in sections 15 and 16 of this *Meeting Procedure* for prescribed or declarable conflicts of interest.
- 18.5 If the Councillors are unable to decide whether the Councillor has a declarable conflict of interest or whether the Councillor may or may not participate in the decision despite the subject Councillor's declarable conflict of interest, then they are taken to have determined that the Councillor must leave the meeting and stay away while the matter is being decided³⁹. A decision under these provisions regarding a Councillor participating in the meeting applies to the matter and subsequent decisions about the same matter, unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the eligible Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may

³⁵ *Local Government Act 2009* - section 150ET(3)

³⁶ *Local Government Act 2009* - section 150ET(4)

³⁷ *Local Government Act 2009* - section 150EV

³⁸ *Local Government Act 2009* - section 150EW and 150EX

³⁹ *Local Government Act 2009* - section 150ET



participate in the meeting and be involved in processes occurring outside of a local government meeting about the same matter (for example, briefing sessions).

19. **Recording Prescribed and Declarable Conflicts of Interest**⁴⁰

- 19.1 When a Councillor informs a meeting that they or another Councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being:
- (a) the name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest;
 - (b) the particulars of the prescribed or declarable conflict of interest provided by the Councillor;
 - (c) the actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest;
 - (d) any decision then made by the eligible Councillors;
 - (e) whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
 - (f) Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;
 - (g) the name of each Councillor who voted on the matter and how each voted;
 - (h) if the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor, the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the Councillors voted; and
 - (i) where a decision has been made about a Councillor with a declarable conflict of interest participation in a decision – the minutes must include the decision and reasons for the decision and the name of each eligible Councillor who voted and how each eligible Councillor voted.

20. **Loss of Quorum**

- 20.1 If one or more Councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter and their absence results in a loss of a quorum for deciding the matter, the Council must:
- (a) resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the *Local Government Act*, unless the matter cannot be delegated under this section because an Act prescribes that it must be decided by resolution of Council; or
 - (b) decide by resolution to defer the matter to a later meeting; or
 - (c) decide by resolution not to decide the matter and take no further action in relation to the matter unless the *Local Government Act* or another Act provides that the local government must decide the matter.
- 20.2 All Councillors, including the conflicted Councillors, may participate in deciding to delegate or defer a matter.
- 20.3 The local government may delegate by resolution a power under section 257 of the *Local Government Act* to:
- (a) the Mayor or Chief Executive Officer;
 - (b) a standing committee or joint committee of the local government;
 - (c) the chairperson of a standing committee or joint standing committee of the local government; or
 - (d) another local government for a joint government activity.
- 20.4 The Council must not delegate a decision to an entity if the entity or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

⁴⁰ *Local Government Act 2009* - section 150FA



Meetings Procedure

- 20.5 Council may only delegate a power to make a decision about a Councillor's conduct under section 150AG of the *Local Government Act*, pursuant to section 257(2) of the *Local Government Act*, to:
- (a) the Mayor; or
 - (b) a standing committee.
- 20.6 If the matter cannot be delegated under an Act, the Councillors with a conflict of interest should seek Ministerial approval to be able to consider and vote on the matter, subject to any conditions the Minister may impose.



PART 5 – MAINTENANCE OF GOOD ORDER

21. Conduct During Council Meetings

- 21.1 Councillors must conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the [Code of Conduct for Councillors in Queensland](#).
- 21.2 After a meeting of the Council has been formally constituted and the business commenced, a Councillor must not enter or leave the meeting without first notifying the Chairperson.
- 21.3 A Councillor may stand and address the Chairperson while:
- (a) moving any motion or amendment; or
 - (b) proposing a Foreshadowed Motion.
- 21.4 A Councillor must address the Chairperson while:
- (a) seconding any motion or amendment;
 - (b) taking part in any discussion;
 - (c) placing or replying to any question; or
 - (d) addressing the Council for any other purpose.
- 21.5 Councillors must address each other during a meeting by their respective titles, 'Mayor' or 'Councillor' and in speaking of or addressing officers must:
- (a) designate them by their respective official or departmental title; and
 - (b) confine their remarks to the matter under consideration.
- 21.6 Councillors must remain seated and silent while a vote is being taken except when a division has been called.
- 21.7 A Councillor must not interrupt another Councillor who is speaking, except upon a point of order being raised either by the Chairperson or the Councillor.
- 21.8 If the Chairperson speaks during the process of a debate, any Councillor then speaking or offering to speak will immediately cease speaking and each Councillor present must preserve strict silence so that the Chairperson may be heard without interruption.
- 21.9 The Chairperson may:
- (a) call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor or Officer; and
 - (b) direct a Councillor or Officer to discontinue a speech.

22. Process for Dealing with Unsuitable Meeting Conduct

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Council meeting and contravenes a behavioural standard of the *Code of Conduct for Councillors*.

- 22.1 If the Chairperson reasonably believes that unsuitable meeting conduct has been engaged in by a Councillor during a meeting, the Chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings issued for unsuitable meeting conduct. If the Chairperson decides the conduct is of a serious nature or another warning is inadequate, then they must address the conduct in accordance with section 21.4.
- 22.2 If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
- (a) ceasing and refraining from exhibiting the conduct;
 - (b) apologising for their conduct; or
 - (c) withdrawing their comments.

If the Councillor complies with the Chairperson's request for remedial action, no further action is required.

- 22.3 If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request could result in an order for unsuitable meeting conduct being issued.



If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.

22.4 If the Councillor continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decides a warning was not adequate under 21.1, the Chairperson may make one or more of the following orders:

- (a) an order reprimanding the Councillor for the conduct; and/or
- (b) an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.

22.5 If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting.

22.6 Following the completion of the meeting, the Chairperson must ensure:

- (a) the minutes of the meeting record the information about unsuitable meeting conduct, including details of any order issued; and
- (b) if it is the third or more order made within a twelve (12) month period against a Councillor or the Councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the Council as a suspected conduct breach.

22.7 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 21.1, 21.2, 21.4, and 21.5.

23. Process for dealing with Unsuitable Meeting Conduct by a Chairperson

23.1 If a Councillor at the meeting reasonably believes that the conduct of the Chairperson during the meeting is unsuitable meeting conduct, the Councillor will raise the matter in the meeting by point of order.

23.2 The Chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the Councillor may move a motion that the Chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). The Councillors present, excluding the Chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

23.3 The Chairperson has a declarable conflict of interest in the matter and must declare the conflict of interest and leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the Chairperson wishes to remain in the meeting, the eligible Councillors must make a decision and follow the procedures set out for declarable conflict of interest.

23.4 If the original Chairperson remains in the meeting (as determined in accordance with section 22.3), they can put forward their reasoning about their conduct and respond to questions through the acting Chairperson from the eligible Councillors.

23.5 The acting Chairperson of the meeting will preside over the meeting while the Councillors present at the meeting vote on whether the Chairperson has engaged in unsuitable meeting conduct (the acting Chairperson will have a casting vote on the resolution if required).

23.6 If it is decided that the Chairperson has engaged in unsuitable meeting conduct, the Councillors can decide to make an order reprimanding the Chairperson for the conduct.

23.7 Once the Councillors make a decision, the Chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting Chairperson.

23.8 The Chairperson then resumes the role of Chairperson and the meeting continues.

24. Meeting Process for Dealing with Suspected Conduct Breach including that which has been Referred to Council by the Independent Assessor

24.1 In relation to matters referred to Council by the Independent Assessor, Council may decide not to start or discontinue an investigation if:

- (a) the complainant withdraws the complaint;
- (b) the complainant consents to the investigation not starting or discontinuing;
- (c) the complainant does not provide extra information when requested;
- (d) there is insufficient information to investigate the complaint; or



- (e) the Councillor vacates or has vacated their office as a Councillor.
- 24.2 The Council investigation must be conducted in a way consistent with Council's investigation policy.
- 24.3 Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available on or before the day and time prescribed by Regulation⁴¹.
- 24.4 Council must decide in a Council Meeting whether the Councillor has engaged in a conduct breach, unless the decision has been delegated to the Mayor under section 257(2)(a) or to a standing committee under section 257(2)(b) of the *Local Government Act*.
- 24.5 When dealing with an instance of a suspected conduct breach which has been referred to Council by the Independent Assessor:
- 24.5.1 The outcome of the investigation of the suspected conduct breach must be decided in an open meeting of Council. However, where the matter requires debate, Council may close all or part of a meeting to the public if considered necessary to discuss an investigation report⁴².
- 24.5.2 No resolution for a decision can be made in a closed session, including a decision about a conflict of interest matter. All matters must be decided in an open session of the meeting or at a later meeting.
- 24.5.3 Where Council makes a decision about a conduct breach matter at a Council meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of reasons for the inconsistency must be included in the minutes of the meeting⁴³.
- 24.5.4 The subject Councillor has a declarable conflict of interest in the matter and must declare the conflict of interest. The eligible Councillors at the meeting can decide by resolution that the subject Councillor may remain in the meeting during the debate about the investigation report and may answer questions put to the subject Councillor through the Chairperson in relation to the evidence or written submission about the conduct breach provided by the Councillor.
- 24.5.5 The subject Councillor who has a declarable conflict of interest must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the Councillor is found to have engaged in a conduct breach.
- 24.5.6 If the complainant is a Councillor, that Councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures. If the complainant Councillor who has a declarable conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the eligible Councillors (who do not have a conflict of interest in the matter) must decide how to deal with the conflict of interest. The complainant Councillor can be required to leave the meeting place or conditions may be applied to allow that Councillor to participate in the debate and/or the vote on any disciplinary action to be applied under section 150AH of the *Local Government Act*.
- 24.5.7 After making a decision under section 150AG of the *Local Government Act*, Council must make the full investigation report publicly available within ten (10) business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a Councillor or the Chief Executive Officer of Council if they were complainants and any Councillor who declared a conflict of interest in the matter.
- 24.5.8 If Council has lost a quorum due to the number of conflicted Councillors or another reason, Council must do one of the following:
- (a) delegate deciding the matter under section 257 of the *Local Government Act* to the Mayor or a standing committee, whichever is the most appropriate in the circumstances, or
- (b) decide, by resolution, to defer the matter to a later meeting.
- 24.5.9 If a decision is reached that the subject Councillor has engaged in a conduct breach, then the Councillors must decide what penalty or penalties from the orders detailed in section 150AH of the *Local Government Act*, if any, to impose on the Councillor. In deciding what penalty to impose, Council may consider any previous inappropriate conduct of the Councillor and any allegation

⁴¹ *Local Government Act 2009* - Section 150AFA

⁴² *Local Government Regulation 2012* - Section 254J(3)(j)

⁴³ *Local Government Regulation 2012* - Section 254H



made in the investigation that was admitted or not challenged and that Council is reasonably satisfied is true.

- 24.5.10 Council may order that no action be taken against the Councillor or make one or more of the following:
- (a) an order that the Councillor make a public apology, in a way decided by Council, for the conduct;
 - (b) an order reprimanding the Councillor for the conduct;
 - (c) an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
 - (d) an order that the Councillor be excluded from a stated Council meeting;
 - (e) an order that the Councillor is removed or must resign from a position representing Council, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the local government on a State board or Committee;
 - (f) an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; or
 - (g) an order that the Councillor reimburse Council for all or some of the costs arising from the Councillor's conduct breach.
- 24.5.11 A local government may not make an order in relation to a person who has vacated their office as a Councillor.
- 24.5.12 The subject Councillor and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made and the Chairperson must advise them of the decision made by Council and if relevant, any orders made by resolution.
- 24.5.13 The meeting minutes must reflect the decision and any orders made. A notice must be given to the Independent Assessor as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH of the *Local Government Act*, the details of the order.

25. Acts of Disorder

- 25.1 The Chairperson may, where disorder arises at a meeting other than by a Councillor, adjourn the meeting for thirty (30) minutes.
- 25.2 On resumption of the meeting, the Chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- 25.3 Where a motion to proceed with the meeting under subsection 24.2 is lost, the Chairperson must declare the meeting closed and any outstanding matters must be referred to a future meeting.



PART 6 – RECORD OF COUNCIL MEETINGS

26. Minutes

26.1 **General**

- 26.1.1 The Chief Executive Officer must ensure minutes of each Council meeting are taken under the supervision of the person presiding at the meeting.
- 26.1.2 At each Council meeting, the minutes of the previous meeting must be confirmed by the Councillors present. No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- 26.1.3 A copy of the minutes of each Council meeting must be made publicly available by 5pm on the tenth day after the meeting is held, unless the minutes are confirmed sooner.

26.2 **Recording of Reasons for Particular Decisions⁴⁴**

- 26.2.1 If a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of Council and either or both of the following apply to the decision:
 - (a) the decision is about entering into a contract the total value of which is more than the greater of the following:
 - (i) \$200,000 (exclusive of goods and services tax);
 - (ii) one (1) per cent of Council's net rate and utility charges as stated in Council's audited financial statements included in the Council's most recently adopted annual report; or
 - (b) the decision is inconsistent with a policy adopted by Council resolution or the approach ordinarily followed by Council for the type of decision.

The minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

- 26.2.2 For the purposes of section 25.2.1, an advisor of Council is a person:
 - (a) who is an employee of the local government or is otherwise engaged to provide services to the local government; and
 - (b) whose duties include giving a recommendation or advice.
- 26.2.3 If a decision is made about a conduct breach under section 154AG of the *Local Government Act 2009* that is inconsistent with a recommendation made by the entity who conducted the investigation into the conduct, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

27. Audio and Video Recording of Meetings

- 27.1 A person must not make an audio or video recording of any proceedings at a Meeting unless approved by Council resolution or with the permission of the Chairperson.
- 27.2 Should approval be given to record any or all of the meeting, all persons in attendance at the Meeting will be made aware that the proceedings are being recorded.

REVIEW TRIGGER:

Factors which may require this procedure to be reviewed include, inter alia:

- (1) periodic review;
- (2) change in legislation; corporate plan, planning scheme, etcetera affecting this procedure; or
- (3) change in community priorities or circumstances relating to this procedure.

⁴⁴ *Local Government Regulation 2012* - section 254H



Title **Corporate Services Report Audit Committee Meeting 12 August 2024**

Date 15 August 2024

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

Summary

The purpose of this report is to provide Council with the report of the Western Downs Regional Council Audit Committee Meeting held on 12 August 2024.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

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

An Audit Committee is recognised as an important feature of good corporate governance. The Audit Committee plays a key role with respect to the integrity of Council's financial information and its systems of internal controls.

Material Personal Interest/Conflict of Interest

There are no personal interests nor conflicts of interest associated with this report.

Officer's Recommendation

That Council resolves to receive the Unconfirmed Minutes of the Western Downs Regional Council Audit Committee Meeting held on 12 August 2024.

Background Information

Section 105(4) of the *Local Government Act 2009* requires council to establish an audit committee. An audit committee:

- (a) *monitors and reviews-*
 - (i) *the integrity of financial documents; and*
 - (ii) *the internal audit function; and*
 - (iii) *the effectiveness of 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.*

The Western Downs Regional Council Audit Committee operates under the *Audit Committee - Terms of Reference* adopted by Council on 20 June 2024.

Report

Council's Audit Committee met on 12 August 2024. The report and recommendations of the meeting are provided to Council pursuant to section 211(1)(c) and (d) of the *Local Government Regulation 2012*.

Consultation (Internal/External)

There was no consultation associated with this report.

Legal/Policy Implications (Justification if applicable)

Section 211(1)(c) of the *Local Government Regulation 2012* requires the audit committee to:

'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 recommendation about the matters.'

Furthermore, the Chief Executive Officer is required to present this report at the next meeting of the local government.

Budget/Financial Implications

There are no budget nor financial implications associated with this report.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) requires public entities '*to act and make decisions in a way compatible with human rights*'. There are no human rights implications associated with this report.

Conclusion

The report of the Western Downs Regional Council Audit Committee Meeting held on 12 August 2024 provides and overview of the matters considered at the meeting and the Committee's recommendations about those matters.

Attachments

1. Western Downs Regional Council Audit Committee Meeting Unconfirmed Minutes 12 August 2024

Authored by: W. Burton, PERFORMANCE, RISK AND REPORTING OFFICER



Audit Committee Meeting Minutes

***Held at
Western Downs Regional Council's
Dalby Corporate Office Board Room***

On Monday 12 August 2024

Commencing at 1:00 PM

J. TAYLOR
CHIEF EXECUTIVE OFFICER

12 August 2024

Attendance

Committee Members: Cr. G. Moore (Chair)
Cr. A. Smith
Mary Goodwin, Independent Member

Officers: Jodie Taylor, Chief Executive Officer
Brett Bacon, General Manager (Corporate Services)
Peter Greet, Customer Support and Governance Manager
Toni Skillington, Chief Financial Officer
Karen Gillespie, Governance Coordinator
Wendy Burton, Performance, Risk and Reporting Officer

Vanessa de Waal, Deloitte Touche Tohmatsu (via Microsoft Teams)
Justin Tait, Queensland Audit Office (via Microsoft Teams)
Mansheel Kumar, Queensland Audit Office (via Microsoft Teams)
Wayne Gorrie, O'Connor Marsden & Associates (via Microsoft Teams)
James Turner, O'Connor Marsden & Associates (via Microsoft Teams)

1. Meeting Open

The Chair declared the meeting opened at 1:02 pm

2. Apologies

David Adam, Queensland Audit Office

3. Confirmation of Minutes From Previous Meeting

Copy of the Unconfirmed Minutes of the Western Downs Regional Council Audit Committee meeting held on 26 February 2024, have been circulated to the members.

The Minutes were not able to be confirmed by current committee members as none were present at the 26 February 2024 meeting. The Minutes were approved by the previous committee prior to being submitted to Council at the Ordinary Meeting of Council held 7 March 2024.

4. Outstanding Actions List

4.1 Governance Report Internal and External Outstanding Action Items as at 30 June 2024

The purpose of this report is to update the Audit Committee on outstanding internal and external audit recommendations and seek authorisation of items recommended for closure.

Moved By M. Goodwin

Seconded By Cr. A. Smith

That the Audit Committee resolve to receive the *Governance Report Internal and External Outstanding Action Items as at 30 June 2024* and approve the closure of the following:

1. Internal Audit Items
 - a. Internal Audit of Cyber Security Recommendation: CS3 Information Security Classification Guidelines;
 - b. Internal Audit of Recruitment Recommendation: RECRUITMENT 5.2 Labour Market Analysis;
 - c. Internal Audit of Community Grants Recommendation: GM 3.1 Community Grant Programs Risk Management;
 - d. Internal Audit of Community Grants Recommendation: GM 3.2 Community Grant Programs Assessment;

- e. Internal Audit of Cash Control and Investments Recommendation: CCI 4.1 Handover System Operating Ineffectively; and
 - f. Internal Audit of Development Approval Compliance Recommendation: DAC 3.2 Adequacy of Development Approval Compliance Audit; and
2. External Audit Item
- a. Report 15: 2022-23 Local Government 2022 Financial Audit Report - Financial Reporting.

CARRIED

5. Internal Audit Report

5.1 Internal Audit Report Consumption Charging (Water and Gas) June 2024

The purpose of this Report is to provide the Audit Committee with findings of the *Internal Audit Consumption Charging (Water and Gas) June 2024*.

Moved By Cr. A. Smith
Seconded By M. Goodwin

That the Audit Committee receive the *Internal Audit Consumption Charging (Water and Gas) June 2023*.

CARRIED

5.2 Western Downs Regional Council Internal Audit Activity August 2024 O'Connor Marsden

Report to the Audit Committee on Internal Audit activity to August 2024 by Council's internal auditor O'Connor Marsden & Associates

Moved By Cr. A. Smith
Seconded By M. Goodwin

That this report be received and noted.

CARRIED

FINANCIAL REPORTS

6. Financial Reports Item

6.1 Finance Report - 2023-24 Comprehensive Asset Valuations

The purpose of this report is to provide the Audit Committee with information on the 2023-24 asset valuations and outcomes.

Moved By M. Goodwin
Seconded By Cr. A. Smith

That the audit committee notes the 2023-24 Asset Valuations report and attachments.

CARRIED

6.2 Finance Report - Queensland Audit Office Interim Report and Briefing Paper

The purpose of this report is to provide an update on external audit activities for the 2023-24 financial year.

Moved By M. Goodwin
Seconded By Cr. A. Smith

That the Audit Committee notes Queensland Audit Office's *2024 Interim Report* and *Audit Committee Briefing Paper*.

CARRIED

EXTERNAL AUDIT REPORTS

7. External Audit Reports Item

Nil

OTHER REPORTS

8. Other Report Item

8.1 Corporate Governance Report to Audit Committee Meeting August 2024

The purpose of this report is to provide the Audit Committee with a summary of governance, risk, and internal audit activities to 12 August 2024

Moved By Cr. A. Smith
Seconded By M. Goodwin

That the Audit Committee receives the Corporate Governance Report to the Audit Committee August 2024.

CARRIED

8.2 Audit Committee Report - SMART Digital Programme August 2024

The purpose of this report is to provide the Audit Committee with a status update on the SMART Digital Programme's implementation, together with actions taken or in progress to address internal audit recommendations.

Moved By Cr. A. Smith
Seconded By M. Goodwin

That this report be received and noted

CARRIED

GENERAL BUSINESS ITEMS

9. Business Items

Nil

10. Meeting Closure

The Meeting concluded at 2:05pm

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Audit Committee Meeting held this 12 August 2024

Cr. G. Moore
Chair
Western Downs Regional Council Audit Committee

Title	Corporate Services Financial Report August 2024
Date	5 September 2024
Responsible Manager	T. Skillington, CHIEF FINANCIAL OFFICER

Summary

The purpose of this report is to provide Council with the Financial Report for the period ending 31 August 2024, seek approval to carry-over capital projects not completed in the 2023-24 financial year to the 2024-25 financial year and approve the inclusion of three new fees to the fees and charges register.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- *We are recognised as a financially intelligent and responsible Council.*
- *We focus on proactive, sustainable planning for the future.*

The monthly financial report provides an overview of Council's progress for the 2024-25 financial year and assists the organisation to manage its immediate budget, whilst being cognisant of its long-term financial goals.

Material Personal Interest/Conflict of Interest

There are no personal interests nor conflicts of interest associated with the consideration of this matter.

Officer's Recommendation

That Council resolves to:

- (1) receive the August 2024 Financial Report;
- (2) approve the proposed adjustment to the 2024-25 capital works programme to carry-over \$146,599,557 of capital expenditure and \$115,240,390 of capital revenue from 2023-24 to the 2024-25 capital works programme for projects that were not commenced or not completed in 2023-24 as detailed in attachment two; and
- (3) approve the inclusion of three new fees for the hire of council corporate office meeting rooms to be effective from 19 September 2024 as detailed in section five of this report.

Background Information

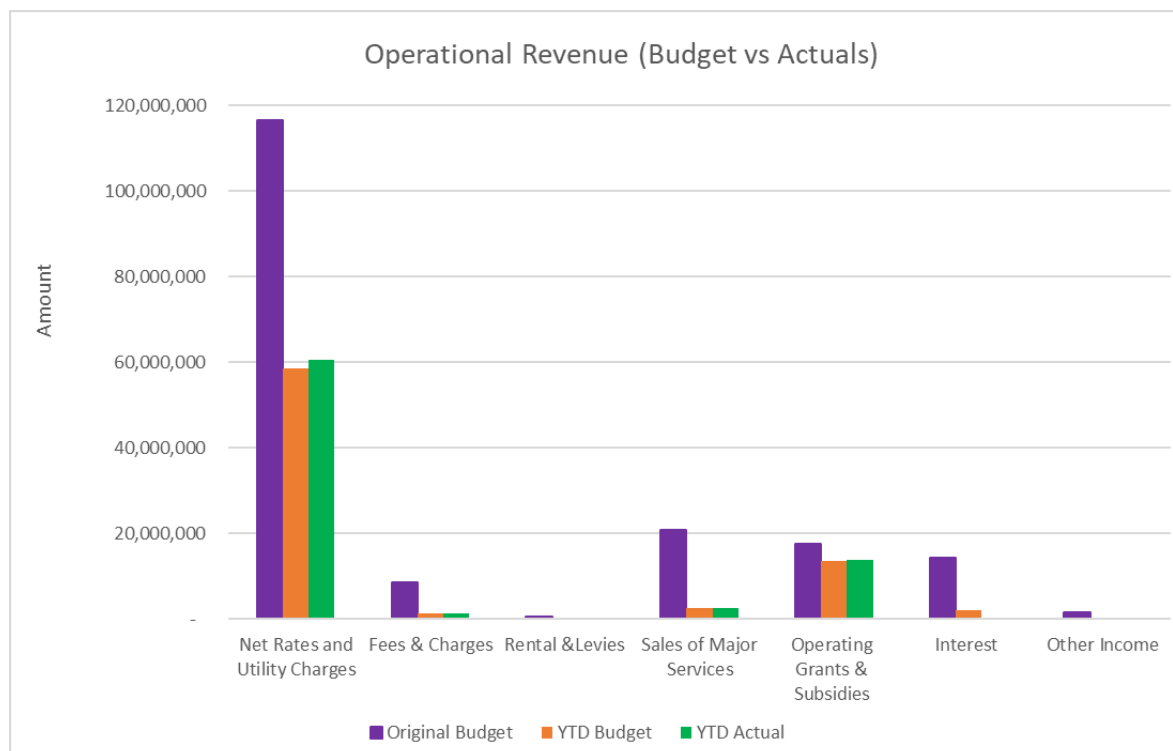
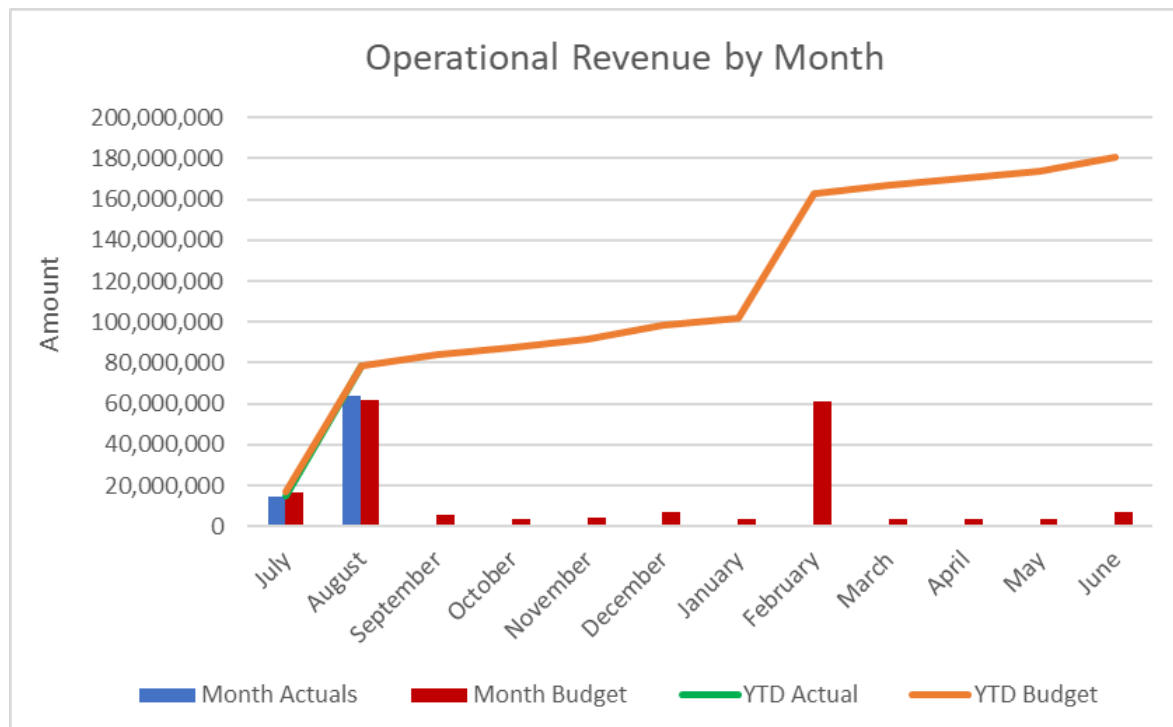
The Chief Executive Officer is required by Section 204(2) of the *Local Government Regulation 2012* to present the Financial Report once a month or at each meeting if the local government meets less frequently than monthly. The Financial Report must state the progress that has been made in relation to 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.

Report

1. Operating Result

The operating position as of 31 August 2024 is a \$55,534,352 surplus, compared to a budgeted surplus of \$53,890,875 which is \$1,643,477 ahead of budget. The Operating Surplus ratio as of 31 August 2024 is 70.4 per cent which is well above Council's target of 1.0 per cent. The Operating Surplus has exceeded target due to revenue surpassing expenditure due to the first half-yearly rates levy being issued (Council's major revenue stream) and only two months of expenditure being expensed.

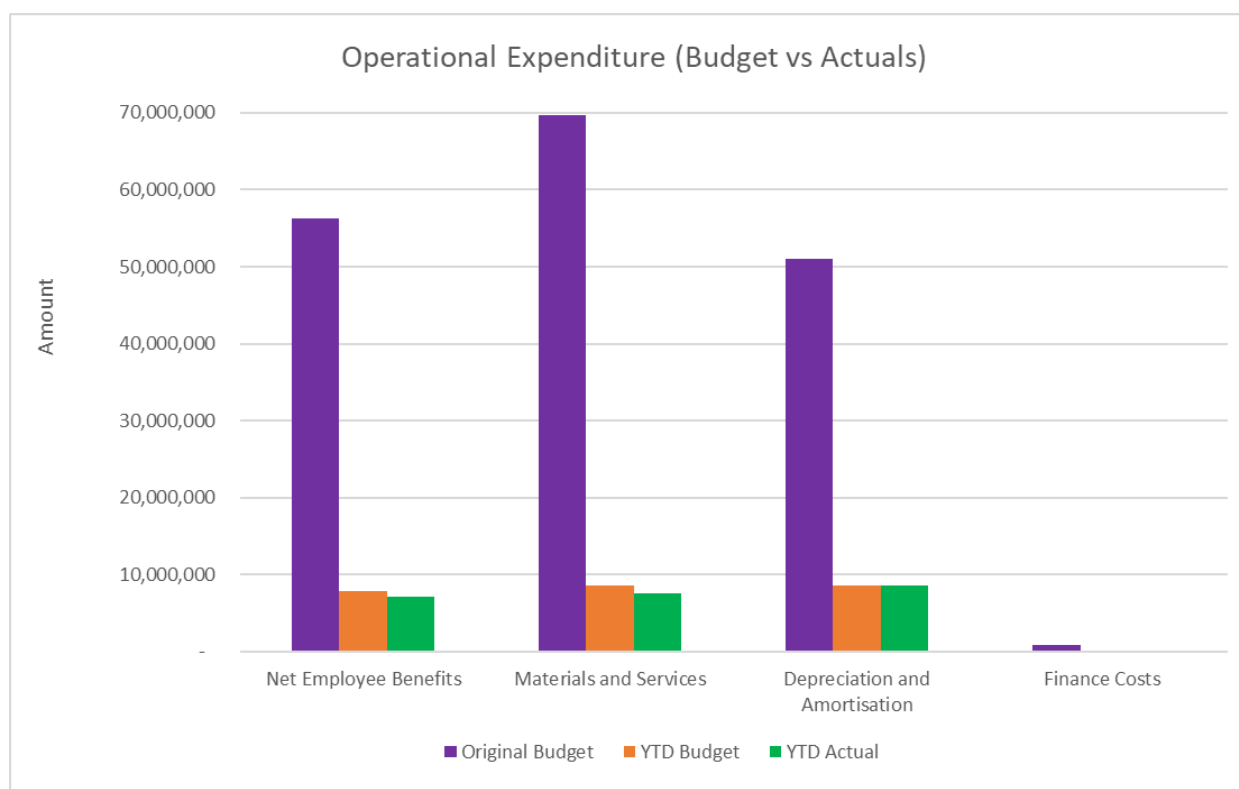
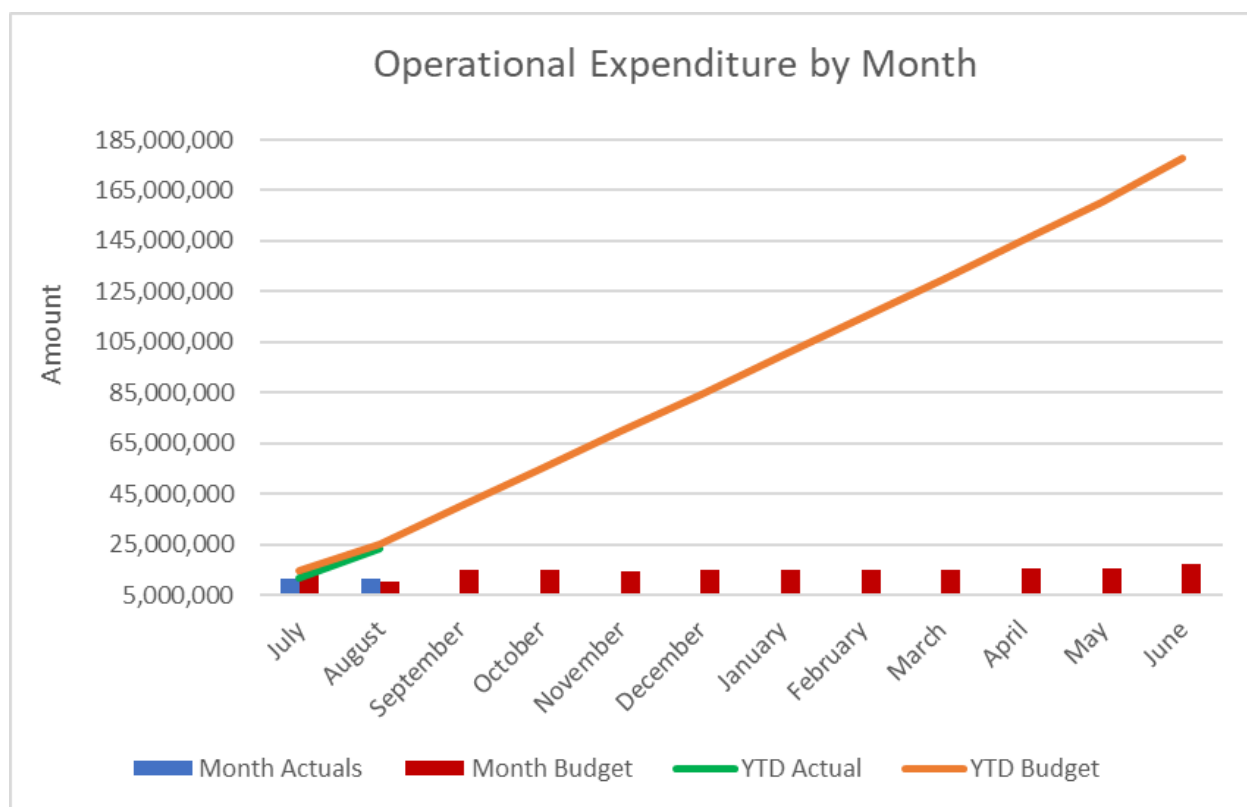
Graphs and a summary of major variances for revenue and expenses are listed below:



Operational Revenue is \$362,201 ahead of budget as of 31 August 2024, due to:

- ↑ Rates and Utility Charges is ahead of budget \$1,914,218 mainly due to windfarm leases being registered and now rated. This was not budgeted. Revenue is expected to remain ahead of budget for the year due to this;
- ↑ Fees and Charges income is in line with budget;

- ↑ Rental and levies is ahead of budget by \$80,805, due mainly to receiving revenue for Community Housing. When forming the 2024-25 budget there were no budget inclusions (revenue or expenditure) for Community housing due to the expected handover date being 30 June 2024;
- ↑ Sales of Major Services is ahead of budget by \$112,070, due mainly to Saleyards revenue being greater than budget with higher throughput. Current year to date average throughput is 5,142 head which is more than 1,000 head per week above the budgeted throughput;
- ↑ Operating Grants and Subsidies is ahead of budget by \$155,902, due mainly to some grant funding being received which was not budgeted (Skilling Queenslanders for Work). This initiative for 2024-25 was only approved after the 2024-25 budget had been finalised. This funding is offset with wage expenses which sit in the Employee Benefits section. Correspondence has also now been received in relation to the 2024-25 Financial Assistance Grant. Council's annual allocation will be \$14,670,628, of which eighty-five (85) per cent has been received. This falls short of budget by \$933,372. With the change to the grant calculation methodology that was introduced, eleven (11) per cent reductions were anticipated over 2022-23, 2023-24 and 2024-25, totalling \$5.4 million over the three years. The actual allocations over the three years have been \$47.1 million; compared to the estimated \$40 million, meaning council has fared well compared to the expected loss. It is anticipated that the 2025-26 allocation will not decrease;
- ↓ Interest Revenue is behind budget \$2,032,932 due to the Queensland Investment Corporation investment losing market value in July with the long-term fund reducing by \$1,900,873 for the month and the short-term fund growing by \$898 for the month. The quarterly distribution was paid in July (for April-June) which was accrued back to the 2023-24 financial year. This increased the starting balance for the 2024-25 financial year, which would otherwise have offset the July market loss. The reduction in market value in July means revenue from Queensland Investment Corporation investments is under budget, as the budget is phased evenly over the year). The funds have increased in August with the long-term fund growing by \$542,968 and the short-term fund growing by \$140,024 for the month. There are two components to the Queensland Investment Corporation investments, the market value movements (balance of funds increasing or decreasing) which are recognised monthly and the distribution (interest paid) which is distributed every quarter. This distribution is then reinvested back into the investments. The Queensland Treasury Corporation investment is on budget with \$1,221,311 received in interest for the two months; and
- ↑ Other Income is greater than budget by \$75,123 due mainly to revenue being ahead of budget for the cinema, merchandise sales at the Visitor Information Centres, and legal fees recovered.



Operational Expenditure is \$1,281,276 behind budget as of 31 August 2024 due to:

- ↓ Net Employee Benefits is behind budget \$251,921 due to the fulltime equivalent being lower than forecast, council currently has over thirty (30) positions vacant and out for recruitment;
- ↓ Materials and Services are behind budget \$1,028,607 due to outstanding invoices not being accrued at the end of the month (in particular the Waste contract invoices);

← Depreciation and Amortisation is in line with budget; and

← Finance Costs are in line with budget.

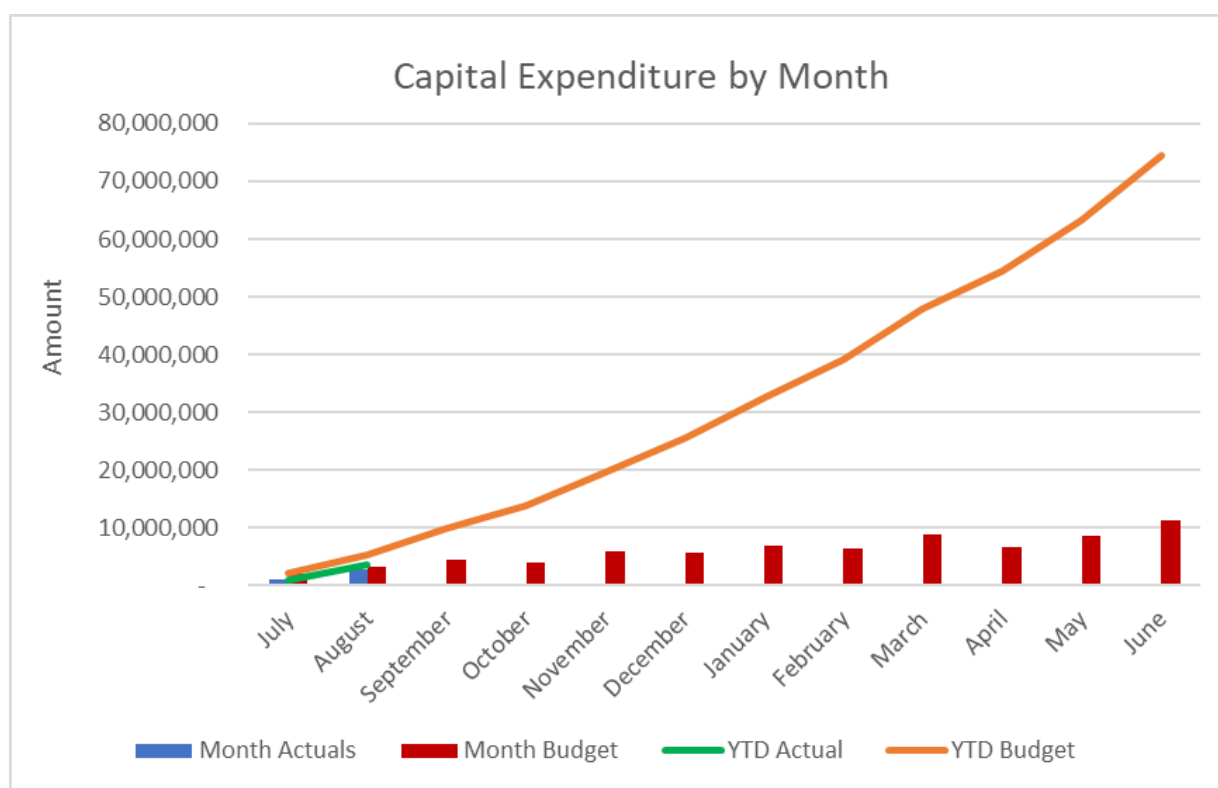
2. Capital Revenue and Expenditure

Capital Revenue

Capital Revenue is in line with budget with \$2,097,450 received as of August 2024.

Capital Expenditure

Capital Expenditure is behind budget \$1,746,661 as at the end of August 2024 with \$3,766,072 spent year to date. This underspend is due to a timing difference of works in progress and receipting. Works complete and financial spend will not always align with receipting/invoicing always to lag. Major underspends relate to the Dalby Water Supply Upgrade, Water Regional Mains Replacement, Regional Resheet, and McCaskers Road upgrade projects.



3. Capital Carry-Overs

\$146,599,557 in capital expenditure and \$115,240,390 in capital revenue is requested to be carried over from 2023-24 to 2024-25 for projects not complete in 2023-24. The following is a breakdown of the carry-overs:

	Expenditure Amount	Revenue Amount
Projects now completed	\$1,189,907	\$0
Projects ongoing	\$14,651,835	\$1,744,755
Flood projects	\$130,757,814	\$113,495,635
Total	\$146,599,557	\$115,240,390

A full list of the carry-over projects can be found in attachment two (2023-24 Capital Carry Forward Report).

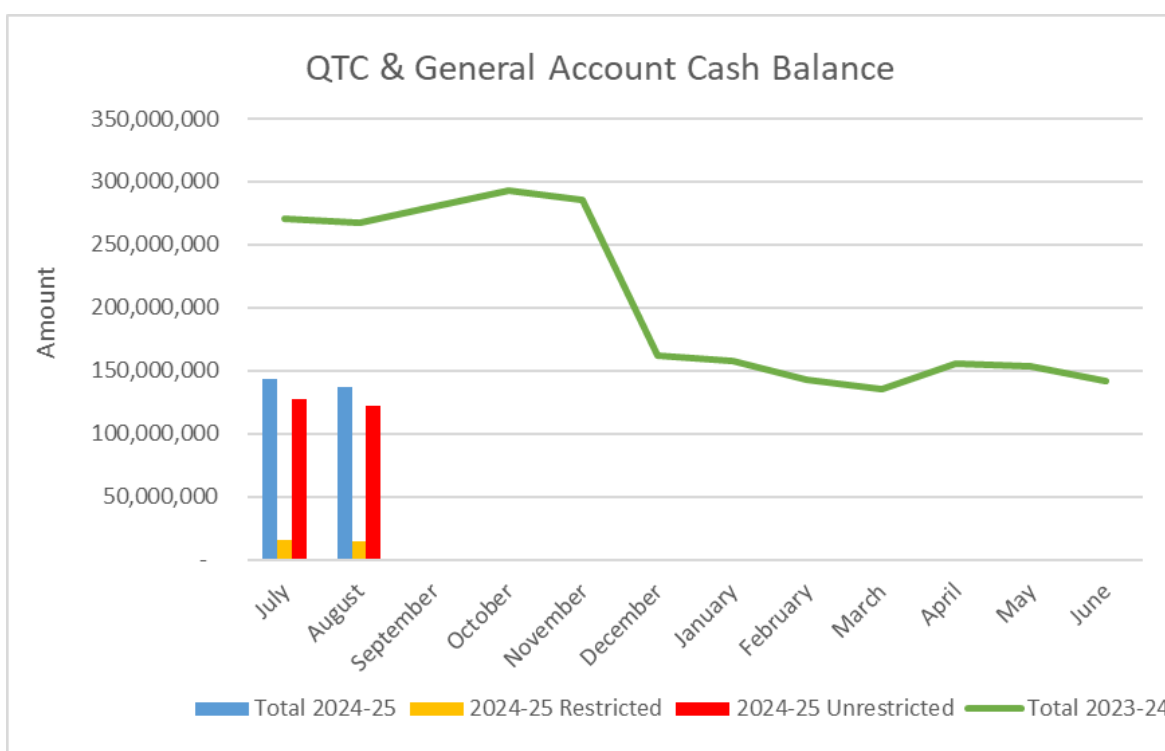
Cash and Investments

Council's Cash and Investments as of 31 August 2024 totalled \$254,106,580. Council's cash is made up of:

- (i) \$137,249,905 *QTC Cash Fund and General Bank Account*; and
- (ii) \$116,856,675 *QIC Investment Fund*.

(a) Queensland Treasury Corporation Cash Fund and General bank account

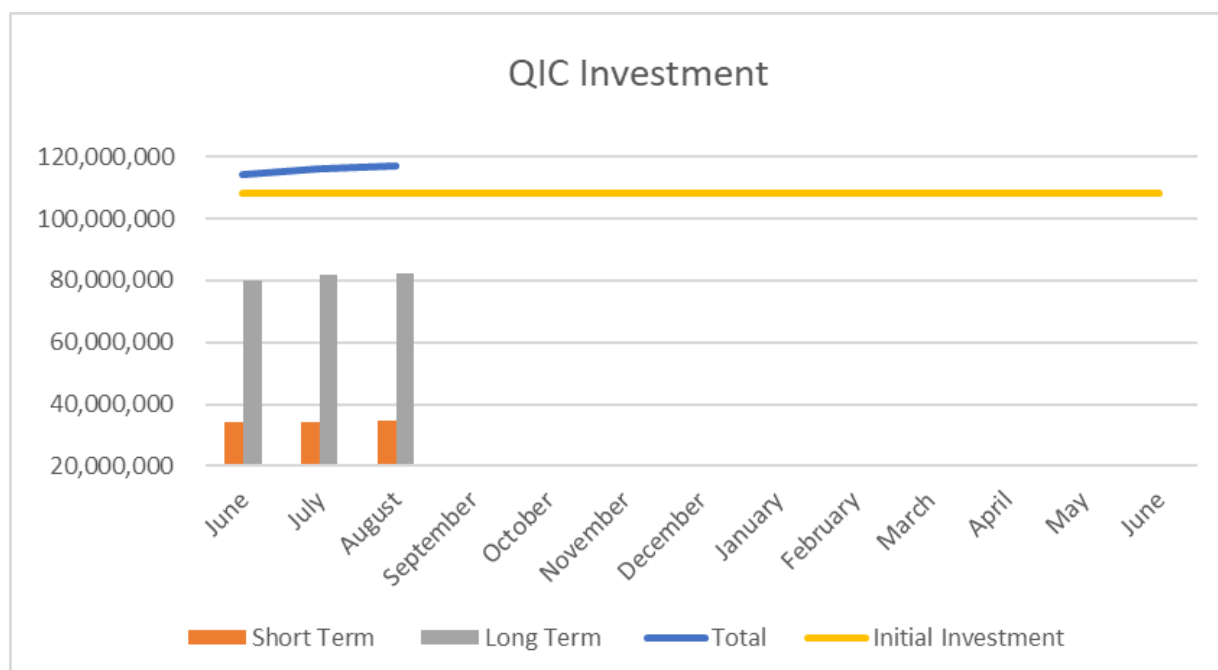
The balance in the Queensland Treasury Corporation (QTC) cash fund and general bank account at 31 August 2024 totalled \$137,249,905, of which \$14,705,254 is considered restricted in nature, leaving the unrestricted balance at \$122,544,651 which represents 11.6 months of operating expenses, excluding depreciation, in which Council could sustain itself without receiving any forms of income. This position exceeds the legislative and Council's target of four months. The interest rate received for the Queensland Treasury Corporation Cash fund as of 31 August 2024 was 5.19 per cent.



(b) Queensland Investment Corporation Investments

The balance in the Queensland Investment Corporation's (QIC) investment accounts at 31 August 2024 totalled \$116,856,675. Distributions (interest revenue) are recognised quarterly, where the change in market value is recognised monthly. Distributions are up until 30 June 2024 and market value is up until 31 August 2024. The Queensland Investment Corporation's accounts were established on the 20 of December 2023, with \$108,000,000 invested with twenty-five (25) per cent invested in the Short-Term account and seventy-five (75) per cent in the Long-Term account. Interest received for these accounts are reinvested back into the investments as units. Council can at any point call upon these funds.

- (i) \$34,505,076 Queensland Investment Corporation's Short-Term Investment; and
- (ii) \$82,351,599 Queensland Investment Corporation's Long-Term Investment.



4. Amendments to the 2024-25 Fees and Charges Register

Section 98 of the *Local Government Act 2009* requires Council to maintain a register of its cost recovery fees. Unlike Rates and Charges, Cost Recovery Fees and Commercial Charges can be amended by Council during the year, as provided for by sections 97 and 98 of the *Local Government Act 2009*. It is requested that the below fees be added to the 2024-25 fees and charges register to be effective 19 September 2024.

Not-For-Profit organisations will pay fifty (50) per cent of the Commercial rate payable, with the exception of fees indicated as payable by 'All Users'.

Bookings four (4) hours or less will pay fifty (50) per cent of the Commercial or Not-for-profit rate payable with the exception of fees indicated as payable by 'All Users'.

Fee Name	GST Inclusive Amount	Fee Type
DALBY TRAINING ROOM		
Training Room - Level 1 Corporate Office (Day Rate) - Private and Commercial use	\$59.50	Hire Fee
CHINCHILLA BOARD ROOM		
Board Room - Chinchilla CSC (Day Rate) - Private and Commercial use	\$59.50	Hire Fee
MILES MEETING ROOM		
Meeting Room - back of office (Day Rate) - Private and Commercial use	\$53.50	Hire Fee

Consultation (Internal/External)

There has been consultation with managers and co-ordinators in the preparation of the monthly financial report.

Legal/Policy Implications (Justification if applicable)

There are no legal nor policy implications associated with the consideration of the monthly financial report.

Budget/Financial Implications

Council adopted the 2025 Financial Year Original Budget on 20 June 2024. The attached one-page report details the position for the period ending 31 August 2024.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* requires public entities '*to act and make decisions in a way compatible with human rights*'. There are no human rights implications associated with this report.

Conclusion

Council is currently ahead of budget with no budget concerns at this stage. It is requested that Council approve the carry-over projects for projects not completed in 2023-24 to 2024-25 and the inclusion of three new fees to the 2024-25 fees and charges register.

Attachments

1. One Page Report August 2024; and
2. 2023-24 Capital Carry Forward Report.

Authored by: C. Prain, FINANCIAL PLANNING & ANALYSIS SUPERVISOR



Western Downs Regional Council
One Page Result
Period Ending: 31 August 2024

	Council Consolidated				Council Net				Commercial Works			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue												
Rates and Utility Charges	(114,866,848)	(59,069,623)	(60,990,360)	(1,920,737)	(91,105,482)	(47,188,941)	(49,121,727)	(1,932,786)	-	-	-	-
Volumetric	(7,950,664)	-	-	-	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	6,142,028	410,000	416,519	6,519	4,659,181	410,000	407,701	(2,299)	-	-	-	-
Net Rates and Utility Charges	(116,675,483)	(58,659,623)	(60,573,841)	(1,914,218)	(86,446,301)	(46,778,941)	(48,714,026)	(1,935,085)	-	-	-	-
Fees and Charges	(8,629,980)	(1,242,563)	(1,299,578)	(57,015)	(4,347,949)	(642,224)	(948,889)	(306,665)	-	-	-	-
Rental and Levies	(663,866)	(98,144)	(178,949)	(80,805)	(568,866)	(94,811)	(174,543)	(79,732)	-	-	-	-
Sales of Major Services	(20,943,884)	(2,557,899)	(2,669,969)	(112,070)	-	-	-	-	(6,227,066)	(432,048)	(325,009)	107,039
Operating Grants & Subsidies	(17,541,832)	(13,636,591)	(13,792,493)	(155,902)	(17,541,832)	(13,636,591)	(13,792,493)	(155,902)	-	-	-	-
Interest	(14,426,500)	(2,090,581)	(57,649)	2,032,932	(14,319,062)	(2,072,674)	(42,047)	2,030,627	-	-	-	-
Other Income	(1,533,735)	(183,622)	(258,745)	(75,123)	(1,348,735)	(152,789)	(245,694)	(92,905)	-	-	-	-
Total Operating Revenue	(180,415,280)	(78,469,023)	(78,831,224)	(362,201)	(124,572,745)	(63,378,030)	(63,917,692)	(539,662)	(6,227,066)	(432,048)	(325,009)	107,039
Operating Expenses												
Employee Benefits	62,787,875	8,757,646	8,020,284	(737,362)	50,254,781	6,958,354	6,746,774	(211,580)	1,349,790	186,894	160,311	(26,583)
Less Capitalised Employee Benefits	(6,579,287)	(1,379,473)	(894,032)	485,441	(6,191,181)	(1,289,829)	(886,000)	403,829	-	-	-	-
Net Employee Benefits	56,208,588	7,378,173	7,126,252	(251,921)	44,063,600	5,668,525	5,860,774	192,249	1,349,790	186,894	160,311	(26,583)
Materials and Services	69,717,316	8,557,681	7,529,074	(1,028,607)	41,230,143	3,856,745	3,027,984	(828,761)	4,308,906	718,151	379,685	(338,466)
Depreciation and Amortisation	51,071,854	8,511,976	8,511,976	-	40,657,892	6,776,315	6,776,315	-	-	-	-	-
Finance Costs	781,910	130,318	129,570	(748)	781,910	130,318	129,570	(748)	-	-	-	-
Corporate Overhead	-	-	-	-	(3,843,340)	(640,557)	(640,557)	-	442,106	73,684	73,684	-
Total Operating Expenses	177,779,668	24,578,148	23,296,872	(1,281,276)	122,890,205	15,791,347	15,154,087	(637,260)	6,100,802	978,729	613,680	(365,049)
Operating (surplus)/deficit	(2,635,613)	(53,890,875)	(55,534,352)	(1,643,477)	(1,682,540)	(47,586,683)	(48,763,605)	(1,176,922)	(126,265)	546,681	288,671	(258,010)
Capital Revenue												
Capital Grants & Subsidies	(9,054,730)	(1,985,000)	(2,097,450)	(112,450)	(9,054,730)	(1,985,000)	(2,097,450)	(112,450)	-	-	-	-
Contributions	(1,000,000)	-	-	-	(1,000,000)	-	-	-	-	-	-	-
Contributions - Contributed Assets	(100,000)	-	-	-	(100,000)	-	-	-	-	-	-	-
Contributions from Developers - Cash	(300,000)	-	-	-	(300,000)	-	-	-	-	-	-	-
Disposal of Non-Current Assets	(100,000)	-	-	-	(100,000)	-	-	-	-	-	-	-
Total Capital Revenue	(10,554,730)	(1,985,000)	(2,097,450)	(112,450)	(10,554,730)	(1,985,000)	(2,097,450)	(112,450)	-	-	-	-
Capital Expenses												
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	10,000,000	-	-	-	10,000,000	-	-	-	-	-	-	-
Total Capital Expenses	10,000,000	-	-	-	10,000,000	-	-	-	-	-	-	-
Net Result (surplus)/deficit	(3,190,343)	(55,875,875)	(57,631,802)	(1,755,927)	(2,237,270)	(49,571,683)	(50,861,055)	(1,289,372)	(126,265)	546,681	288,671	(258,010)
Capital Funding Applications												
Capital Expenditure - New Assets	25,471,686	854,400	536,912	(317,488)	12,985,821	372,400	156,690	(215,710)	-	-	-	-
Capital Expenditure - Upgrade Assets	5,925,082	860,329	573,094	(287,235)	5,835,082	860,329	573,094	(287,235)	-	-	-	-
Capital Expenditure - Replacement Assets	43,063,060	3,798,004	2,656,066	(1,141,938)	36,639,832	3,110,004	1,984,095	(1,125,909)	-	-	-	-
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Funding Applications	74,459,828	5,512,733	3,766,072	(1,746,661)	55,460,735	4,342,733	2,713,879	(1,628,854)	-	-	-	-



Western Downs Regional Council
One Page Result
Period Ending: 31 August 2024

	Gas				Water				Sewerage			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue												
Rates and Utility Charges	-	-	-	-	(6,839,917)	(3,419,958)	(3,409,997)	9,961	(10,369,888)	(5,184,944)	(5,171,323)	13,621
Volumetric	-	-	-	-	(7,950,664)	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	-	-	691,691	-	-	-	484,843	-	4,620	4,620
Net Rates and Utility Charges	-	-	-	-	(14,098,890)	(3,419,958)	(3,409,997)	9,961	(9,885,045)	(5,184,944)	(5,166,703)	18,241
Fees and Charges	(32,000)	(5,334)	(5,097)	237	(1,333,000)	(108,833)	(112,451)	(3,618)	-	-	-	-
Rental and Levies	-	-	-	-	(95,000)	(3,333)	(4,406)	(1,073)	-	-	-	-
Sales of Major Services	(3,761,708)	(300,000)	(262,434)	37,566	(35,000)	(5,833)	(1,308)	4,525	(11,000)	(1,833)	-	1,833
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	(44,025)	(7,338)	(7,638)	(300)	(35,000)	(5,833)	(3,981)	1,852
Other Income	-	-	-	-	-	-	-	-	-	-	-	-
Total Operating Revenue	(3,793,708)	(305,334)	(267,531)	37,803	(15,605,915)	(3,545,295)	(3,535,800)	9,495	(9,931,045)	(5,192,610)	(5,170,684)	21,926
Operating Expenses												
Employee Benefits	274,645	38,028	28,766	(9,262)	5,677,166	786,069	574,847	(211,222)	2,296,558	317,985	172,880	(145,105)
Less Capitalised Employee Benefits	-	-	-	-	-	-	-	-	-	-	-	-
Net Employee Benefits	274,645	38,028	28,766	(9,262)	5,677,166	786,069	574,847	(211,222)	2,296,558	317,985	172,880	(145,105)
Materials and Services	1,606,740	167,868	27,994	(139,874)	4,455,620	707,280	941,197	233,917	1,825,350	291,841	267,039	(24,802)
Depreciation and Amortisation	327,571	54,595	54,595	-	5,898,555	983,093	983,093	-	2,983,585	497,264	497,264	-
Finance Costs	-	-	-	-	-	-	-	-	-	-	-	-
Corporate Overhead	250,534	41,756	41,756	-	1,475,413	245,902	245,902	-	828,497	138,083	138,083	-
Total Operating Expenses	2,459,490	302,247	153,111	(149,136)	17,506,754	2,722,344	2,745,039	22,695	7,933,990	1,245,173	1,075,266	(169,907)
Operating (surplus)/deficit	(1,334,218)	(3,087)	(114,420)	(111,333)	1,900,839	(822,951)	(790,761)	32,190	(1,997,055)	(3,947,437)	(4,095,418)	(147,981)
Capital Revenue												
Capital Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	-	-	-	-	-	-	-	-	-
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Revenue	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenses												
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Net Result (surplus)/deficit	(1,334,218)	(3,087)	(114,420)	(111,333)	1,900,839	(822,951)	(790,761)	32,190	(1,997,055)	(3,947,437)	(4,095,418)	(147,981)
Capital Funding Applications												
Capital Expenditure - New Assets	-	-	-	-	12,229,100	475,000	380,079	(94,921)	-	-	-	-
Capital Expenditure - Upgrade Assets	-	-	-	-	90,000	-	-	-	-	-	-	-
Capital Expenditure - Replacement Assets	-	-	-	-	4,515,900	605,000	656,824	51,824	1,400,000	80,000	-	(80,000)
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Funding Applications	-	-	-	-	16,835,000	1,080,000	1,036,903	(43,097)	1,400,000	80,000	-	(80,000)



Western Downs Regional Council
One Page Result
Period Ending: 31 August 2024

	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
Operating Revenue																
Rates and Utility Charges	-	-	-	-	(6,551,561)	(3,275,780)	(3,287,313)	(11,533)	-	-	-	-	-	-	-	-
Volumetric	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	-	-	306,313	-	4,198	4,198	-	-	-	-	-	-	-	-
Net Rates and Utility Charges	-	-	-	-	(6,245,248)	(3,275,780)	(3,283,115)	(7,335)	-	-	-	-	-	-	-	-
Fees and Charges	-	-	(98)	(98)	(2,007,031)	(334,505)	(123,338)	211,167	-	-	-	-	(910,000)	(151,667)	(109,705)	41,962
Rental and Levies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sales of Major Services	(7,792,606)	(1,298,768)	(1,258,057)	40,711	-	-	-	-	(3,116,504)	(519,417)	(823,161)	(303,744)	-	-	-	-
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	(28,413)	(4,736)	(3,983)	753	-	-	-	-	-	-	-	-
Other Income	-	-	-	-	(185,000)	(30,833)	(13,051)	17,782	-	-	-	-	-	-	-	-
Total Operating Revenue	(7,792,606)	(1,298,768)	(1,258,155)	40,613	(8,465,692)	(3,645,854)	(3,423,487)	222,367	(3,116,504)	(519,417)	(823,161)	(303,744)	(910,000)	(151,667)	(109,705)	41,962
Operating Expenses																
Employee Benefits	1,246,309	236,506	151,934	(84,572)	759,223	105,123	80,977	(24,146)	782,399	108,332	86,329	(22,003)	147,004	20,354	17,466	(2,888)
Less Capitalised Employee Benefits	(345,446)	(86,362)	(5,890)	80,472	-	-	-	-	(42,660)	(3,282)	(2,142)	1,140	-	-	-	-
Net Employee Benefits	900,863	150,144	146,044	(4,100)	759,223	105,123	80,977	(24,146)	739,739	105,050	84,187	(20,863)	147,004	20,354	17,466	(2,888)
Materials and Services	4,978,492	829,062	1,766,026	936,964	9,399,660	1,701,274	886,900	(814,374)	1,358,926	223,733	208,924	(14,809)	553,479	61,727	23,325	(38,402)
Depreciation and Amortisation	23,036	3,839	3,839	-	617,275	102,879	102,879	-	512,181	85,364	85,364	-	51,759	8,627	8,627	-
Finance Costs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corporate Overhead	330,323	55,054	55,054	-	272,697	45,450	45,450	-	188,051	31,342	31,342	-	55,720	9,287	9,287	-
Total Operating Expenses	6,232,714	1,038,100	1,970,963	932,864	11,048,855	1,954,726	1,116,206	(838,520)	2,798,897	445,488	409,816	(35,672)	807,962	99,995	58,704	(41,290)
Operating (surplus)/deficit	(1,559,892)	(260,668)	712,808	973,476	2,583,162	(1,691,129)	(2,307,281)	(616,153)	(317,608)	(73,929)	(413,345)	(339,416)	(102,038)	(51,672)	(51,001)	672
Capital Revenue																
Capital Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Revenue	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenses																
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Net Result (surplus)/deficit	(1,559,892)	(260,668)	712,808	973,476	2,583,162	(1,691,129)	(2,307,281)	(616,153)	(317,608)	(73,929)	(413,345)	(339,416)	(102,038)	(51,672)	(51,001)	672
Capital Funding Applications																
Capital Expenditure - New Assets	-	-	-	-	36,100	3,000	-	(3,000)	220,665	4,000	143	(3,857)	-	-	-	-
Capital Expenditure - Upgrade Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure - Replacement Assets	-	-	-	-	-	-	-	-	507,328	3,000	15,147	12,147	-	-	-	-
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Funding Applications	-	-	-	-	36,100	3,000	-	(3,000)	727,993	7,000	15,290	8,290	-	-	-	-

<div><div><div><div><div><div></div></div></div><div><div><div>WESTERN</div><div>DOWNNS</div><div>REGIONAL COUNCIL</div></div></div></div><div><div>Western Downs Regional Council</div><div>2023/24 Capital Works Programme</div><div>Carry-Overs to 2024/25</div></div></div></div>					
Project No.	Project Name	District	Expenditure	Income	Project Update Comments
Projects Completed					
44250.0070.0009	New office and toilet facility and replacement of cold room Chinchilla Washdown Facility	Chinchilla	90,000	-	Project is now complete.
11100.0217.0141	Miles Aquatic Filter Replacement	Miles	136,850	-	Project is now complete. Project carried over due to a long material lead time.
66800.0276.0538	3267 Hino Crane Truck Replacement	Regional	200,000	-	Project is now complete.
66100.0085.0999	Lawson Street - Burke to Leichhardt (0 - 0.155) Reconstruct	Dalby	80,374	-	Project is now complete.
55100.0077.0143	Water Regional Mains Replacement	Regional	99,012	-	Wet weather affecting completion of Commodity Court, Dalby. Project now completed.
66100.0085.1473	Castle St (0 - 0.221) - Reconstruct	Chinchilla	8,286	-	Project is now complete.
66800.0276.0542	3491 Fuso Canter 815 Crew Truck Replacement	Regional	140,000	-	Project is now complete.
66600.0262.0099	Wandoan Washdown Bay	Wandoan	9,264	-	Project is now complete.
11100.0215.0214	Wandoan War Memorial, Racing and Recreation Reserve JG Willacy Pavilion Re-Stumping	Wandoan	71,890	-	Contractor did not provide correct documentation and approvals which delayed project. Works then had to be rescheduled around other commitments. Project now complete.
11100.0239.0030	4B Moore St Wandoan Interior Painting & AC Replacement (Council Housing Renewal Program)	Regional	15,000	-	Lag in completing project due to initially no contractors responding on three (3) separate occasions. Project is now complete.
66200.0209.0055	Extend Leasing Space at Dalby Aerodrome	Dalby	374,998	-	Delay in Ergon easement approval and additional scoping for disaster events. Project is now complete.
66800.0276.0545	2023/24 White Fleet Replacement Program (42 units)	Regional	231,314	-	Project is now complete.
88400.0650.0292	SCADA Firewall Architecture Changes	Regional	49,523	-	Delays in contract due to contract negotiations. Contract is now signed and hardware purchased and installed. Project is now complete.
Total			1,506,511	-	
Projects Ongoing					
44250.0070.0008	Dalby Washdown Facility Mitigation Works	Dalby	516,785	-	Preferred vendor did not achieve specification and sought approval for an alternative system. This had flow on technical, procurement and contractual issues that require solutions. Project to be completed December 2024.
44400.0065.0039	Tara Landfill Weighbridge	Tara	361,258	(128,159)	Weighbridge structure on site and ground work being completed for amenities building to be installed. Project to be completed December 2024.
44400.0065.0040	Wandoan Landfill Weighbridge	Wandoan	318,418	(64,166)	Weighbridge structure on site and ground work being completed for amenities building to be installed. Project to be completed December 2024.
11300.0233.0017	Wind Turbine Blade Installation at Bell	Bell	57,367	-	The driveway onsite is unsafe to transport the blade and is currently being repaired. Site works were completed at the end of June, in preparation for delivery of the blade. Company donating the blade including delivery have been unable to transport until end of August. Project to be completed by October 2024.
11300.0233.0019	Regional Sculpture Trail/Public Art	Tara	48,810	-	Chinchilla based artist has been awarded contract. Confirming a new location / site for mural. Project to be completed October 2024.
11300.0233.0021	Dalby Cunningham Street (main street) Redevelopment Design	Dalby	224,933	-	The project stages are scheduled to follow three months after the same stage of the Cultural Centre to prevent community engagement exhaustion. Project to be completed June 2025.
66500.0261.0277	Upgrade of Waterloo Plains Environmental Park Wandoan	Wandoan	421,726	-	Delays due to cultural heritage engagement of the site. Two forms of engagement have since taken place. A report will be provided with a decision on the proposed works to take place early September 2024.
66500.0261.0285	Boundary Fence Replacement Central Park Jandowae	Jandowae	52,300	-	Dalby State Highschool have advised that they are no longer able to commit to the project which involved fabrication/installation. Awaiting quotes from external companies to finalise this project. Expected completion October 2024.
66500.0261.0292	Regional Park Signage	Regional	18,119	-	Final fabrication halted to align with tourism signage delivery to deliver in 24/25 FY. Designs to be finalised by Nov/Dec 24. Project to be completed June 2025.
11100.0215.0216	Wandoan Recreation Reserve Power Poles Replacement	Wandoan	98,260	-	Awarded company is over committed with other Council work. Project to be completed December 2024.
11100.0218.0091	Regional Power Pole Renewal (Sport & Recreation Grounds Renewal Program)	Regional	83,487	-	Regional Power Pole Renewal - electrical report received end of June 2024. Project to be completed December 2024.
55100.0075.0140	Dalby Water Supply Upgrade - Treatment Development	Dalby	313,732	-	Proposed work on hold pending review of Bore quality results. Project to be completed June 2025.
55100.0077.0182	Dalby Water Supply Upgrade Pipeline Corridor	Dalby	7,273,311	-	Contract negotiations for stage 2 in progress. Project to be completed June 2025.
11100.0290.0096	Install Solar Panelling @ Dalby CSC Car Park 22/23 Program	Dalby	146,324	-	Awaiting practical completion and final invoices. Project to be completed October 2024.
66800.0276.0543	2532 Isuzu Water Truck Replacement	Regional	301,222	-	Delay in tank being built. Project to be completed October 2024.
66800.0276.0555	Emergency Management Trailers x2 - Disaster Resilience Project (Shell/QGC)	Regional	50,000	-	Delay in trailer building. Project to be completed September 2024.
66100.0058.0336	Sandalwood Avenue (New Footpath) - LRCI Phase 4	Dalby	20,000	-	Design work completed in 2023-24. Discussion in progress regarding land acquisition at Branch Crk Rd intersection. Multi-year project (2023-24 & 2024-25). Project to be completed June 2025.
66100.0058.0337	Slessar Street (New Footpath) - LRCI Phase 4	Chinchilla	20,000	-	Design work completed in 2023-24, out for contractor negotiations. Multi-year project (2023-24 & 2024-25). Project to be completed June 2025.
66100.0085.0981	Wheeler St (0 - 0.424) - Reconstruct	Chinchilla	374,727	(235,000)	Awaiting amended design works to start as soon as design received and programmed. Project to be completed December 2024. R2R Funded.
66100.0085.0982	Dorney St (0 - 0.473) Reconstruct	Chinchilla	419,522	(265,000)	Awaiting amended design works to start as soon as design received and programmed. Project to be completed October 2024. R2R Funded.
66100.0085.1459	Markham's Hill Rd (2592m to 5041m) - Upgrade	Dalby	142,994	(365,000)	Land acquisitions in progress - project will commence once resolved. Project to be completed June 2025. R2R Funded.
66100.0085.1651	Regional Road Resilience	Regional	819,242	-	Project to be utilised with DRFA or Betterment projects in 24/25. Project to be completed March 2025.
66100.0085.1699	Upper Humbug Road (0.00 - 0.00) (Resource Funded - QGC)	Tara	1,253,894	(687,430)	Multiyear project with works ongoing. Project to be completed October 2024. Resource sector funded.
66100.0085.1701	Clifford Rd, Wandoan (3.0 - 13.75) - LRCI Phase 4	Wandoan	70,500	-	Multiyear project with works continuing. Project to be completed June 2025.
66100.0085.1702	Glenern Rd, Glenmorgan (20.5 - 30.00) - LRCI Phase 4	Tara	73,900	-	Multiyear project with works continuing. Project to be completed by October 2024.
66100.0085.1703	Bundi Road, Wandoan (39 - 44) - LRCI Phase 4	Wandoan	285,100	-	Multiyear project with design only in 2023-24. Project to be completed February 2025.
66100.0087.0097	Mary Street Stormwater Upgrade	Dalby	135,622	-	Awaiting install awarding of contract and council approval processes. Project to be completed December 2024. Multi year project.
66100.0087.0100	Mary St area Dalby (Stage 3)	Dalby	750,284	-	Awaiting install awarding of contract and council approval processes. Project to be completed December 2024. Multi year project.
Total			14,651,835	(1,744,755)	
Projects with Negative Carry-Overs (reduces the 2024-25 budget, as money was spent in 2023-24)					
66100.0085.1709	Girraheen Design and Construction Project (Arrow Energy Funded)	Miles	(48,764)	-	Multi-year project. Budget split over two financial years (2023-24 & 2024-25). Project spent more in 2023-24 than 2024-25. Project is now complete.
66100.0085.1700	McCaskers Road (0.00 - 0.00) (Resource Funded - QGC)	Tara	(267,840)	-	Multi-year project. Budget split over two financial years (2023-24 & 2024-25). Project spent more in 2023-24 than 2024-25. Project is now complete.
Total			(316,604)	-	
Flood Projects					
66100.0285.0047	December 2021 Flood Reconstruction	Regional	132,447	-	In progress, project to carry forward into 24/25 for completion.
66100.0285.0048	WDRC.0024.2222B.REC - Tara 02	Tara	6,435,581	(4,255,613)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0049	WDRC.0023.2222B.REC - Tara 01	Tara	6,278,873	(2,853,397)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0050	WDRC.0020.2222B.REC - Wandoan 01	Wandoan	7,228,613	(4,356,652)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0051	WDRC.0029.2222B.REC - Chinchilla 01	Chinchilla	2,493,832	(1,471,942)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0052	WDRC.0027.2222B.REC - Miles 01	Miles	3,603,417	(544,967)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0053	WDRC.0026.2222B.REC - Chinchilla 02	Chinchilla	622,055	(105,329)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0054	WDRC.0042.2122H.REC - WDRC - Tara - 04	Tara	7,318,749	(3,394,240)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0055	WDRC.0043.2122H.REC - WDRC - Miles - 04	Miles	450,350	(83,600)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0056	WDRC.0044.2122H.REC - WDRC - Dalby Urban -01	Dalby	366,670	(233,880)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0057	WDRC.0045.2122H.REC - WDRC - Dalby Rural - 04	Dalby	9,076,629	(5,876,547)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0058	WDRC.0038.2122H.REC - WDRC - Dalby Rural - 03	Dalby	8,265,835	(5,340,373)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0059	WDRC.0037.2122H.REC - WDRC - Chinchilla -05	Chinchilla	5,542,364	(3,106,173)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0060	WDRC.0033.2122H.REC - WDRC - Chinchilla - 04	Chinchilla	6,013,217	(2,778,453)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0061	WDRC.0040.2122H.REC - WDRC - Tara - 05	Tara	3,375,548	(2,099,445)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0062	WDRC.0046.2122B.REC - WDRC - Mixed Regions	Regional	5,338,095	(3,230,951)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0063	WDRC.0041.2122B.REC - WDRC - Wandoan - 03	Wandoan	1,341,064	(148,700)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0064	WDRC.0034.2122B.REC - WDRC - Gurulumundi Floodway	Miles	808,578	(541,399)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0065	WDRC.0035.2122H.REC - WDRC - Miles - 2022-03	Miles	4,018,770	(2,405,973)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0066	WDRC.0036.2122H.REC - WDRC - Chinchilla - 03	Chinchilla	2,294,818	(863,746)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0067	WDRC.0032.2122B.REC - WDRC - Miles -2022 - 02	Miles	6,767,313	(3,464,054)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0068	WDRC.0039.2122B.REC - WDRC-Concrete & assoc. works-01	Regional	133,871	(84,681)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0069	WDRC.0030.2122B.REC - WDRC - Wandoan - 2022 - 02	Wandoan	6,674,873	(3,390,381)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0070	WDRC.0025.2122B.REC - WDRC - Tara -2022 - 03	Tara	4,563,435	(2,456,278)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0071	WDRC.0028.2122B.REC - WDRC - Dalby Rural - 01	Dalby	5,760,895	(3,580,634)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0072	WDRC.0031.2122B.REC - WDRC- Dalby Rural -02	Dalby	6,873,554	(4,358,221)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0074	WDRC.0055.2122H.REC - WDRC - Dalby Rural - 05 - Kumbarilla	Dalby	98,714	(21,626)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0075	WDRC.0056.2122H.REC - WDRC- Dalby Urban -02	Dalby	126,097	(1,986,432)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0076	WDRC.0057.2122H.REC - WDRC - Tara - 06 - Western Rd	Tara	265,166	(1,863,254)	In progress, project to carry forward into 24/25 for completion.

Project No.	Project Name	District	Expenditure	Income	Project Update Comments
66100.0285.0077	WDRC.0058.2122H.REC - WDRC - Dalby Rural 06 - Macalister	Dalby	717,718	(1,842,122)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0078	WDRC.0059.2122H.REC - WDRC - Chinchilla 05 - Chinchilla South	Chinchilla	512,401	(1,971,394)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0079	WDRC.0060.2122H.REC - WDRC - Wandoan 05 - Woleebree	Wandoan	587,057	(1,903,458)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0080	WDRC.0061.2122H.REC - WDRC - Wandoan 04 - Grosmont	Wandoan	476,015	(1,984,973)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0081	WDRC.0063.2122H.REC - WDRC - Dalby Rural 07 - Irvingdale	Dalby	927,978	(1,843,941)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0082	WDRC.0065.2122H.REC - WDRC - Miles 05	Miles	584,458	(1,979,587)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0083	WDRC.0066.2122H.REC - WDRC - Wandoan 06	Wandoan	637,382	(1,977,490)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0084	WDRC.0068.2122B.REC - WDRC Dalby Rural 11- Nov-Dec 21	Dalby	15,548	(1,906,021)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0085	WDRC.0069.2122H.REC - WDRC - Mixed Regions 03	Regional	330,000	(1,971,612)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0086	WDRC.0070.2122H.REC - WDRC - Mixed Regions 02	Regional	550,130	(1,884,304)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0087	WDRC.0071.2122H.REC - WDRC - Dalby Rural 10 - Mixed	Dalby	155,319	(1,940,067)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0088	WDRC.0072.2122H.REC - WDRC - Dalby Rural 09 - South	Dalby	625,732	(1,937,640)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0089	WDRC.0073.2122H.REC - WDRC - Tara 07	Tara	1,797,829	(1,910,237)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0090	WDRC.0074.2122H.REC - WDRC - Chinchilla - 07 - Chinchilla North West	Chinchilla	236,537	(1,967,864)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0091	WDRC.0076.2122H.REC - Betterment WDRC - Sandalwood Avenue West Floodway	Regional	986,834	(1,806,954)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0092	WDRC.0077.2122H.REC - Betterment WDRC - Giligulgul Rd Culvert	Regional	228,700	(1,986,005)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0094	WDRC.0079.2122H.REC - Betterment WDRC - Springvale Rd	Regional	1,519,771	(1,980,622)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0095	WDRC.0080.2122H.REC - WDRC - Mixed Region 04	Regional	232,834	(231,549)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0096	WDRC.0081.2122B.REC - Betterment WDRC - Mixed Regions - Culverts 1	Regional	23,043	(1,754,342)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0097	WDRC.0082.2122H.REC - Betterment WDRC - Mixed Regions - Culverts 2	Regional	166,043	(1,986,958)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0098	WDRC.0083.2122H.REC - Betterment WDRC - Mixed Regions - Seal Gravel Floodway's 1	Regional	-	(1,975,765)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0102	WDRC.0088.2122H.REC - Betterment WDRC - Commodity Court	Regional	1,918,628	(1,936,806)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0104	WDRC.0064.2122H.REC - WDRC - Dalby Rural 08 - North West	Dalby	612,889	(1,974,070)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0105	WDRC.0075.2122H.REC - Betterment WDRC - Wilds Rd Floodway's	Regional	3,770,278	(1,974,642)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0106	WDRC.0085.2122B.REC - Betterment WDRC - Mixed Regions Concrete	Regional	4,250	(1,986,940)	In progress, project to carry forward into 24/25 for completion.
66100.0285.0107	WDRC.0067.2122H.REC - WDRC - Chinchilla 06 - Chinchilla South East	Chinchilla	871,379	(1,983,325)	In progress, project to carry forward into 24/25 for completion.
Total			130,757,814	(113,495,635)	
Total Carry-over			146,599,557	(115,240,390)	

Title	Infrastructure Services Works August 24/25 Capital Works Progress Update
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Date	5 September 2024
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Responsible Manager	D. Dibley WORKS MANAGER CONSTRUCTION
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Summary

The purpose of this Report is for the Works Department to provide an update to Council regarding the 2024/25 Capital Works Program for the month of August 2024

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- Our business and industry actively live and buy local.

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.
- Our recreational spaces and community facilities are attractive, safe, and accessible.
- We invest in safe, well maintained road networks to connect our region and support economic activities.

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted.

Background Information

On 20th June 2024, in a Special Meeting Council adopted the 2024/25 Budget including Council's Capital Works Program.

Report

To ensure Council are well informed with key infrastructure projects, monthly reports will be presented outlining recently completed projects, projects in progress and upcoming projects.

RECENTLY COMPLETED PROJECTS

1. Staines, Machaness and Kytes Roads,Tara: Gravel Resheet incorporating Flood Damage Restoration;
2. Lawson Street, Dalby - Burke St to Leichhardt Ave (Ch 0 - 0.155) Road Reconstruction;
3. Burke Street, Dalby (Ch 0.31 - 0.46) Road Reconstruction;
4. Murilla St, Miles (Tully St to Ch 280m) Concrete Footpath Reconstruction;
5. Surcingle Road, Chinchilla (2640-2840) - Bitumen Dust Suppression; and
6. Meandarra Works Depot Fuel Tank Replacement.

PROJECTS IN PROGRESS

1. McCaskers Road, Tara (Ch 0.08-5.10) Road upgrade from unsealed gravel pavement to bitumen seal;
2. Upper Humbug Road, Tara (Ch 12.840-19.107) Road upgrade from unsealed gravel pavement to bitumen seal ;
3. Myall Park, Retreat Road, Miles Road Intersection Upgrades;
4. Brigalow Canaga Road, Brigalow (Ch 5.03-8.50) - Road Reconstruction;
5. Brigalow Street, Jandowae (Ch 230-380 & Ch 370-460) Bitumen DustSuppressions;
6. Hill & Coxen Streets, Jandowae - Road upgrade from unsealed gravel pavement to bitumen seal;
7. Jandowae Pool Access, Jandowae (Ch 344-500) - Road upgrade from unsealed gravel pavement to bitumen seal;
8. 2024/25 Regional Bitumen Reseal Program Planning; and
9. Regional Works Depots Fencing Restoration.

UPCOMING PROJECTS

1. Commodity Court, Dalby - Road Reconstruction and Upgrade;
2. Dorney Street, Chinchilla (Ch 0.00-4.73) Road Reconstruction including Kerb and Channel upgrade;
3. Glenern Road, Glenmorgan (Ch 20.551-29.988) Road upgrade from unsealed gravel pavement to bitumen seal;
4. Redmarley Road, Condamine (Ch 0.04-3.00) Road Widening;
5. Roche Creek Road, Wandoan (Ch 15.76-17.21) Road Reconstruction and Widening;
6. Old Rosevale Road Jandowae (Ch 17.0-18.7) Road Reconstruction;
7. Chinchilla Visitor Information Centre (VIC) Car Park, Chinchilla; and
8. 2024/25 Regional Bitumen Reseal Program.

COMMERCIAL WORKS

RECENTLY COMPLETED PROJECTS

N/A

PROJECTS IN PROGRESS

1. 2024/25 DTMR Road Maintenance Performance Contract (RMPC)
2. Macalister - Bell Road, Macalister - Road Reconstruction

UPCOMING PROJECTS

1. DTMR Reseal Prior Works Program

FLOOD DAMAGE RESTORATION

RECENTLY COMPLETED PROJECTS

1. QRA REPA Flood Damage Restoration 2021/22 Package 26 (Glenaubyn/Drillham/Drillham South/Miles).

PROJECTS IN PROGRESS

1. QRA REPA Flood Damage Restoration 2021/22 Package 17 (Tara);
2. QRA REPA Flood Damage Restoration 2021/22 Package 19 (Tara/Goranba/Marmadua/Weir River);

3. QRA REPA Flood Damage Restoration 2021/22 Package 21 (Chinchilla/Red Hil/Burncluith/Pelican/Fairyland);
4. QRA REPA Flood Damage Restoration 2021/22 Package 25 (Eurombah/Clifford/Bundi/Grosmont/Bogandilla);
5. QRA REPA Flood Damage Restoration 2021/22 Package 27 (Tara/The Gums/Moonie);
6. QRA REPA Flood Damage Restoration 2021/22 Package 28 (Weranga/Kumbarilla/Ducklo/Halliford/Ranges Bridge/Nandi/Springvale/St Ruth);
7. QRA REPA Flood Damage Restoration 2021/22 Package 29 (Blackswamp/Cameby/Rywung/Baking Board/Greenswamp);
8. QRA REPA Flood Damage Restoration 2021/22 Package 30 (Woleebee/Wandoan/Guluguba/Pelham/Gurulmundi/Kowguran/Dalwogon/Myall Park/Hookswood);
9. QRA REPA Flood Damage Restoration 2021/22 Package 31 (Cooranga/Bell/Moola/Kaimkillenbun/Dalby);
10. QRA REPA Flood Damage Restoration 2021/22 Package 32 (Kogan/Goranba/Weranga);
11. QRA REPA Flood Damage Restoration 2021/22 Package 33 (Fairyland / Burra Burri / Jinghi);
12. QRA REPA Flood Damage Restoration 2021/22 Package 34 (Wieambilla/Montrose/Tara);
13. QRA REPA Flood Damage Restoration 2021/22 Package Seal 02 (Jimbou West/Jimbou East/Pirrinuan/Kaimkillenbun/Dalby Irvingdale / Moola);
14. QRA REPA Flood Damage Restoration 2021/22 Package 35 (Drillham/Drillham South/Dulacca/Moraby);
15. QRA REPA Flood Damage Restoration 2021/22 Package 36 (Boonarga/Chances Plain/Wychie / Pelican/Canaga/Langlands/Jinghi/Tuckerang/Warra);
16. QRA REPA Flood Damage Restoration 2021/22 Package 37 (Jinghi/Jandowae Diamondy/Cooranga);
17. QRA REPA Flood Damage Restoration 2021/22 Package 38 (Dalby / Irvingdale / Blaxland / Kaimkillenbun/Moola);
18. QRA REPA Flood Damage Restoration 2021/22 Package Seal 03 – Jandowae/Diamondy/Cooranga / Jimbour East/ Bell/Bunya Mountains/Kaimkillenbun area Map – Delivery planned between September and October 2024;
19. QRA REPA Flood Damage Restoration 2021/22 Package Seal 04 – Waikola/Clifford/Bundi/Grosmont / Wandoan / Woleebee / Roche Creek / Bungaban / Guluguba area Map – Delivery planned between September and December 2024;
20. QRA REPA Flood Damage Restoration 2021/22 Package Seal 05 – Numerous sites over a widespread area from Gurulmundi in the north through Drillham/Dulacca/Miles/Condamine/Meandarra/Tara and through to Flinton/Westmar/Moonie area in the south Map – Delivery planned between September and November 2024; and
21. QRA REPA Flood Damage Restoration 2021/22 Package Drainage 01 – Numerous locations in the north-west of the Region, from south of Miles/Drillham/Dulacca through to Eurombah/Grosmont/Bungaban area Map – Delivery planned between September and October 2024.

UPCOMING PROJECTS (to be awarded in early September)

1. QRA REPA Flood Damage Restoration 2021/22 Package 39 – Yulabilla/Drillham South/Condamine/The Gums/Tara area Map – Delivery planned to commence October 2024;
2. QRA REPA Flood Damage Restoration 2021/22 Package 40 – Crossroads/Wieambilla /Tara area Map – Delivery planned to commence October 2024;
3. QRA REPA Flood Damage Restoration 2021/22 Package 41 – Jandowae/Tuckerang/Warra/Jimbou West Macalister/Pirrinua /Dalby area Map – Delivery planned to commence October 2024;
4. QRA REPA Flood Damage Restoration 2021/22 Package 42 – Jandowae / Cooranga / Jimbour East / Bell/Kaimkillenbun/Pirrinuan / Dalby area Map – Delivery planned to commence October 2024; and
5. QRA REPA Flood Damage Restoration 2021/22 Package 43 – Coomrith/Inglestone area Map – delivery planned to commence October 2024.

2024/25 PROJECTS DESIGN STATUS UPDATE

Design Program is 70% completed (41/58);

- a. 58% - Roadworks Design Program (22/38) projects Issued for Construction (IFC);
- b. 90% - Footpath Design Program (9/10) projects Issued for Construction.
- c. 100% - DustSuppressions (10/10)

Remaining Projects Status -

Markham's Hill Road (90%) - design complete, awaiting acquisition;
2 projects completed awaiting land acquisition; and
5 projects greater than 70% progressed.

Flood Damage - 1 complete, 1 Progressing.

Giligulgul Road (100%); and
Gurulmundi Road (95%) - SARA/DAF require rock structure for fish passage. Currently with consultant to prepare response for resubmission back to SARA/DAF

Supplementary (Extra) jobs – 8 Complete of 28 projects

Consultation (Internal/External)

Following Council's resolution to receive the report, updates will be posted on Council's social media platforms to inform Western Downs Regional Council's community.

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

All activities will be undertaken in accordance with Council's human rights obligations

Conclusion

Works are progressing well in the early months of this 24/25 financial year budget.

Attachments

Nil

Authored by: Debbie Dibley, WORKS MANAGER CONSTRUCTION

Title	Community and Liveability Report Endorse Arts and Culture Strategy and Public Arts Strategy
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Date	10 September 2024
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Responsible Manager	L. Tyrrell, Acting Communities Manager
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Summary

The purpose of this report is to seek Council's endorsement of the Arts and Culture Strategy 2024-2029 and the Public Arts Strategy 2024-2029.

Link to Corporate Plan

Strategic Priority: Active Vibrant Community

- We are a happy, inclusive community, proud of where we live.
- Our people of diverse backgrounds and ages are united by social, cultural, and sporting activities.
- Our parks, open spaces, and community facilities are alive with activities and connect our communities.
- We are a strong sustainable community supported by volunteers.
- We empower communities to develop local initiatives and events.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this report be received and that Council approves the Arts and Culture Strategy 2024-2029 and the Public Arts Strategy 2024-2029.

Background Information

The strategies were developed following comprehensive community and internal consultations. These plans establish a clear vision, foundational pillars, and guiding principles aimed at advancing Arts and Culture within the Western Downs.

Extensive engagement allowed for a nuanced understanding of the community's perspective on what defines the region's cultural identity and the barriers to and opportunities for engagement in Arts and Culture. The resulting strategies are direct reflections of these insights.

Report

The Arts & Culture Strategy serves as the principal document, guiding all cultural activities in Western Downs for the next five years. Its aim is to strengthen the region's cultural framework and foster a vibrant cultural ecosystem. The strategy includes an overarching Action Plan, which will evolve into a dynamic, detailed plan—adapting to available resources and shifting priorities.

The Public Art Strategy takes a comprehensive approach, ensuring public art enriches Western Downs' cultural landscape, contributing to the region's vibrancy and liveability. Its high-level Action Plan will be expanded into actionable guidelines and tools to streamline public art projects.

Both strategies align with state and federal cultural policies, ensuring cohesion with broader government objectives.

Consultation (Internal/External)

External

Dr Sue Davis OAM (Fourfold Studio)
Cindy Grimes
Regina Hyland
Meg Noack
Hilary Coulter
Have Your Say platform on WDRC website

Internal

WDRC Staff
Online Survey
Senior Leadership Team
Executive Leadership Team

Legal/Policy Implications (Justification if applicable)

Local Government Act (QLD) 2009

Budget/Financial Implications

There are no material budget implications for the delivery of these strategies and action plans. Any relevant activity that requires additional budget will be presented to council for approval or external grant opportunities, as required.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

All activities will be undertaken in accordance with Council's human rights obligations.

Conclusion

It is recommended that the Arts and Culture Strategy 2024-2029 and the Public Arts Strategy 2024-2029 be approved by Council.

Attachments

1. Arts and Culture Strategy 2024-2029
2. Public Arts Strategy 2024-2029

Authored by: K. Wood, Community Grants Officer



Experience Western Downs

It's the
people that
make it.

WESTERN DOWNS

ARTS AND / CULTURE.

STRATEGY

2024-2029

DRAFT June 2024



Mayor's Welcome

Arts, culture, and heritage – spend any amount of time in the Western Downs and you'll find we have all three in abundance.

On the Western Downs, our arts scene is vibrant and inclusive, our culture as rich as the earth we toil, and our heritage is noble and proud.

From the musical feasts of Opera at Jimbour and our Big Skies Festival to the multicultural celebration that is Dalby's Delicious and DeLIGHTful Festival, our region is home to some of the most fabulous, fun, and unique arts, cultural and heritage events and destinations.

Destination arts, cultural and heritage events such as Chinchilla Melon Fest, Tara Festival of Culture and Camel Races, Jandowae Timbertown Festival, Miles Back to the Bush Festival bring together thousands of residents and visitors to the Western Downs to celebrate the beautiful uniqueness of our towns and communities.

Similarly, destination galleries and creative hubs like Dogwood Crossing, Lapunyah Art Gallery, Gallery 107 and the Wandoan Historical Sites – to name but a few - attract all kinds of visitors for high calibre exhibitions, local art showings and creative workshops, and cultural connection with our regional histories.

I'm proud to present Council's Arts and Culture Strategy 2024 – 2029. This long-term Strategy aims to grow our cultural ecology and economy in the region, connect and sustain our communities through arts and creativity, and share our diverse stories and identities.

This Strategy provides the future direction for activating our places, spaces and heritage, and will guide Council in the delivery of arts and cultural facilities, galleries, halls and museums, parks and outdoor spaces, and other natural landscapes where the arts, culture and heritage can be experienced.



Councillor Andrew Smith
Mayor, Western Downs
Regional Council

PICTURED BELOW: Artist Anthony 'Boy' Turnbull and the 5m x 12m reproduction of his work 'Chinchilla on Charley's', installed in the foyer of the Chinchilla Cinema.



Acknowledgment of Country

Western Downs Regional Council acknowledges the traditional owners, the Barunggam, Iman (Yiman), Bigambul, Wakka Wakka, and the Jarowair people, as the custodians of this land. We pay respect to all Aboriginal community Elders, past and present, who have resided in the area and have been an integral part of the history of the region.

Introduction

The arts, culture and heritage define the identity and character of the Western Downs as a vibrant and attractive place to visit, live and work. Arts, culture and heritage experiences complement the spectacular natural attractions, unique histories, and diverse communities of the region.

There are strong histories of regional arts involvement across the Western Downs, including (to name just a few) the Bunya Mountains being a special First Nations site for arts and cultural practice for millennia, a long history of community theatre, musicals and eisteddfods in Dalby, brass bands and music in Chinchilla, Queensland botanical art history being celebrated at Myall Park, and Jimbour House providing a unique heritage backdrop for opera, film and music events.

For a region of approximately 34,500 the Western Downs region includes an impressive suite of arts and cultural activity, people and places. The Western Downs is home to a diverse range of arts and cultural facilities, galleries, small halls and museums. There is high regard within the region and beyond for the A-class Dogwood Crossing Gallery at Miles. The cultural centre at Chinchilla has recently been redeveloped with an enthusiastic welcome for the renovated Lapunyah Art Gallery, including workshops space. While the Dalby Arts Centre and library is currently housed in temporary facilities, a new centre is being planned for future build. Across the region there are many museums, historical and heritage sites, including a number that feature unique world war stories. The region is home to a diverse range of creatives, arts and community groups, with an impressive annual calendar featuring a diversity of valued cultural events, festivals and initiatives. These all help draw tourists and visitors to the region.

We believe our investment in the arts, culture and heritage can be a catalyst for better communities and a stronger region.



How we created this strategy?

In 2023 the Western Downs Regional Council (WDRC) embarked on a journey to create an arts and cultural strategy to help guide our actions and investment over the next five years. The strategy will contribute to a bright future for the region.

Engagement and research was undertaken to understand local wants and needs related to arts and culture. The scope of engagement included workshop sessions with Western Downs creatives who then hosted sessions in local areas, a survey open to the wider Western Downs community, internal consultations with Western Downs Regional Council, and expert input from arts and cultural officers from other regional councils and arts organisations.

The input gathered from the engagement program was complemented by further cultural mapping and a review of the Regional Arts Development Program (RADF), and this informed the development of the new Arts and Culture Strategy.



1 x Artist Champions Workshop	7 x Artist-Led Community Workshops
1 x Online Survey	1 x Internal Workshop

Overall community sentiment towards Arts and culture is positive with the majority of people feeling that arts and cultural activities help them:

- Socialise and stay connected
- Have a richer, healthier and more meaningful life
- Learn and discover new things.

What I find rewarding about the arts and culture?

"The community connections and also the peace and space to ponder and enjoy."

"Learning, emotional connection, expansiveness, awe and wonder, fulfillment."

"Surprising how much is here – there is a lot going on across the region."

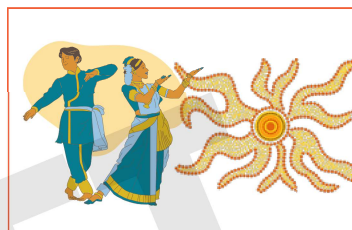
QUOTES FROM ARTS AND CULTURE WORKSHOP PARTICIPANTS

PICTURED BELOW: Participants in Western Downs Regional Council's Arts and Culture strategy workshops.

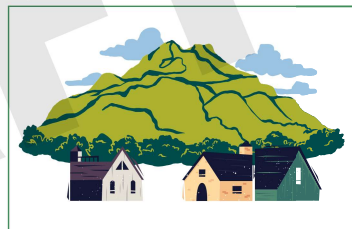
What are Arts and Culture?

Defining Arts, Culture and Heritage

We all engage in culture and the arts in some shape or form, and the arts and culture are at the heart of our personal and regional identities. These terms have many meanings however, so we will define what we are focusing on for this strategy.



'Culture' is all about the ways we live our lives – our beliefs, our language, our food, traditions and dress – the rituals and reality of daily life. In local government, cultural programs often includes those related to the arts, but also history and heritage as well as libraries.



'Heritage' is about what we value and want to preserve and/or hand on to others. It includes such things as the heritage of Aboriginal and Torres Strait Islander peoples, historical objects and images, but also cultural landscapes and streetscapes.



'The Arts' encompasses the ways we express and communicate feelings, ideas and beliefs through various creative forms. The arts involve creativity, imagination and transformation, and include artforms such as music, dance, theatre, visual arts, film and digital media, literature and writing and more.

The arts and culture are for everyone, and **98% of Australians** do **participate in the arts and culture** in some way, whether it be from listening to music, reading, attending festivals and exhibitions through to active involvement in making, presenting and performing.

Why this strategy?

The Arts and Culture are central to a community's identity and expression. Creative experiences connect people and communities, enable learning and growth while building social resilience and a sense of belonging. Arts and cultural activities also contribute to the liveability and attractiveness of the region, also achieving positive outcomes for business and industries.

In recent years, the value of arts and cultural participation for community recovery after natural disasters and significant social and economic hardship has become increasingly important. Arts and cultural activity also has positive impacts for mental health, wellbeing and social inclusion.

Creating our own regional strategy means we take action to shape our own community identity and future through leveraging arts and cultural processes and engagement.

The wider context!

National Cultural Policy – Revive: A Place for Every Story, A Story for Every Place

This national policy identifies the important role of the arts in regional communities.

“regional artists are critical to a vibrant arts sector that reflects Australia’s depth and diversity. A thriving cultural and creative sector is also crucial to supporting Australia’s regional communities and local economies” (Commonwealth of Australia 2023, 41).

Creating Value: Results of the National Arts Participation Survey

Creative Australia research has found that people in regional communities participate in the arts at similar rates to people who live in cities.

Queensland’s ‘Creative Together’ Strategy – ‘Grow’ Action Plan 2022-2026

This state strategy recognises the importance of arts and cultural activities for ALL communities across the state to:

- Ensure more uniquely Queensland stories are celebrated and shared in Queensland communities and on a global stage
- Build Queensland’s experience economy through increased activation of high quality and diverse arts experiences that grow place-based cultural tourism.



PICTURED LEFT: The ‘Creative Together’ Strategy – ‘Grow’ Action Plan 2022-2026 document created by Arts Queensland.



Vision, Principles and Strategic Pillars



VISION

Big skies, Big heART

The Arts, Culture and Heritage of the Western Downs activate our communities and are at the heart of our region's spirit, resilience and growth.



PRINCIPLES

Community and Connectedness

— we highly value the social aspects of arts and culture and enjoy forming new connections with other people through arts and cultural experiences.

Creativity and Learning

— we value having opportunities to learn, experiment and be creative through arts and culture within our region.

Resilience

— we value the ways that arts and culture assist with coping with hardship and difficult times and contribute to personal resilience and community wellbeing.

Diversity

— we value the diversity of arts and culture within our region and the ways our cultural diversity can be expressed.

Pride of place

— We are proud of our region and take pride in sharing our history and stories as key features of our regional identity.

STRATEGIC PILLARS

Our strategy is organised around four strategic pillars. These interweave and overlap:

1. GROW— Capacity building to grow our cultural ecology and economy



The community has identified the need for capacity building, training and support for arts workers, organisations and volunteers who are the backbone of the local arts and cultural sector. They expressed a desire for more arts and cultural learning experiences, support for grant applications and access to funding. Specific attention is proposed for increased opportunities for young people, and to build the capacity and profile of First Nations artists and visibility within the region.

2. CONNECT— Connect and sustain community through arts and creativity



The Western Downs community values the capacity of arts and cultural experiences for connecting and creating a sense of community and wellbeing. There is a thirst for opportunities to participate, to create, present and share work through exhibitions, events, festivals and workshops. The region loves the high profile events and festivals that draw big name acts and audiences from beyond the region, and also having multiple opportunities for local artists to be profiled and extended.

3. COMMUNICATE— Communicate and celebrate our diverse stories and identities



Western Downs residents are keen to hear, see and learn more about the arts and cultural opportunities and experiences available across the region. There is strong support for a specific arts and culture identity and source for news and information through regular newsletters and communications. Residents want to hear more about local stories and creatives through the diversity of media forms from traditional print media to digital platforms and social networks.

4. ACTIVATE— Activate and experience our places, spaces and heritage



Our region boasts a network of venues and spaces for meeting, making, exhibiting, and performing. This will be reviewed and strengthened to help support local activity and attract quality touring acts from outside the region. Residents love the diversity of outdoor spaces including council parks but also the natural landscape for experiencing arts and culture. There is strong support for increased opportunities for arts and cultural place activation and public art creation.

Arts and Culture Strategy Pillars and Actions



“Art is where the Heart is.”
– CHINCHILLA WORKSHOP PARTICIPANT.

1. GROW – Enable capacity building to grow our cultural ecology and economy

Objective	What we want to achieve	Key actions	Time frame
Establish a regional arts and culture reference group to advise on strategy and priorities.	Regional representation and leadership in planning and implementing our arts and cultural agenda.	Develop terms of reference and focus for a regional arts and cultural reference group.	2024-2025
		Convene and support reference group meetings and planning.	2026-2027
Nurture relationships and strategies to promote First Nations peoples engagement in arts and cultural activities.	Involvement and profiling of First Nations peoples and cultures in the region's arts and cultural life.	Establish First Nations consultative processes for Arts, Culture and Heritage (aligned to developing Council processes).	2024-2027
		Create opportunities for First Nations Artists and creatives to develop and share their work.	2024-2025
Curate a cross regional suite of professional development and sector development workshops and training.	Building capacity of local creatives and residents.	Host and support professional development programs for artists, creatives, heritage sector, in technical production skills and producing.	2024-2025
		Support sector development programs to nurture sustainable arts and cultural organisations and businesses.	2026-2027
Build artist/creatives' capacity and profiling through regional projects, funding programs.	Extend access to arts and cultural expertise and capacity building programs.	Support regional projects such as 10 Artists, Regional Arts Competition, Youth Street Art competition	2024-2025 (Annually)
		Maintain and develop RADF and other arts and cultural funding programs.	2024-2025 (Annually)
To support and sustain the heritage and museum sector of the region.	Sustainability for Western Downs heritage groups and organisations.	Support heritage sector development and knowledge sharing through professional development and training.	2026-2027
		Invest in heritage projects and programs across the region.	2024-2025 (Annually)
Create connections with schools and youth sector to promote arts learning and engagement for young people.	Increased opportunities and visibility for young people in the region through arts and cultural engagement.	Convene education reference group or network.	2026-2027
		Host or support targeted arts and cultural programs for young people and different age demographic groups.	2024-2025

2. CONNECT – Connect and sustain community through arts and creativity.

Objective	What we want to achieve	Key actions	Time frame
Host and support the presentation of diverse and high-quality arts and cultural exhibitions, events and experiences featuring artists from within the region and beyond.	Community access to quality arts and cultural experiences. Increased opportunities for local artists and creatives.	Support an annual program of arts exhibitions and performances.	2024-2025
		Host or sponsor regional arts competitions and profiling opportunities.	2024-2025
Coordinate the delivery of arts/cultural programs across council departments and the community.	Maximise the range of quality arts and cultural programs and experiences that can be offered in the region through working across areas of council. Increased inclusivity of arts and cultural programs for different groups.	Initiate meetings across council areas such as libraries, communities, tourism and events, economic development groups for collaboration where relevant. Collaborate to offer arts and cultural programs that engage with diverse segments of the community.	2026-2027
Cultivate partnerships and connections beyond the region.	Increased range of programs and projects in partnership with professional arts and cultural organisations and businesses. Increased investment in arts and culture through partnerships beyond council and with other levels of government.	Maximise arts and cultural opportunities through involvement in the RASN network and cross regional connections.	2024-2025
		Create and support programs with other arts and cultural organisations beyond the region (e.g. Arts Queensland, Empire Theatres, QMF).	2026-2027
		Encourage support and sponsorship of arts and cultural activity by industry and business.	2026-2027
Promote community connectedness through utilising arts and culture programs for wellbeing and mental health, disaster recovery and resilience.	Strengthen community wellbeing and mental health and recovery.	Promote arts and cultural programs for wellbeing and resilience.	2024-2025
		Incorporate arts and cultural projects as part of community resilience and disaster recovery programs.	2026-2027
		Train arts and cultural workers for creative recovery.	2026-2027



3. COMMUNICATE - Communicate and celebrate our diverse stories and identities.

Objective	What we want to achieve	Key actions	Time frame
Develop and expand arts and cultural communications through council websites and communications channels.	To provide community members with accessible information regarding arts and cultural opportunities.	Develop Western Downs arts and cultural platform and communications channels using digital platforms and targeted print media.	2026-2027
		Use newsletters and council websites to post up to date information on funding opportunities, successful grant recipients, workshops, events and profile artists, creatives and groups.	2024-2025
Develop the arts and cultural sub-brand and identity for the Western Downs region.	Build the brand and profile of Western Downs arts and culture within Council communications and marketing.	Develop and implement sub-brand strategy that promotes the reputation of Western Downs arts and culture.	2026-2027
Identify focus areas for Council communications and storytelling.	Promote Western Downs stories and identities.	Promote arts and cultural stories, artists and creatives through regional communications, events and festivals (e.g. with tourism).	2026-2027
Support the communications of regional stories, heritage and history.	Sharing diverse Western Downs stories through our heritage sites and communications.	Share stories drawn from our history and heritage through regional events, interpretive signage and promotions.	2026-2027
		Continue to promote the region's heritage sites and stories within the Western Downs brand and profile.	2024-2025 (Annually)



4. ACTIVATE - Activate and experience our places, spaces and heritage

Objective	What we want to achieve	Key actions	Time frame
Maintain and support arts and cultural infrastructure.	Promote and maintain our regional galleries, auditoriums, halls, workshop spaces and sales outlets.	Support and maintain existing galleries, and venues used for arts and cultural activities.	2024-2025 and Ongoing
		Progress planning towards development of the new Dalby Cultural Centre.	2026-2029
Develop an arts and cultural infrastructure plan for the region.	Create a plan to identify and support a network of key sites/hubs for arts and cultural participation across the region.	Scoping and review of arts and cultural infrastructure across the region.	2026-2027
		Develop an arts and cultural infrastructure plan for development, resourcing and programming.	2028-2029
Support artist in residency programs and arts trails.	Promote arts and cultural activity in sites and locations across the region.	Develop artist in residency programs that may be connected to specific venues, locations or festivals.	2026-2027
		Support development and promotion of art trails and arts activation events, potentially linked to other festivals or regional programs.	2028-2029
Support performing arts and outdoor events.	Capitalise on opportunities to activate outdoor parks and infrastructure for arts and cultural activity.	Review internal processes to help promote staging of arts and cultural events in outdoor spaces and parks.	2026-2027
		Scope interim opportunities for hosting performing arts events in Dalby.	2026-2027
		Create a bank of mobile infrastructure.	2028-2029
Enhance and enliven places and spaces through arts-based place activation programs and public art.	Enliven places and spaces with public art and art activation projects.	Implement the public art strategy.	2026-2027
		Implement relevant actions from the Parks and Placemaking strategy.	2026-2027
		Partner with other council departments, museums, business and community groups on targeted place activation programs.	2026-2027



Regional Strengths and Advantages

The Western Downs region has solid foundations to build upon for our Arts and Culture Strategy. We value and our people, assets and places, and seek to build an outstanding regional arts and cultural program that helps our region to thrive.



People

- A range of arts/cultural organisations and groups, as well as artists and teachers.
- A relatively young demographic compared to the rest of the state.
- Partnerships and connections beyond the region are established with state-wide organisations and bodies.



Places

- A diverse range of arts and cultural facilities, galleries, halls and museums.
- Residents love the diversity of outdoor spaces, council reserves, parks and other natural landscapes where they can experience or be inspired to create art.



Unique Character

- Significant First Nations and heritage locations and history
- Strong histories of regional arts involvement
- A range of highly valued cultural events and initiatives including the '10 Artists Project', the 'Regional Art Competition', 'Big Skies Festival', and 'Words out West'.

Snapshots from our Region

YOU SAID ...

The Arts and Culture are important for:



Child development



Stimulating our minds



Our sense of wellbeing and happiness



Helping us deal with stress, anxiety or depression



Providing entertainment and a reason to socialise

YOU SAID ...

The benefits of Arts and Culture include:



Social connection



Exploring new possibilities and ideas



Providing joy, richness and meaning to life



Helping with learning and education



Helping understand other people and cultures



Dogwood Crossing at Miles

Dogwood Crossing at Miles is a centre for community, creativity and inspiration featuring the 'A - Class' John Mullins Memorial Art Gallery. The gallery hosts high calibre touring exhibitions as well work by local artists, and a host of workshops and activities. It is housed in the architecturally designed building with stunning seven-metre high stylised bottle trees forming a colonnade down the centre of the facility.



10 Artists Project

10 Artists Project – The 10 Artists Project profiles a diverse range of artists living and working across the Western Downs. The first project was inspired by COVID times, when most arts exhibitions and events closed down. Two further rounds have been well received with the work and videos created highlighting the deep connection between places of inspiration, the narrative of each artist's story, their practice and relationship to their regional community. *Pictured Indigenous artist Sharlene Smith from 10 Artists: Chapter Two.*



Youth Street Art Project

Youth Street Art Project – Young people from the Western Downs were invited to design a piece of Street Art that depicted creative responses to mental wellbeing. Young artists were mentored by Artist Adam Lewczuk with selected designs professionally produced and installed. *Pictured Chelsea Fairchild and her work featured at Tara Library.*



Lapunyah Art Gallery

Lapunyah Art Gallery is a regional art gallery in Chinchilla. It has a special emphasis on promoting local creatives with operations managed by a team of dedicated volunteers. It has recently undergone extensive renovations and expansion and is part of the Cultural Precinct at Chinchilla, which also includes library, cinema, and auditorium. *Pictured: Former WDRC Mayor Paul McVeigh and Lapunyah Art Gallery president Helen Dennis open the refurbished Chinchilla Cultural Precinct.*



Dalby/Empire Youth Drama Programs

Dalby/Empire Youth Drama Programs – Western Downs Regional Council has sponsored a series of Drama workshop programs at Dalby in partnership with Empire Theatres. These provide young people with the opportunity to develop performance skills and knowledge, through improvisation, scene work and other creative challenges.



Wandoan Historical Sites

Wandoan Historical Sites – Wandoan's past is captured with historical sites, sculptures, and war memorials. At the Soldier Settlers Precinct, local artist Dion Cross was commissioned to build a Soldier Sculpture. Scrap metal and tools used in the creation of the sculpture were collected off the very farms that were selected by the returned soldiers.



Arts on Top

Arts on Top – The Bunya Mountains have long provided inspiration for arts and culture beginning with First Nations people from across South-East Queensland and beyond. This location was the perfect place to host a significant Regional Arts Forum ‘Arts on Top’ drawing creatives from across the state. Art works exhibited and inspired from that event were then featured as part of the Western Downs first touring exhibition ‘Response to the Bunyas’ in 2022-2023.



Words out West

Words out West – is a festival for readers, writers, and word-lovers, organised by Western Downs Libraries. High profile authors as well as locals feature in events in Dalby and across the region. *Pictured: Authors Michael Rowbotham, Benjamin Stevens, Kate Mildenhall and Dinuka McKenzie at Words Out West 2024*

SPOTLIGHT ON FIRST NATIONS ART:

Barunggam Art Poles

The Totem Pole project recognises the Barunggam people as one of the Traditional Owner groups of the Western Downs region. The project was funded through the RADF (Regional Arts Development Fund) program and commissioned by local organisation Art@Kogan.

These Totem Poles were created to teach participants about Indigenous art through workshops under the tutelage of Kelly Tierney (MA), a respected Indigenous artist, with permission from local elder, Lillian Colonel. They were intended to honour the local Barunggam people.

The poles depict some of the food in our local area including only those animals used for food.

Also featured in the work are the imprints left on the ground as life goes on, showing the deep respect held for mother earth by Indigenous peoples.

Acknowledgement: Art @ Kogan ‘Hugh Sawrey Country’ Association Inc. with Kelly Tierney and Lillian Colonel, Tourist Trail Interpretive Sign Project.



©Big Skies Festival. Photographer Leeroy Todd

Big Skies Festival

Big Skies Festival – is one of the region’s premier events, featuring our region’s big skies, iconic artists, live music and more, all based at the historic Jimbour House. This unique location is also the site of ‘**Opera at Jimbour**’ produced as part of **Queensland Music Trails**.



Gallery 107

Gallery 107 – is a volunteer run gallery that actively supports local artists. Currently housed in the historic Dalby Arts Centre building, the gallery has capitalised on its temporary location closer to town with increased visitation and popular artisan markets.



Positive Outcomes



For Artists and arts and culture community

- Increased opportunities for artwork development
- Greater promotion, visibility and professional recognition
- Skills development and capacity building
- Greater support for the Western Downs' artistic and cultural community and volunteer groups
- More networking and collaboration opportunities



For Individuals

- Opportunities to build creative skills and experiences
- Expanded outlets for creative expression
- Increased sense of wellbeing and resilience
- A sense of belonging



For Community

- More local events and activities to enjoy
- Increased opportunities for social connection



For Business

- Attracting and maintaining talent, workers and families
- Expanded business opportunities for arts and cultural practitioners



For Council and the Region

- Reputation as a creative regional centre
- Increased liveability and sustainability of region
- Local stories and identity profiled within and beyond the region

"My future vision" ...

**FROM ARTS AND CULTURE
COMMUNITY WORKSHOP
PARTICIPANTS**

"Art bringing younger and the older generation together"

"A patchwork image being stitched together to make the shape of the Western Downs and then pieced into a map of Australia. The images showcase the diversity of arts and culture in the Western Downs - music, performance, dance and visual arts..."

"Art having a massive importance for people's lives."

"Yarning circles to sit around and talk, take lunch, invite young people. A place for contemplation. To be in an open beautiful place with lots of trees."

Next Steps and How to Stay Involved

This strategy will be used within council to guide our actions within the arts, cultural, heritage realm. A more detailed action plan is being developed to guide council investment and action.

While council plays a key role in investment and facilitation, we recognise that the implementation of this strategy relies on partnerships within and beyond the region.

Western Downs Regional Council is a key investor for arts and culture in the region through provision of facilities, employment of a small team of dedicated staff, funding and grants including RADF and more. Other areas of council support arts and cultural activity through community and major events, tourism and economic development programs.

However we also need to capitalise on other expertise within the region, the high level of involvement of practitioners, volunteers and community groups. We also rely upon the investment and support of business, industry and other levels of government.

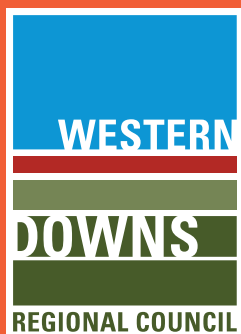
We value your input and support, please connect with us and stay in touch!

FOLLOW us via council's Arts, Culture and Heritage webpages and subscribe to newsletters for news and updates.

www.wdrc.qld.gov.au/Community-Recreation/Arts-Culture-Heritage

www.westerndownsarts.com.au

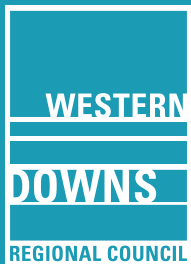
DRAFT



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DRAFT June 2024



Experience Western Downs

It's the
people that
make it.



WESTERN DOWNS

PUBLIC ARTS STRATEGY

2024–2029

Mayor's Welcome

Welcome to the Western Downs, a region with a rich and vibrant artistic culture and community.

Founded in our public artworks and enhanced by our cultural events and festivals, contemporary art galleries, and performing arts program, we are a region that celebrates our creative pursuits.

Our public artworks shape the feel of our community spaces, creating places for imagination, reflection, and conversation. Public art creates focal points across our region. They provide spaces for both locals and tourists to gather, encourage connection to people and place, and act as a destination in their own right.

When visiting the Western Downs, you'll discover that it's our people who make it a unique and vibrant place to live. Their individual stories, cultures, and perspectives shape the fabric of our region, imbuing it with richness and pride in what it means to live in the Western Downs. Our public art reflects and celebrates this community, highlighting our shared stories and encouraging pride in our places.

I'm proud to present Council's Public Art Strategy 2024-2029. This long-term Strategy aims to recognise and promote the status of public art in the region, paving the way for a vibrant and thriving public art ecosystem, and giving rise to community and placemaking outcomes. This Strategy will provide the future direction for innovative and inclusive art pieces to improve the exposure of local art and artists.

Councillor Andrew Smith

Mayor



Acknowledgement of Country

Council respectfully acknowledges the Traditional Owners, the Barunggam, Iman (Yiman), Bigambul, Wakka Wakka, and the Jarowair people, as the custodians of this land. We pay respect to all Aboriginal community Elders, past and present, who have resided in the area and have been an integral part of the history of the region.

Introduction

Public art in Western Downs helps make our spaces more vibrant and active. It helps us celebrate our unique cultures and histories, attracting visitors and activity to the region.

This Public Art Strategy seeks to preserve and promote the role that public art plays in our region and shape the direction of our future public artworks.

Community, Council, and key stakeholders were engaged through a series of roundtable discussions, workshops, and a digital survey. From these engagement sessions, key insights, lessons, and opportunities have been extracted, informing our vision and intention for public art in the Western Downs.

Our stakeholders viewed the development of this Public Art Strategy as a chance to improve the liveability and vibrancy of the region, help establish a connected network of public art, and encourage greater levels of visitation.

This Public Art Strategy shares our vision for public art in the Western Downs and outlines a series of actions we will take to bring that vision to life.

Community Groups and Organisations

Public art in the Western Downs benefits greatly from the work of volunteers, as well as community groups and local organisations, who were engaged throughout the development of this Strategy. Council will continue to collaborate with these individuals and groups in enacting the Strategy.

(Cover Image)
Aboriginal Art, Hugh Sawrey Walkway, Kogan.
Soldier Settler (2022) Dion Cross.
Wandoan Soldier Settler Precinct, Wandoan.



Western Downs is home to a public art program and collection with a reputation for quality, variety, and impact.

What is Public Art?

Why is this Strategy Important?

Public art in the Western Downs will deliver community, cultural, and placemaking benefits and commercial opportunities for the region.

What is Public Art?

Public art refers to any creative work produced by an artist and executed in an open and publicly accessible space. Public art may come in many forms, and may be temporary, permanent, or performance based. Public art helps make spaces more interesting and beautiful, and often reflects and shapes the narrative of a place.

Mick the Cattle Dog,
O'Sullivan Park, Wandoan.



Why is this Strategy important?

This Public Art Strategy will guide the future direction of public art in the Western Downs. It will support the delivery of inclusive and innovative artworks and aim to improve the exposure of local art, artists, and the region.

This Public Art Strategy reflects the needs and aspirations of the community, local businesses, and Council in relation to public art, its utilisation, and associated benefits. It focuses on the links between art, tourism, and economic development to support holistic community and industry outcomes.

Public art in the Western Downs delivers notable benefits, including: contributing to a sense of community and pride of place, and improving the liveability and amenity of public spaces.

Public art also helps to draw visitors to our region, improving tourism and economic outcomes for our community and local businesses.

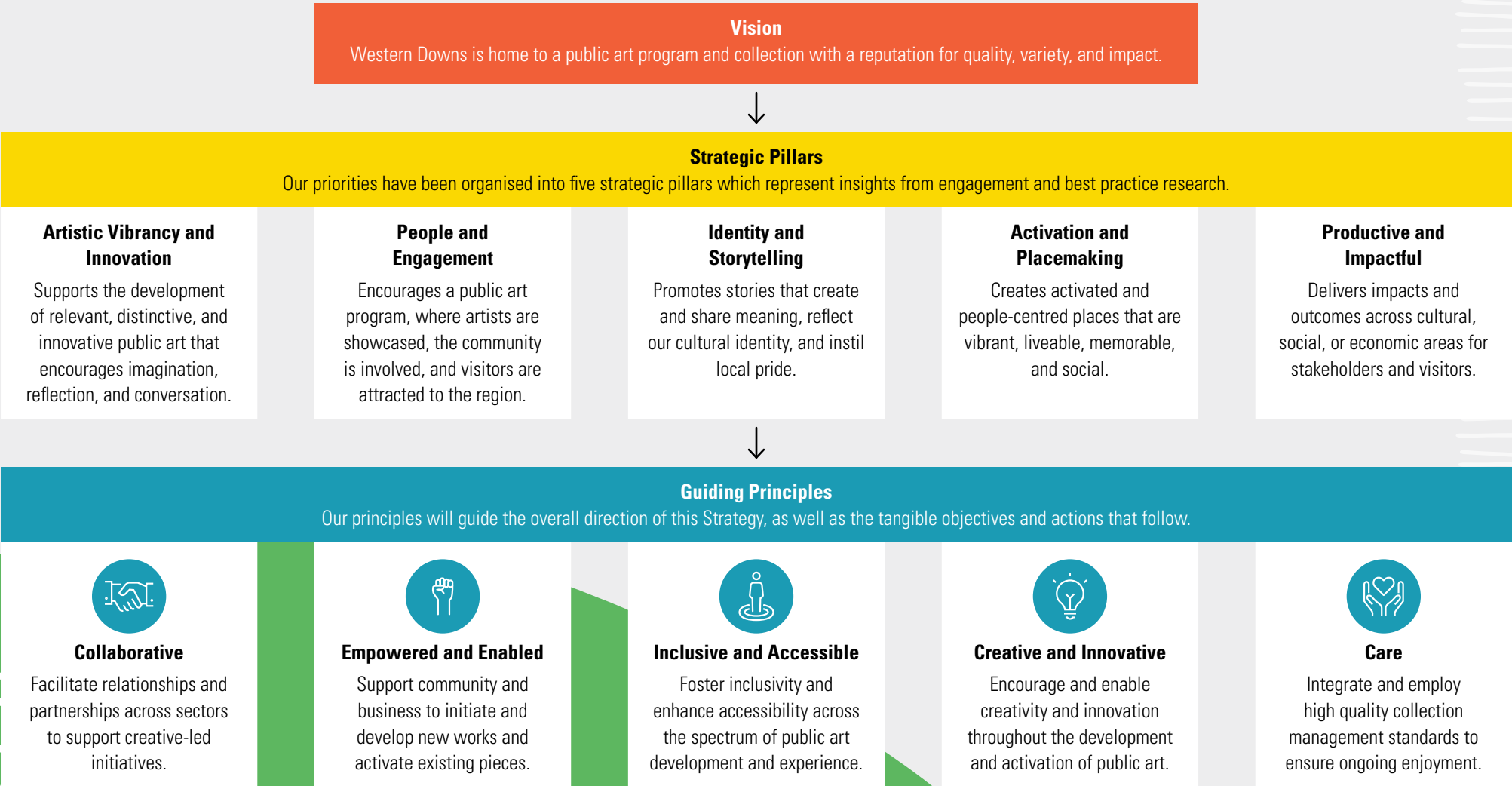
This Strategy will inform the Western Downs Regional Council's priority actions and will demonstrate how other key stakeholders can contribute to ensuring the Western Downs remains an innovative and vibrant place to be.

Cypress Pine Art Sculpture, Chinchilla.



Vision, Strategic Pillars, & Guiding Principles

Council is committed to enhancing the vibrancy of the region through public art that contributes to the local and regional community, and delivers cultural, social, and economic outcomes.



Action Plan

To support the realisation of our Public Art Strategy, we have developed an Action Plan of key objectives and actions.

	KEY OBJECTIVES	CURRENT STATE	WHAT WE WANT TO ACHIEVE	KEY ACTIONS	TERM
Artistic Vibrancy and Innovation	Uplift and enhance the standard, diversity, and scope of public art works in the region	There are a range of public art works throughout the region of varying mediums and scales	To nurture artistic freedom and encourage public art works which inspire commentary and debate	<ul style="list-style-type: none"> Develop guidelines for the prioritisation of investment in public art, including location, standard, and scope Deliver annual public artwork in line with CAPEX budget allocation. 	Medium Term
	Improve the cross-promotion of the public art program with other cultural events in the region	There are many established cultural events held in the region throughout the year	To maximise opportunities for promoting public art and attracting visitors and investment	<ul style="list-style-type: none"> Incorporate the promotion of and investment in public art alongside new and existing cultural events 	Short Term
	Enhance our current and future public art works with new and emerging technologies	Innovation and technology are not currently prioritised in the development of public art works	To encourage innovation and digital engagement with the region's public art through such mediums as virtual reality (VR) and augmented reality (AR)	<ul style="list-style-type: none"> Develop a roadmap to incorporate new technologies in the public art program 	Long Term
People and Engagement	Increase support for and showcasing of local artists	Regional artists may have difficulty breaking into the public domain	To promote and celebrate our local artists, and assist them in their creative journey	<ul style="list-style-type: none"> Incorporate a category in the Regional Arts Development Fund to support public art initiatives 	Short Term
	Improve community involvement in the design and delivery of public art works	The local community may not be aware of public art until it is installed	To provide the community with a sense of ownership in public art works and increase their engagement with local artists	<ul style="list-style-type: none"> Establish a protocol to support artists' engagement with the public in the development of public art works 	Long Term
	Improve diversity of visitation to the Western Downs specifically for public art works	Public art is recognised as one of the many attractions in the Western Downs region	To highlight and promote the uniqueness of the Western Downs public art program outside the region	<ul style="list-style-type: none"> Develop a marketing and promotion approach including identification of target audience 	Medium Term

	KEY OBJECTIVES	CURRENT STATE	WHAT WE WANT TO ACHIEVE	KEY ACTIONS	TERM
Identity and Storytelling	Reflect the Western Downs identity in public art works	There is limited understanding of the significance and context of public art works	To enhance the contribution of public art towards a sense of community connectedness and shared regional identity	<ul style="list-style-type: none"> Develop supporting educational material that illuminates and celebrates the Western Downs, its artists, and its identity 	Long Term
	Enhance the presence and promotion of Aboriginal and Torres Strait Islander creativity in public art works	Aboriginal and Torres Strait Islander art is not prioritised within the public art program	To include and celebrate Aboriginal and Torres Strait Islander histories and creativity through the public art program	<ul style="list-style-type: none"> Develop a roadmap for the inclusion and celebration of Aboriginal and Torres Strait Islander artworks, in collaboration with Traditional Owners 	Medium Term
	Consolidate and promote the branding of public art, focusing on our unique regional identity	Promotion of the Western Downs' public art is diluted	To communicate a distinctive, relevant, and unique public art brand both within and outside the region	<ul style="list-style-type: none"> Develop a cohesive public art brand 	Short Term
Activation and Placemaking	To streamline investment in public art works	Public art is not integrated in placemaking strategies	To incorporate public art into placemaking, renewal, and development projects	<ul style="list-style-type: none"> Explore incorporating public art into placemaking, renewal and development projects 	Medium Term
	Enhance the inclusivity and accessibility of the spaces surrounding public art works	Spaces around public artworks do not always support accessibility and inclusive visitation	To better support diverse and inclusive visitation of public art	<ul style="list-style-type: none"> Integrate inclusivity and accessibility considerations into public art planning 	Short Term
	Increase amenities in the spaces surrounding public art works	Some public art spaces lack the amenities to allow for public dwelling	To promote public gathering and encourage longer stays by both locals and visitors	<ul style="list-style-type: none"> Install additional amenity infrastructure in consultation with community 	Short Term
Productive and Impactful	Improve informed decision-making on public art investment	There is limited information to provide Council with direction on the future of public art	To better inform decision-making around public art through feedback and data	<ul style="list-style-type: none"> Develop a digital platform for community feedback on public art, including visitation data 	Short Term
	Coordinate public art with the region's visitor economy	Public art and tourism are not clearly linked	To establish public art as a driving force for people to visit the Western Downs	<ul style="list-style-type: none"> Develop promotional material which consolidates public art works, such as the Public Art Trail, with other points of interest 	Medium Term
	To learn from other regional organisations to better incorporate the private sector in the public art program	There is limited private sector involvement in the public art program	To explore how public/private partnership can expand the public art program, including on private assets	<ul style="list-style-type: none"> Leverage Council's existing business, arts, and tourism networks to understand, prioritise and facilitate opportunities 	Long Term

Regional Strengths and Advantages

The Western Downs has a number of strengths and competitive advantages that this Strategy will leverage.

Connected Community



- A vibrant, active, and connected community who have pride in their region and its public art
- A strong local identity which is tied to the Western Downs' unique culture, history, and peoples
- A growing, young population, ready to experience innovative, and new work

Local Artists



- Home to numerous talented local artists and makers

Location



- Only 2.5 hours northwest of Brisbane
- A well-connected region with most towns less than two-hours apart

Nature and Landscape



- A pristine natural environment and diverse natural assets
- Surrounded by lakes, national parks, and forests, perfect for recreational drives
- Numerous permanent and temporary public art works, beautifying the region and promoting liveability and wellbeing

Destination Events and Attractions



- A full calendar of community-run festivals and events drawing people to the region
- The Public Art Trail and other public art works attract significant tourism

Visitor Economy



- Thousands of domestic and international travellers visit the Western Downs annually
- An already strong tourism sector and industry



Positive Outcomes

The realisation of this Public Art Strategy will have positive outcomes across the Western Downs region.



For the Western Downs Community

- More visually distinctive, vibrant, and activated place to live, work, study, and play
- Enhanced amenity and accessibility to public art across the region
- Greater expression of local identity and regional cultures, histories, and peoples
- Improved sense of community connection and pride in the Western Downs



For Individuals

- Increased exposure to the work of local, national, and international artists
- Diversified and expanded public art and tourism sectors employment opportunities
- Increased opportunities to contribute to the public art landscape of the Western Downs through collaborative projects
- More appealing spaces that offer opportunities for social connection and creative expression
- Greater impetus for further learning and visual and cultural awareness



For the Art Industry and Community

- Improved reputation and regional acknowledgment
- Increased activity within the industry locally
- Greater local opportunity for public work and showcasing Western Downs' talent
- Stimulates new thinking and activity that directly inspires social and cultural activity
- Greater support for the Western Downs' artistic and cultural community and volunteer groups



For Business and Investors

- Increased opportunities to form partnerships to promote artistic initiatives in the region
- Increased tourism in the region, delivering higher visitation numbers and revenue
- Further access to a public art industry ready for innovative promotion and enhancement
- Additional opportunities to partner with local and regional organisations in support of creative initiatives
- Enhanced support for unique businesses by providing opportunities and clear and simple procedures

Next Steps and How Can You Be Involved?

What's Next?

This long-term strategy will guide collaboration with artists, community, businesses, and other key partners. It will continue to enhance our existing public art and further develop the collection to deliver social, cultural, and economic benefits for the community.

Annual actions guided by this Strategy will be set in Council's Operational Plan. Western Downs Regional Council reports on a quarterly basis on the successful delivery of these actions.

How Can You Be Involved?

Artists, organisations, and businesses operating across the Western Downs can connect with Council to stay up to date on the Strategy, annual actions, key measures of success, and supporting organisations.

Scan the QR code or visit Council's website to sign up to Council's mailing list.

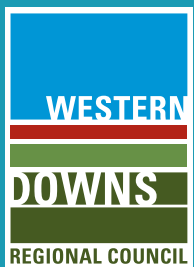
#itsthepeoplethatmakeit



The Western Downs is home to many fantastic community and volunteer arts groups and organisations, such as the Bell Art Group, the Lapunyah Art Gallery, and the Wandoan Arts Council, among many others. Council is committed to working with these community groups and partners to uplift the status of public art throughout the region.

If you would like to get involved in workshops, events, or the artistic community more broadly, reach out to your local organisations or Council for more information.





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