



SOUTHERN DOWNS REGIONAL COUNCIL ORDINARY COUNCIL MEETING

Dear Councillors

Your attendance is hereby requested at the Ordinary Council Meeting to be held in the Council Chambers, Southern Downs Regional Council, 64 Fitzroy Street, Warwick on **Wednesday, 15 May 2024** at **9:00AM**.

Notice is hereby given of the business to be transacted at the meeting.

A handwritten signature in black ink, appearing to read 'Dave Burges', is written over a light blue horizontal line.

Dave Burges

CHIEF EXECUTIVE OFFICER

9 May 2024

Attendance:

10:30am Presentation of Service Awards to Council Staff

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ACKNOWLEDGEMENT TO COUNTRY

- 1. PRAYER & CONDOLENCES**
- 2. ATTENDANCE**
- 3. APOLOGIES**
- 4. READING AND CONFIRMATION OF MINUTES**
- 4.1 Ordinary Council Meeting - 19 April 2024**


Recommendation

THAT the minutes of the Ordinary Council Meeting held on Friday 19 April 2024 be adopted.

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 19 April 2024

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Chief Executive Officer	ECM Function No/s:

Recommendation

THAT Council receive the report and note the contents.

REPORT

The purpose of this report is to provide a summary of Actions resulting from resolutions from the Ordinary Council Meeting held 19 April 2024.

A copy of each of the Actions Report is attached.

ATTACHMENTS

1. Actions - Ordinary Council Meeting 19 April 2024 [↓](#)



ACTIONS FROM ORDINARY COUNCIL MEETING 19 APRIL 2024

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/04/2024	5.1	Actions from Ordinary Council Meeting 13 March 2024 and Post-Election Special Council Meeting 3 April 2024	Burges, Dave	26 Apr 2024 12:41pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:41:46 PM - Noted.	26/04/2024
19/04/2024	6.1	Conflict of Interest - Cr Pidgeon Agenda - Item 7.1	Burges, Dave	26 Apr 2024 12:41pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:41:53 PM - Noted.	26/04/2024
19/04/2024	6.2	Conflict of Interest - Cr McDonald - Agenda Item 10.2	Burges, Dave	26 Apr 2024 12:41pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:41:59 PM - Noted.	26/04/2024
19/04/2024	6.3	Conflict of Interest - Cr Wantling - Agenda Item 11.6	Burges, Dave	26 Apr 2024 12:42pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:42:05 PM - Noted.	26/04/2024
19/04/2024	6.4	Conflict of Interest - Cr Harslett - Agenda Item 11.6	Burges, Dave	26 Apr 2024 12:42pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:42:12 PM - Noted.	26/04/2024
19/04/2024	6.5	Conflict of Interest - Cr Bartley - Agenda Item 12.1	Burges, Dave	26 Apr 2024 12:42pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:42:22 PM - Noted.	26/04/2024
19/04/2024	7.1	Mayoral Minute - Operation and Management of the Allora Swimming Pool	Burges, Dave	26 Apr 2024 12:42pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:42:45 PM - Referred to CEO to undertake a review.	26/04/2024
19/04/2024	8.1	Correspondence	Burges, Dave	26 Apr 2024 12:43pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:43:04 PM - Noted.	26/04/2024
19/04/2024	10.1	Schedule for Council Meetings and Information Sessions	Burges, Dave	26 Apr 2024 12:43pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:43:16 PM - Noted - scheduled published on Council	26/04/2024



ACTIONS FROM ORDINARY COUNCIL MEETING 19 APRIL 2024

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/04/2024	10.2	Organisation Information Reports April 2024	Burges, Dave	26 Apr 2024 12:43pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:43:29 PM - Noted.	26/04/2024
19/04/2024	10.3	Quarterly Organisation Information Reports April 2024	Burges, Dave	26 Apr 2024 12:43pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:43:35 PM - Noted.	26/04/2024
19/04/2024	10.4	2024 LGAQ Civic Leaders Summit	Burges, Dave	26 Apr 2024 12:43pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:43:56 PM - Noted no decision made at this time.	26/04/2024
19/04/2024	10.5	ALGA National General Assembly 2024	Burges, Dave	26 Apr 2024 12:44pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:44:13 PM - Noted - no decision made at this time, referred to May Ordinary Council Meeting.	26/04/2024
19/04/2024	10.6	LGAQ Policy Executive Nominations 2024 - 2028	Burges, Dave	26 Apr 2024 12:44pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:44:46 PM - Noted no decision made at this time to nominate a Councillor.	26/04/2024
19/04/2024	10.7	Procurement Exception - Small Business Resilience Suite	Hefferan, Michael	08 May 2024 5:01pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Hefferan, Michael (action officer) on 08 May 2024 at 5:01:11 PM - Economic Development Team are working with Procurement to develop the full scope and special conditions for procurement contracts for the Chambers of Commerce to help deliver the Locally Led Economic Recovery Program.	8/05/2024
19/04/2024	13.1	Material Change of Use – Holly & Guy Collier C/- Adapt Development Management Pty Ltd: 49 Connor Street, Stanthorpe	Travers, Catherine	08 May 2024 10:18am Watt, Jenny - Completion Completed by Watt, Jenny on behalf of Travers, Catherine (action officer) on 08 May 2024 at 10:18:30 AM - Decision Notice and Statement of Reasons emailed to applicant.	8/05/2024



ACTIONS FROM ORDINARY COUNCIL MEETING 19 APRIL 2024

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/04/2024	12.1	Warwick Pistol Club Request for In-kind Donation	Varughese, James	02 May 2024 11:55am Verney, Prue - Completion Completed by Verney, Prue on behalf of Varughese, James (action officer) on 02 May 2024 at 11:55:18 AM - Warwick Pistol Club has not accepted loan offer. Club is not inclined for the in kind support of the reclaimed gravel. As per resolution, we are proposing for a budget bid in the next FY 2025/26 for improving the access.	2/05/2024
19/04/2024	10.8	Councillor Portfolios and Representation on Committees	Burges, Dave	26 Apr 2024 12:46pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:46:32 PM - Councillor Portfolio Policy being formalised, with updates to be made to the Terms of Reference for the relevant Committees	26/04/2024
19/04/2024	11.1	Financial Services - Financial Report as at 31 March 2024	Dowie, Brooke	29 Apr 2024 10:18am Dowie, Brooke - Completion Completed by Dowie, Brooke (action officer) on 29 April 2024 at 10:18:24 AM - March 2024 Financial Performance Report noted.	29/04/2024
19/04/2024	11.2	Third Quarter Budget Review 2023-24	Dowie, Brooke	29 Apr 2024 10:18am Dowie, Brooke - Completion Completed by Dowie, Brooke (action officer) on 29 April 2024 at 10:18:50 AM - 2023/24 Third Quarter Budget Review has been noted and rolled over.	29/04/2024
19/04/2024	11.3	Operational Plan Update	Armstrong, Belinda	08 May 2024 10:15am Keir, Dianna - Completion Completed by Keir, Dianna on behalf of Armstrong, Belinda (action officer) on 08 May 2024 at 10:15:59 AM - Council resolution noted.	8/05/2024
19/04/2024	11.4	RFT 24_070 Tender - Disposal of Freehold Vacant Land	Watt, Mark	29 Apr 2024 12:59pm Watt, Mark - Completion Completed by Watt, Mark (action officer) on 29 April 2024 at 12:59:05 PM - All submitters notified of decision.	29/04/2024
19/04/2024	11.4.1	RFT 24_070 Tender - Disposal of Freehold Vacant Land - Amendment	Armstrong, Belinda	08 May 2024 10:16am Keir, Dianna - Completion Completed by Keir, Dianna on behalf of Armstrong, Belinda (action officer) on 08 May 2024 at 10:16:28 AM - Council resolution noted.	8/05/2024



ACTIONS FROM ORDINARY COUNCIL MEETING 19 APRIL 2024

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/04/2024	11.5	Minutes of the Audit & Risk Management Committee held 15 February 2024	Armstrong, Belinda	08 May 2024 10:16am Keir, Dianna - Completion Completed by Keir, Dianna on behalf of Armstrong, Belinda (action officer) on 08 May 2024 at 10:16:11 AM - Council resolution noted.	8/05/2024
19/04/2024	11.6	Application for Trusteeship over Lot 1 on SP312458 - Amiens History Society	Watt, Mark	29 Apr 2024 9:03am Watt, Mark - Completion Completed by Watt, Mark (action officer) on 29 April 2024 at 9:03:25 AM - Response sent on 29/4/24.	29/04/2024
19/04/2024	12.2	Smart Water Meter Project Update	Sweetlove, Graham	23 Apr 2024 3:26pm Verney, Prue - Completion Completed by Verney, Prue on behalf of Sweetlove, Graham (action officer) on 23 April 2024 at 3:26:32 PM - Smart Water Meter Project Update Report content noted.	23/04/2024
19/04/2024	13.2	Material Change of Use - Homestead Road, Rosenthal Heights	O'Mara, Angela	26 Apr 2024 2:30pm O'Mara, Angela - Completion Completed by O'Mara, Angela (action officer) on 26 April 2024 at 2:30:17 PM - Decision Notice issued to applicant.	26/04/2024
19/04/2024	13.3	Pest Management Advisory Committee Meeting	Collett, Nicole	26 Apr 2024 2:57pm Collett, Nicole - Completion Completed by Collett, Nicole (action officer) on 26 April 2024 at 2:57:38 PM - Noted, no action needed. Will be presented at next PMAC meeting as endorsed.	26/04/2024
19/04/2024	13.4	Shaping Southern Downs Advisory Committee Meeting Minutes - 5 March 2024	O'Mara, Angela	26 Apr 2024 2:30pm O'Mara, Angela - Completion Completed by O'Mara, Angela (action officer) on 26 April 2024 at 2:30:56 PM - Noted	26/04/2024
19/04/2024	13.4.1	Shaping Southern Downs Advisory Committee Meeting Minutes - 5 March 2024	O'Mara, Angela	26 Apr 2024 4:26pm O'Mara, Angela - Completion Completed by O'Mara, Angela (action officer) on 26 April 2024 at 4:26:53 PM - SSDAC members advised of Council resolution.	26/04/2024
19/04/2024	13.5	Reconfiguration of Lot – Kevin Kearney: New England Highway, Glen Aplin	Travers, Catherine	08 May 2024 10:18am Watt, Jenny - Completion Completed by Watt, Jenny on behalf of Travers, Catherine (action officer) on 08 May 2024 at 10:18:47 AM - Item Deferred	8/05/2024



ACTIONS FROM ORDINARY COUNCIL MEETING 19 APRIL 2024

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/04/2024	15.1.1	Procedural Motion - Request to State Government to Pause the Sale Action of Camp Leslie Dam	Burges, Dave	26 Apr 2024 12:46pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:46:50 PM - Noted.	26/04/2024
19/04/2024	15.1	Notice of Motion - Request to State Government to Pause the Sale Action of Camp Leslie Dam	Burges, Dave	26 Apr 2024 12:47pm Seymour, Marion - Completion Completed by Seymour, Marion on behalf of Burges, Dave (action officer) on 26 April 2024 at 12:47:03 PM - Noted.	26/04/2024

6. DECLARATIONS OF CONFLICTS OF INTEREST


7. MAYORAL MINUTE

Nil

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Chief Executive Officer	ECM Function No/s:

Recommendation

THAT the report of the Chief Executive Officer in relation to Correspondence be received.

REPORT

1. **Domestic and Family Violence Prevention Council** seeking Council's interest in joining the Local Government Domestic and Family Violence Prevention Champions Network (attached).

Action: Council is in the process of progressing this issue to the point where a Council decision can be made.

2. **Richard Standley** regarding the need for a dog run in Warwick (copy attached).

Action: Referred to Parks and Operations.

ATTACHMENTS

1. Correspondence from Domestic and Family Violence Prevention Council [↓](#)
2. Correspondence from Richard Standley [↓](#)



DOMESTIC AND FAMILY VIOLENCE
Prevention Council

dfvcouncil@premiers.qld.gov.au
www.qld.gov.au/dfvpreventioncouncil

Our ref: LG2024/AS

12 April 2024

Cr Melissa Hamilton
Mayor
Southern Downs Regional Council

melissa.hamilton@sdrcl.qld.gov.au

Dear Mayor Hamilton

Congratulations on your election as Mayor of Southern Downs Regional Council.

As you are aware, domestic and family violence continues to be an alarming social issue affecting all communities in Queensland.

If we are to create generational and cultural change, we need to change the collective mindset that it happens somewhere else to someone else.

In reality, domestic violence occurs in all neighbourhoods and anyone can be a victim, regardless of race, age, ethnicity, economic status or sexual orientation.

The people experiencing and perpetrating this harm include those who live in your local government area, and given the extent of domestic and family violence it is also likely that some are employees of your Council.

The Domestic and Family Violence Prevention Council recently met you at our visit to Warwick in February, and we understand you will be meeting a member of our Secretariat soon to discuss the work we are doing in partnership with 23 other local government authorities in Queensland.

Through our **Local Government Domestic and Family Violence Prevention Champions Network** (the Champions Network which we co-Chair with the Local Government Association of Queensland, the Prevention Council is partnering and supporting committed local government leaders in delivering a place-based response to domestic and family violence in the workplace and across their communities.

This highly effective form of primary prevention, which relies on shared understanding and consistent messaging, is essential to bringing about the grass-roots shift in attitudes and behaviour required to achieve cultural change to prevent domestic and family violence.

Given the recent election, we are writing to seek your Council's interest in joining our Champions Network, commencing with a presentation to your leadership team on the issues that domestic and family violence is having on your community.



For further information, please contact Ms Angie Spencer, Director, Domestic and Family Violence Prevention Council Secretariat via email angie.spencer@premiers.qld.gov.au or telephone 0404 544 817.

We look forward to your involvement in this important work.

Yours sincerely



Ms Vanessa Fowler OAM
Co-Chair
Domestic and Family Violence Prevention Council



Mr Bob Atkinson AO APM
Co-Chair
Domestic and Family Violence Prevention Council

cc: David Burges (CEO), Cr Sheryl Windle, Cr Ross Bartley, Cr Sarah Deane, Cr Morwenna Harslett, Cr Cynthia McDonald, Cr Carla Pidgeon, Cr Joel Richters, Cr Russell Wantling

TO: The Southern Downs Regional Council
RE: Prospective dog run
FROM: Richard Standley
(0427070255)
Stacey Street (no:10)

SOUTHERN DOWNS REGIONAL COUNCIL WARWICK BRANCH RECEIVED 11 APR 2024 Comments
--

Hi team...

From Sophie the Poodle.

I don't understand anything but Dog...

But I've trained my daddy to carry on who understands "woof" and "whine"...

Thank you.... Big licks next time I see you!



I am a Standard poodle who used to take my daddy down to the park and the dog run that was washed away all those years ago...(sigh/woof/whine)

I am a very gregarious (my daddy helped me with the spelling of that word... it doesn't translate well into Canine) dog who has a lot of energy and hasn't been able to get a good run anywhere since the floods.

My daddy took me off the lead for a quick run behind our kennel/house once and got a stern talking to from the dog catcher...

He's behaved since then and won't let me off the lead ANYWHERE!!!!

(Sorry... a bit of a growl there... I must learn to control my frustration)

Anyhow, we were on a walk at the western end of Grafton Street and south of the Racecourse, near the pumping station when we came across what I think could be a brilliant space for an enclosed dog run.

The southern end is on a rise above the river and shouldn't be affected by flood events unlike the original dog run on the playing fields.

Could I ask you, (on my bum with my front legs in prayer position) to give serious consideration to erecting an enclosed area that shouldn't be badly affected by the rotten rain that ruined the old run (notice what my daddy calls "alliteration" (wotever that is)).

Anyhow, if you're interested to look at it, I would love to come down to the river and show you what I mean.

I will give you all big licks and hugs in return and promise not to bark too loudly...

My daddy has typed this because, as you can imagine, I can't read/write or type, and my daddy's computer doesn't have an app to translate from Poodle into English...

Again... I've asked my daddy to give you all big licks and hugs from me...

Sophie The Poodle (typed by his daddy Richard Standley)

Sophie The Poodle
My Daddy Says the squiggle above
is my Signature
this is his
Richard Standley


9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE SERVICES REPORTS

10.1 Organisation Information Reports May 2024

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Chief Executive Officer	ECM Function No/s:

Recommendation

THAT Council note the contents of the Organisation Information Reports.

REPORT

Background

Recognising that Councillors cannot be involved in operational matters and that it is in the best interests of the elected member body and the community to be provided information on the operations of Council, various Information Reports are provided regularly to Council.

These reports are now placed as early as possible in the agenda and prior to any decision or strategic reports.

Report

Relevant Information Reports are provided as attachments to this covering report, and include:

1. Customer and Organisational Services Monthly Status Report April 2024
2. Southern Downs Youth Council Meeting 18 April 2024
3. YMCA Monthly Reports March 2024
4. Infrastructure Services Monthly Status Report April 2024
5. Planning and Environmental Services Monthly Status Report April 2024

FINANCIAL IMPLICATIONS

Where relevant and unless noted otherwise, budget provisions have been made for the operational and capital issues discussed in the reports.

RISK AND OPPORTUNITY

Risk

That Councillors are not adequately informed of operational matters that may be of interest.

That members of the public are not adequately informed of operational matters that may be of interest.

Opportunity

These reports present an opportunity to the organisation to demonstrate progress of a wide range of deliverables.

COMMUNITY ENGAGEMENT

Internal Consultation

Consultation is undertaken where deemed appropriate on various matters that may be included in the Information Reports.

External Consultation

Consultation is undertaken where deemed appropriate on various matters that may be included in the Information Reports.

LEGAL / POLICY

Legislation / Local Law

Nil

Corporate Plan

Various matters included in the Information Reports contribute to the realisation of Council's Corporate Plan themes of *People, Places, Prosperity* and *Performance*.

Policy / Strategy


Various matters included in the Information Reports contribute to the realisation of Council's policies and strategies.

ATTACHMENTS

1. Customer and Organisational Services Monthly Status Report April 2024[📄](#)
2. Southern Downs Youth Council Meeting Minutes 18 April 2024[📄](#)
3. YMCA Report March 2024[📄](#)
4. YMCA Stanthorpe Monthly Financial Statement March 2024 (Confidential - Provided to Councillors only)
5. YMCA Wawick Monthly Financial Report March 2024 (Confidential - Provided to Councillors only)
6. Infrastructure Services Monthly Status Report April 2024[📄](#)
7. Planning and Environmental Services Monthly Status Report April 2024[📄](#)

0.0 INFO REPORT | Customer & Organisational Services Monthly Status Report

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Director Customer and Organisational Services	ECM Function No/s:

Recommendation

THAT Council receive and note the Customer and Organisational Services Status Report for the month of April 2024.

REPORT

The Customer and Organisational Services Directorate has responsibility for the operational aspects of a range of functions within Council and external to Council.

Major Projects Update

Project Name	Status
Stanthorpe Art Gallery/Library Expansion	<ol style="list-style-type: none"> 1. Work is continuing onsite 2. Practical completion planned for 9 June 3. Additional defects being addressed as they arise - <ol style="list-style-type: none"> a. Airconditioning ducting - \$50,900
Warwick Saleyards Redevelopment	<ol style="list-style-type: none"> 1. Recently completed work Stage 1 <ol style="list-style-type: none"> a. Connection of new to old yards complete b. Ramp 1 install. c. Stage 1B works. d. Troughs to 1A & 1B e. Concrete works. f. Lighting and PA system g. Switchboard change over. h. Stairs to east end of catwalk. 2. Current work activity – <ol style="list-style-type: none"> a. Ramps 2 & 3 b. Walkway on carpark side. c. Commissioning of the processing area. d. Shade sail install. e. Finish retaining wall across front and down east side. 3. 24 Selling pens were made available for Agent use on 29 April. 4. Stage 1 handover planned for 31 May with induction in use of processing area needed 5. Stage 2 yard demolition is planned to commence 20 May.



Warwick Saleyards Construction Progress 11 April 2024.

Community Services

Community Development

ANZAC Day was held across the region in various locations. The day was very well attended, with the numbers again appearing to have increased on previous years, particularly with the younger members of the community.



Pools

Council officers looking to paint and recalc the pools during their winterising period, intending to have this work complete before the commencement of the 2024/25 pool season. In addition, the Killarney Pool has had some filtration issues, with officers currently working closely with contractors to have this resolved before the commencement of the next season.

Library Services

Update on activities and delivery against a number of Library Services' KPIs (as of April) are provided below.

Reference No	Description of Item / Project	Responsible Officer (Title)	Expected Start Date	Expected Finish Date	Quarterly Status Review	% Complete	Comment
7: Offer contemporary library services across the region that reflect the needs of the community.							
7.1 Offer innovative library services during the expansion of the library, such as click and collect, outreach and home delivery, across the region that reflect the needs of the community.							
7.1.1	Provide a gateway to virtual online services and networks	Library Branch Coordinator	1 July 2023	30 June 2024		80%	Continued maintenance, evaluation and purchasing of digital resources, updates of OPAC and Library page on Council's website. OPAC announcements updated with Library closed days (show holidays, Easter, ANZAC Day, Labour Day etc.)
7.1.2	Deliver innovative programs to engage with the community and enhance the library as a community resource	Library Branch Coordinator	1 July 2023	30 June 2024		80%	Programming plans; Tech assist, Crafternoon, holiday activities & treasure hunts (ongoing), and Turing Tumbles (STEM); Author visit Heather Reyburn, Kids Korner fortnightly storytime, Assumption College fortnightly visit. Book Week. Qld Health – Baby Rhymetime; Storytime; Kids Korner fortnightly storytime visits 2023; Kids Korner monthly storytime visits 2024; Under 8s day – Warwick East School; Visits to St Joseph's School Stanthorpe – prep – Year 6. Summer Reading Club 2023/2024 completed. Tech Savvy outreach to Regency Park. Author visit Georgia Harper. SDIEA library orientation.
7.1.3	Promote library services to reflect an increase in usage	Library Branch Coordinator	1 July 2023	30 June 2024		80%	Social media promotion ongoing: (1-30 April 2024) Southern Downs Library Facebook – 6 posts , 2,022 post reach, 137 interactions Instagram – 16 posts, 354 post reach, 21 interactions Social media promotion ongoing: cumulative figures (July 2023 – June 2024) Southern Downs Library Facebook – 86 posts , 45,420 post reach, 3,431 interactions Instagram –154 posts, 3,933 post reach, 524 interactions Southern Downs Library Facebook followers: 1094 Instagram followers: 269 Advertisement and editorial in Southern Living Monthly Your Southern Downs eNews Holiday activities information sent to local schools Library statistics April 2024 Loans: 11,850 Returns: 9,149 Reservations placed: 2,355 New members: 132 Current membership as of 30 Apr 2024: 9,331

Reference No	Description of Item / Project	Responsible Officer (Title)	Expected Start Date	Expected Finish Date	Quarterly Status Review	% Complete	Comment
							Library visitors: 4,960
7.1.4	Work towards ensuring all of the SDRC community has access to library services reflective of their needs	Library Branch Coordinator	1 July 2023	30 June 2024		80%	Delivery; Outreach; Requests for purchase; Bookseller visit; Tech assist (user needs based program); First5forever outreach ; Regional & Requested Delivery service; Homerun service ongoing; Institutional delivery
7.1.5	Measure effectiveness of program delivery through 1 survey per year	Library Branch Coordinator	1 July 2023	30 June 2024		90%	Anticipated annual survey being finalised. Library survey conducted 1-28 August. Survey results being analysed. Allora region survey conducted including Library elements.
7.1.6	Meet all financial, statistical, legislative and reporting requirements of relevant bodies (e.g. Council, State Library of Queensland)	Library Branch Coordinator	1 July 2023	30 June 2024		80%	Preparation for Annual reporting requirements commenced. Monthly figures gathered. Quarterly figures gathered. Community engagement details supplied Annual report to State Library & First5Forever forward plan submitted. Monthly reports
7.1.7	Ensure best practice management of our facilities and services	Library Branch Coordinator	1 July 2023	30 June 2024		80%	QPLA meeting (Queensland Public Libraries Association); YPLG meeting (Young People Library Group); Monthly team meetings; Monthly one on one staff meetings; Collection maintenance – ongoing; Library van off the road and will go to Brisbane for service (battery & associated issues); Library van monitored for battery performance issues; Civica meeting (Account Manager); Fortnightly Branch Coordinator meetings; Recruitment for Warwick positions; Quarterly all of service staff meetings; Library supplier meetings; LGMA meeting; SPUN conference (Spydus User Network); SPUN quarterly meetings; QGCDC digital inclusion online meeting; Staff recruitment discussion Allora; Killarney book exchange report to council; Library/ICT discussions re Library tech; Library Network meeting – Warwick; Quarterly all of team meeting – virtual; OLT meetings; Stanthorpe Library/Art Gallery renovation is continuing. IntraSpace quote received for feedback (shelving and furniture); Shelving/furniture items ordered. Previous information received – electrical drawings approved, returns chute options provided Adilam selected, joinery concerns for front counter – design already signed off on. Entrance & foyer precast panels assembled. Front extension slab laid and roofing laid/replaced. Construction continues. Continued transition of collection allocation to Storm King for eventual relocation to Stp Library building. Visit to Stp Library – view of interior – photos and measurements

Reference No	Description of Item / Project	Responsible Officer (Title)	Expected Start Date	Expected Finish Date	Quarterly Status Review	% Complete	Comment
							taken. Additional shelving delivered to Killarney Coop for book exchange.
7.1.8	Foster a strength-based team culture with well-trained staff (5 training opportunities undertaken by staff)	Library Branch Coordinator	1 July 2023	30 June 2024		80%	Leadership development program – 2 staff; Cert IV Library & Information Services – 2 staff, 1 completed.; Population forecast workshop – 1 staff; SCARF training; Spydus training x 4; New PPT & Casual commence work in Warwick; New PPT commence work in Allora; Allora role to be recruited again. ALIA course; Library officer regular visit from Stp to Wck library; Upskilling of Wck lib officer in Allora tasks.; ECM training.; Skytrust training; Planning commenced for next All of Staff PD Day.

Corporate Services

Land Management

The Land Management Team have commenced settlement procedures of the freehold vacant land recently approved for disposal. Negotiations continue with a number of landowners for land required for either road re-alignments or Council infrastructure.

Lease Category	Current Leases
Aerodrome	6
Commercial	3
Community	92
Grazing	36
Special Purpose	12
Telecommunication	9
Total Current Leases	158

Note: 24 of the above are under negotiation/draft stage for renewal
7 executed leases since March report

Land Sales	Note	Number
Settlements	1	1
Under negotiation/contract stage	2	3
Total for period		4

Note 1: 1 x vacant land Yangan.

Note 2: 2 x Warwick Aerodrome, 1 x Stanthorpe Industrial Estate.

Warwick Saleyards

April 2024 saw a total of five(5) cattle sales and four (4) sheep sales.

Cattle and sheep numbers through the yards were consistent through the month however dropped where wet weather impacted vendors.

Cattle for April

Date	Number
2	616
9	1029
16	1583
23	550
30	1247

Sheep for April

Date	Number
3	1346
10	1274
17	1598
24	1454

Prices have remained sound, particularly for smaller yardings.

Details of all sales are available on the MLA website.

Governance

Training

- Good Decisions Training facilitated by the Queensland Ombudsman is being attended by Senior Management and the Executive Team.
- Collins Biggers Paisley – Seminar Series 2024 – calendar invitations extended to Senior Manager and Executive.
- Public Interest Disclosure Training – Queensland Ombudsman is scheduled for May 2024

Complaints, Right to Information, Information Privacy Matters

Request type	Internal status	Date last status update
Administrative action complaint	0 current	
Ombudsman matter for review	0 current	
Right to Information	0 current	

Policies and Procedures status as at 29/04/2024

Details	Current	Past Review Date	Under Review	Draft	To be rescinded
Policies- strategic and Operational	58	27	39	7	1
Procedures – strategic and Operational	25	62	3	13	0

Insurance

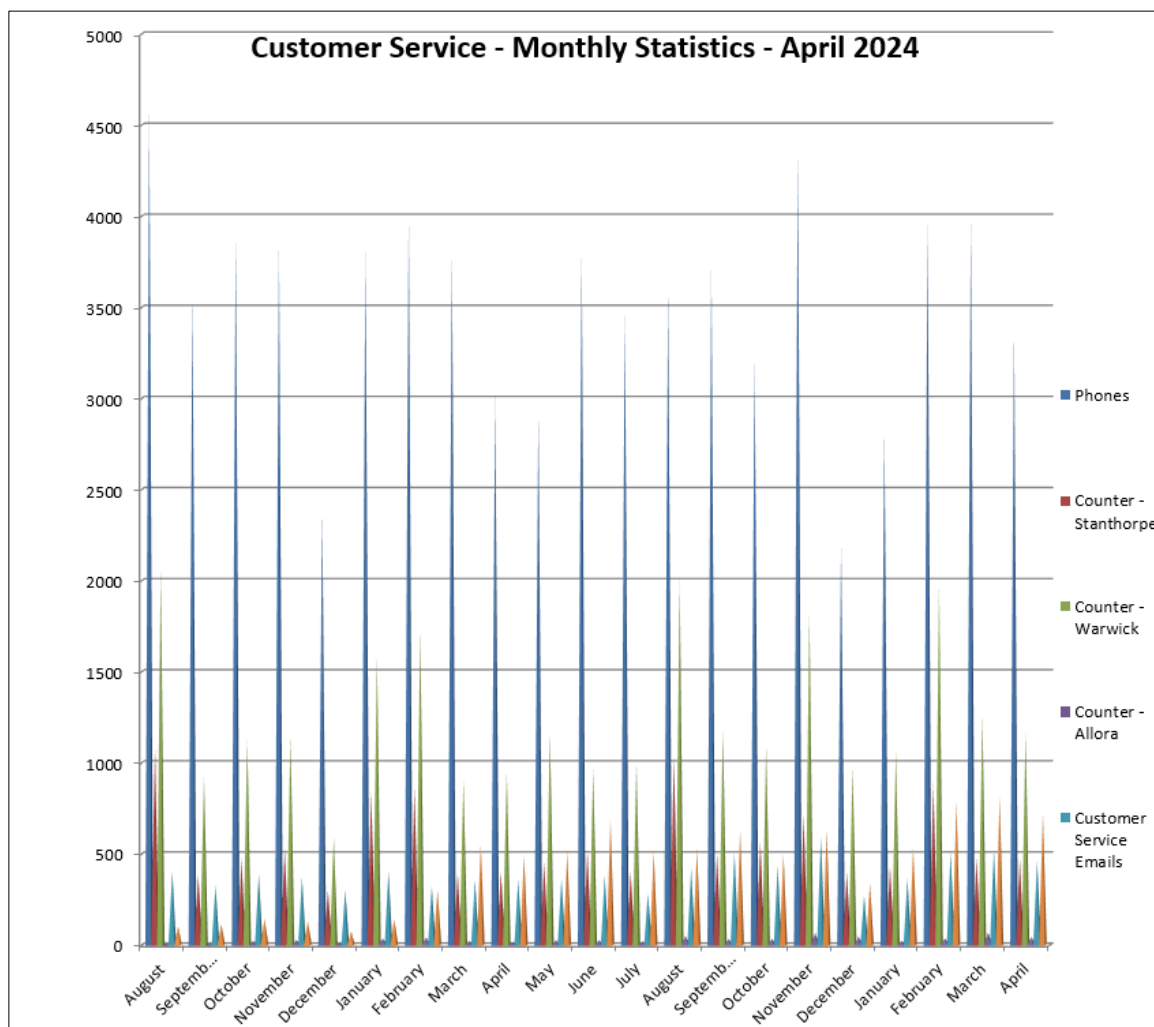
The governance team is working through finalising existing claims. A significant amount of work has been processed in this space which is seeing the majority of backlog worked through to bring insurance claims up to date

Claim Description – Motor Vehicles	Number
Motor vehicle claims – In progress	11
Claims – new for the month of April 2024	0
Existing claims carried over from the previous month	11
Deemed complete (claim is accepted by Council's Insurer)	8

Claim Description - Property	Number
Property claims – In progress	4
Claims – new for the month of April 2024	0
Existing claims carried over from the previous month	4
Deemed complete (claim is accepted by Council's Insurer)	0

Customer Service

Statistics for the month of:	April 2024
Phones	3373
Counter – Stanthorpe	470
Counter – Warwick	1168
Counter – Allora	44
Customer Service Emails	461
MERIT Requests vi app, web and phone	724



Sustainability & Strategy

Asset Management

The team focus has been on capitalisation and recognition of assets constructed and donated, the further roll out of the TechnologyOne EAM module, supporting the 2024 Valuation project. The focus will continue to be on the reduction of WIP (capitalisation) as this continues to be a risk to the organisation. Support of the Master Planning exercises for Open Space; Sport and Recreation, and Aerodromes continues with the planning for the next tranche of Master Plans and Asset Management Plans has been initiated.

Project Lifecycle Management (PLM)

The PLM key user training is completed. The finalisation and “go live” planning continues with the TechnologyOne Project team. The cut over to the new module is planned for the new financial year to minimise disruption.

Flood Studies

AECOM have completed the development of models, Interim Design Event Flood Modelling Report and are working with the QRA appointed Peer Reviewer. Southern Downs Regional Council have provided all the data requested, in itself an extensive project. The next steps are the running of the models, validating the output, and writing the associated reports. This short description is not reflective of the months of effort for AECOM to complete the project.

GIS

The Department of Resources provided the final data set of the LiDAR capture of the northern half of the region. The Quart Pot Creek data had previously been supplied. Approximately 5 terabytes of data were provided by the Department. The GIS team have evaluated the data, updated the data on the IntraMaps system, compressed and stored the raw data set we have decided is required for retention. Previously, data sets from the Department have included updated contour lines. This has not been provided in this data transfer due to size of the data set and the time required to generate the new contour line information. The GIS team will generate contour lines data inhouse. This process will be conducted in chunks to limit the impact on other systems, and likely be programmed for overnight and on weekend processing when the necessary computing power is less utilised.

The GIS team data provision to AECOM for the Flood Studies, Planning and Development department for the LGIP process, Master Planning exercises, and the business as usual activities of Southern Downs Regional Council has consumed all available resource time.

Project Management Office (PMO)

The Project Management office continues to manage two projects directly given the size and complexity of the projects.

The Stanthorpe Regional Art Gallery and Library Expansion project status is reported in Major Projects section. Project finalisation and achievement by the funding agreement dates is the focus of the PMO. Challenges continue to be realised from the project. However, with the collaboration of the appointed builders, solutions are being found and implemented.

The Warwick Saleyards project status is reported in Major Projects section. Subsequent work is being considered with estimations of the likely cost to deliver each of the development stages enabling the identification of potential funding options and delivery timelines. A project to deliver the Standard Operating Plans (SOP) for the site is commencing.

The PMO continues to support other project planning and delivery projects.

Financial Services

Finance

- Waste Business price path work is progressing with additional information requested recently. A session will be held with all stakeholders once the draft report is received.
- A draft report has been received for the rating review (high-level). This is currently under review and will be workshopped as part of the budget development process.
- Fuel Tax Credit review stage 2 is on hold due to competing priorities and lack of resources available to collate the required information.
- Work on Fleet rates and Internal Overheads is complete and has been consolidated into the FY24/25 budget development.
- Quarter three budget review has been completed.
- The FY24/25 budget development has been progressing with draft Fees and Charges, Operational and Capital budget ready for review by Departments.
- Valuers for comprehensive revaluation (land, water, waste water, building) and indexation have been appointed with site visits completed with draft reports due by the end of April.
- A comprehensive review of revenue and debtors' processes has been undertaken with the team currently focusing on reviewing draft recommendations.
- Water consumption notices will be issued in early April.

Information Technology

- Council's Business ICT Disaster Response Plan (ICTDRP) and Cybersecurity Incident Response Plan (CIRP) has been finalised. Work on Business Continuity Plans and Sub Plans is still in progress.
- Operational Level Agreement has been drafted for Water and IT to assist with management of SCADA systems. Feedback has been received and the draft OLA was presented to the IT Steering Committee. Once minor changes are completed this will be finalised via ELT.
- IT Service Management capability review has been completed with a draft report received. The Team will work on implementing the recommendations which will assist in improving service delivery to enhance overall efficiency and effectiveness.
- As per the Tech One CIA Roadmap work is on rolling out Enterprise Asset Management Module (EAM) is continuing. Council has transitioned the HR Org Module onto the new CIA platform with work progressing on the Purchase Card Modules.
- Work on the ELMO project is progressing with the Recruitment module being rolled out in stages across the organisation. Other configuration for the On Boarding and Core modules has been completed.
- Other IT related initiatives or projects are progressing and being monitored.

Procurement

- Procurement Team continues to work on implementing recommendations of the Fuel management review with focus now on the developed of a procedure for fuel reconciliations involving mobile fuel tankers.
- The Team is working with the Project Management Office and Safety team to streamline Procurement processes and templates.
- Further Training on Procurement, the use of Local Buy and Vendor Panel is currently being considered for later in the financial year.


April 2024 Reporting - Procurement	
Procurement Stats	
Number of Tenders Released	2
Contract number	Description
24_078	Yangan Transfer Station Construction
24_099	Water & Wastewater Network Maintenance Program
Number of Tenders in progress	4
Contract number	Description
24_037	Sewer Manhole Rehabilitation
23_010A	Register of Pre-Qualified Suppliers for Wet and/or Dry Hire - Refresh of list
24_078	Yangan Transfer Station Construction
24_099	Water & Wastewater Network Maintenance Program
Number of RFQ's Released	6*
Contract number	Description
24_085	Condition Assessment of Clarifier 1 at Warwick Water Treatment Plant
24_089	WIRAC Pools Filtration Plant Relocation
24_096	Supply & Delivery of One 6.5m Reach Mower
24_097	Supply & Delivery of Two 48" Zero Turn Mowers
24_098	Supply & Delivery of One 72" Zero Turn Mower
24_100	Supply & Install Reservoir Floating Cover at Morgan Park
Number of RFQ's in progress	12
Number of Contract Numbers Issued	10
Number of Purchase Orders Raised After Invoice Date	26
Inductions done	0
*this figure does not include RFQs we have reviewed but were released by other departments	

ATTACHMENTS

Nil

0.0 INFO REPORT | Southern Downs Youth Council Meeting - 18 April 2024

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Sport and Recreation Officer	ECM Function No/s:

Recommendation

THAT Council receive and note the minutes from the Southern Downs Youth Council Meeting on 18 April 2024.

REPORT

Background

Southern Downs Youth Council (SDYC) is an advisory committee whose role is to represent the voice of young people who live, work, study or volunteer in the Southern Downs region, and to provide input into Council activities and decisions.

The SDYC program aims to provide young people with opportunities to:

- develop a better understanding of the role and function of local government, our community and local issues;
- 'have a voice' - raise issues, exchange ideas, discuss community issues, provide input into Council planning, programs and services and influence local government decision-making processes; and
- have genuine and regular communication about issues that are important to them directly with the Council.

Report

On 18 April 2024, the Southern Downs Youth Council cohort for 2024 attended their Badge Presentation Ceremony and first official meeting, at the Warwick Town Hall from 9.00am to 1.00pm.

The Youth Council members were presented with their name badge, a vest and lanyard from the Deputy Mayor and Cr Harslett. The details of the meeting are contained in the attached minutes.

LEGAL / POLICY

Corporate Plan

Goal 1 Our People

Outcome: 1.1 Communities trust us to engage with them and advocate on their behalf.

Objective: 1.1.2 Implement effective and genuine community consultation processes that enable participation, engagement and collaboration.

1.1.3 Build confidence in our communities by being visible, empathetic and by actively listening.

ATTACHMENTS

1. Southern Downs Youth Council Minutes - 18 April 2024



Southern Downs *A great place to live, work, play and stay.*

PO Box 26 Warwick QLD 4370
64 Fitzroy Street Warwick QLD 4370
61 Marsh Street Stanthorpe QLD 4380



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mail@sdrc.qld.gov.au



1300 MY SDRC (1300 697 372)

MINUTES OF THE SOUTHERN DOWNS YOUTH COUNCIL

Held at the Warwick Town Hall, on
Thursday, 18 April 2024 at 9:30am

ORDER OF BUSINESS:

1. ACKNOWLEDGEMENT TO COUNTRY, WELCOME AND HOUSEKEEPING 2
2. PRESENT & APOLOGIES 2
3. AGENDA ITEM 1 – BADGE PRESENTATION..... 2
4. AGENDA ITEM 2 – DEPUTY MAYOR ADDRESS YOUTH COUNCIL 2
5. AGENDA ITEM 3 – GUEST SPEAKERS CODY SCHAEFFER – BORDERLINE 4
6. GENERAL BUSINESS 5
7. CLOSE 5

1. ACKNOWLEDGEMENT TO COUNTRY, WELCOME AND HOUSEKEEPING

The Sport & Recreation Officer, Sue Organ, welcomed the 2024 Youth Council students and invited guests, including teachers, parents/guardians, staff and the media to the Warwick Town Hall. The traditional *original* custodians of the land were acknowledged.

Fire evacuation procedures, housekeeping and health and safety processes were also presented.

2. PRESENT & APOLOGIES

Present:

Youth Council Membership

Allora P-10 State School – Will Ballangarry

Assumption College Warwick – Eleanor Krueger, Lachlan Corney and Emmaline Newley

Killarney P-10 State School – Ebony Diete

Scots PGC – Belle Meek and Oliver Swift

Stanthorpe State High School – Penny Andreatta and Samuel Park

Warwick Christian College – Roland Delatado and Tiahli Rogers

Warwick State High School – Dylan Dwan and Freya Monk

Observers

Southern Downs Regional Council – Deputy Mayor, Cr Sheryl Windle

Southern Downs Regional Council – Cr Morwenna Harslett

Southern Downs Regional Council – Cr Russell Wantling

Southern Downs Regional Council – Cr Cynthia McDonald

Southern Downs Regional Council – Sue Organ (Facilitator and Minute Secretary)

Southern Downs Regional Council – Hayley Ritchie

Assumption College – Jill Hume

Warwick State High School – Leanne Waples

Warwick Christian College – Joanne Young

Stanthorpe Today / Warwick Today - Journalist

Apologies:

Southern Downs Regional Council – Mayor, Cr Melissa Hamilton

Southern Downs Regional Council - Cr Joel Richters

Southern Downs Regional Council - Cr Sarah Deane

Allora P-10 State School – Hannah Norman

St Joseph's School – Eden Shatte and Lillian Kendall

Killarney P-10 State School – Cameron McKinney

3. AGENDA ITEM 1 – BADGE PRESENTATION

The Deputy Mayor and Cr Harslett presented each Youth Council member with their name badge, a lanyard and puffer vest.

Following the badge presentation and photographs, morning tea was held.

The meeting adjourned at 9: 55am for morning tea with Councillors, students and parents/guardians.

The meeting resumed at 10:30am.

4. AGENDA ITEM 2 – DEPUTY MAYOR ADDRESS YOUTH COUNCIL

Ice Breaker

Prior to the Deputy Mayor addressing the Youth Council, the students were invited to play Youth Bingo, to get them ready to participate in the meeting.

The Deputy Mayor officially introduced herself to the students and welcomed them to their first meeting. She also introduced Cr Harslett, Cr Wantling and Cr McDonald and provided the group with some background information on her career and life working as a Councillor.

Cr Windle explained to the students that she has attended most Youth Council meetings since 2018. She congratulated the students on their new positions and wished them well for the coming year. She said she was confident the students would gain leadership and public speaking skills during their time on the Youth Council.

The Deputy Mayor said to prepare for today's meeting she read through the students Induction Day Minutes and was pleased to see their input on what their expectations are of one another and of Council for this year. Cr Windle was also impressed with the feedback the students provided on what makes a good team leader versus a good team member.

The below feedback was of particular interest to the Deputy Mayor and she discussed her point of view with the students:

- Respect others values – this one stood out because it is important to be a team member and always have respect for your fellow team members opinions and values.
- Listen – you may not always agree with your fellow Youth Council members but listening to their opinions or point of view is imperative.
- Always speak up – this is important for any meeting you attend. As long as you speak up respectfully, robust conversation can take place.
- Move outside your comfort zone – this can be very hard to do and Cr Windle congratulated each Youth Council member for stepping out of their comfort zone to join this year's cohort.
- Ask questions – the Councillor reiterated to the students that there is no such thing as a silly question and to always ask if you are unsure. Be inquisitive.
- Keep positive – again this is a significant value to have when debating in a group setting.
- Willing to contribute – ensure you put forward your ideas. Not everyone will agree with you all the time, but everyone has the right to have their say and contribute respectfully.

The Deputy Mayor discussed with the students that the Councillors have a responsibility to always consider the wider Southern Downs region in their decision making. Council value the views of young people from within the whole region and want them to feel comfortable to contribute when asked to provide input. Council look forward to the Youth Council's guidance on issues relating to young people within the region.

Cr Windle's advice for this year's cohort is to always aim higher. Don't underestimate your value and push harder and higher.

She also encouraged them to not spend every dollar they earn. Save 10% and watch your money grow.

Cr Morwenna Harslett was then asked by Cr Windle to address the students. She explained that she is a newly elected Councillor and that up until a few days prior to the election results being declared, the voting count was extremely close. Of the 11,000 votes she received there were only 76 votes difference between herself and another candidate. The Councillor reiterated that voting does make a difference!

Cr Harslett said she was looking forward to her first Southern Downs Regional Council meeting the following day, where the division of portfolios were going to be discussed. She also informed the students that she looks forward to working with them in 2024.

5. AGENDA ITEM 3 – GUEST SPEAKERS CODY SCHAEFFER – BORDERLINE

Ice-breaker

Prior to the second guest speaker addressing the students, they played another ice-breaker. Feedback from the Induction Day was that students wanted more ice-breakers within the meeting.

The Sport & Recreation Officer then introduced Cody Schaeffer, the founder and Chief Executive Officer of Borderline Australia. Founded in 2019, Borderline is a charity organisation, all about helping teenagers with their mental health through education, realness, relatability and FREE life changing programs such as their school holiday Borderline Youth Camps. Council has supported the Borderline Youth Camps since 2022 with significant funding and promotion.

Borderline is about breaking down walls and stomping on the stigma around youth mental health. Through their work, they empower, inspire and motivate teenagers to continue living their best lives while focusing on positive mental health. They want to make a difference and are all about action and making change in the lives of teenagers all over Australia.

Cody thanked the Youth Council for allowing him to speak today and noted what a great opportunity it is for students to be a part of the Youth Council, which is something he wished he had the chance to do when he was at school.

Cody grew up in Goondiwindi and experienced anxiety when meeting people. He said growing up as a teenager is hard to navigate and he wanted to help others work on their positive mental health. It took him 15 years to start the Borderline charity but he is very proud of the positive impacts Borderline has had for young people, particularly in the Southern Downs region. Cody is also the youngest person to ever receive an OAM.

He said being uncomfortable should be a good feeling because you are learning and growing. The Borderline Youth Camps are a great way to meet other people and they are free. Cody encouraged the students not be scared of mental health. Everyone has mental health which is affected by different factors and it is up to everyone to maintain positive mental health. We can all work on our mental health every day, no matter who you are or how happy or sad you are.

Cody provided an overview and presented a video showcasing the Borderline Youth Camps, which have grown in popularity. The video was from the most recent Borderline Camp held on 8-14 April 2024 at Mt Cotton.

Cody promised the students if they attend a camp it will change their life. He said it looks good on your Résumé and that you won't know how it will impact your life until you do it.

The Borderline Youth Camps:

- are for all teenagers in the relevant age-group across Queensland;
- are not just for those teens experiencing mental health issues;
- are good for leadership and set teens up with tools and networks for positive mental health and wellbeing - focus on going "from mental health to mental strength";
- are a cross between a cultural and music festival;
- engage special guests – celebrities, sporting stars, past Australian Idol finalists and Tik Tok'ers;
- provide an opportunity to write a song with some of the contestants from the past 'The Voice' seasons, and to have that song fully produced and released on Spotify, with all teens at the camp listed as songwriters;
- provide participants with a certificate which can be included in their Résumé; and
- aim for teens to "have the best week of their life".

The next camp – THE WEEKEND – is for teens aged 12 – 14 years and will be held at Cherrabah Resort from 4 to 6 May 2024. The following camp – THE WEEK – is for teens aged 15 to 18 years, also held at Cherrabah. Registrations are now open and places are limited to 50 – 60 participants. Copies of the upcoming Youth Camp promotional flyer were given to the students.

The Youth Council were encouraged to attend one of the camps and Cody explained that because they live in the Southern Downs region they will be automatically given a place on the camp.

Sue encouraged students, as representatives of their schools in Youth Council, to take the information about these camps back to their schools and share it through their student councils and assemblies and talk about the program, which may be of interest to their peers and friends.

In closing Cody encouraged the students to always be themselves. To surround themselves with driven, like-minded people. To always take every opportunity and to never talk yourself out of an opportunity.

Cody thanked the Youth Council for their time and hopes to see them at the June camp.

Cr Windle re-iterated everything that Cody said to the students and provided details of her experience at one of the camps finale nights least year.

Cr Windle once again thanked Cody for his time.

6. GENERAL BUSINESS

Prior to General Business another ice-breaker was given to the students to participate in.

During the last thirty minutes of the meeting the Coordinator of Community Services, asked the students what topics they would like to raise for the 6 June 2024 Agenda. The students broke off into groups and raised the following items:

- Sports facility improvements
 - discuss how more sporting events can be hosted in Warwick and Stanthorpe to save on travel to Toowoomba for many families
- Advertising of Youth Events
 - discuss how Council can engage young people more through the various forms of social media (i.e. Tik Tok, YouTube, Instagram)
- Southern Downs Events
 - add to already existing events specific things to do for young people (Jumpers in Jazz, Killarney Bonfire Night etc)
 - young people love to win
 - include competitions and "free things"
 - include games
- Movie night
 - invite Council staff to discuss end of year Christmas Movie Night and how Youth Council can become involved

The students also expressed an interest in bringing the tables closer together so they aren't so far away from one another. They also commented that they liked the extra ice-breakers and getting up and away from the tables.


7. CLOSE

The Sport & Recreation Officer thanked everyone for their attendance and congratulated them on their appointment to the 2024 Youth Council. She thanked the students for their contributions today and looks forward to a full Agenda at the 6 June 2024 meeting.

The students were invited to stay for lunch and the meeting closed at 12:20pm.

0.0 INFO REPORT | YMCA Monthly Report - April 2024

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Community Services Coordinator	ECM Function No/s:

Recommendation

THAT Council receive the March 2024 monthly report from the Brisbane Young Men's Christian Association (YMCA) in relation to the operation of the Warwick Indoor Recreation & Aquatic Centre ("WIRAC") and the Stanthorpe Fitness Centre and Pool.

REPORT

A requirement of the contract with the YMCA for the management of the WIRAC and the Stanthorpe Fitness Centre and Pool, is an obligation that the YMCA to supply monthly reports relating to the operations of the facilities.

Attached to this Council report are the March 2024 monthly reports from YMCA.

ATTACHMENTS

1. YMCA Stanthorpe Monthly Report March 2024
2. YMCA Stanthorpe Monthly Financial report March 2024 (Excluded from agenda - Provided under separate cover)
3. YMCA WIRAC Monthly report March 2024
4. YMCA WIRAC Monthly Financial report March 2024 (Excluded from agenda - Provided under separate cover)



YMCA Stanthorpe Monthly report for March 2024





EXECUTIVE SUMMARY

It's hard to believe that pool season has drawn to a close. Unfortunately, we faced some challenging weather conditions during the month, including multiple wet days and cooler temperatures. Even though the community has expressed interest in year-round access to the pool, attendance noticeably declines at the first sign of rain or cold weather, underscoring the fact that the pool will continue to operate on a seasonal basis. Over the past six months, our pool operations staff have had a steep learning curve, but they surpassed expectations and gained invaluable experience. We're now well-prepared for future seasons.

In support of the Apple and Grape festival, the YMCA organised a float and participated in the street parade. The event enjoyed wonderful weather and a spectacular atmosphere. Special recognition goes to staff members Jill Conning and Kylie Stewart for their efforts in coordinating the YMCA's involvement.

Meanwhile, the Ladies Netball Season kicked off with six teams, and the season is progressing smoothly with plenty of exciting games being played.

PROGRAMS AND SERVICES

Health and Wellness

- Memberships dropped from 470 financial members at the end of February, to 450 financial members at the end of March due to the pool season closing.
- 20 members expired or cancelled during the month.

We commenced promotion of Gym Play during the month which will be our first offering of gymnastics to the Stanthorpe community. Gym play offers casual drop-in fun for little ones and their parents or carers. From toddlers who've just taken their first steps right through to children aged 5 years, Gym Play is a non-structured play session where families can bond with their child while they swing, roll, jump, and play on our gymnastics equipment.

We are hoping to launch the program in May/June if everything goes to plan. We currently have 5 staff members who are completing their beginners' gymnastic course, so we are reliant on them becoming qualified before the program can operate. The equipment has been ordered and arrived on site.





Aquatics

Due to wet weather and cold snaps, March was a quieter month for the pool.

- Learn to Swim keep it numbers at 106 participants.
- School Swimming – Six schools attended during March equating to 54 sessions being delivered.
- Aqua Aerobic had – 182 attendances.

The YMCA would like to say a big thank you to the Southern Downs Regional Council for purchasing a brand-new pool, butler. The new pool butler arrived on the 20th of March. This machine made it a lot easier for the team to take off and put on the pool covers every morning and night.



Hire Groups

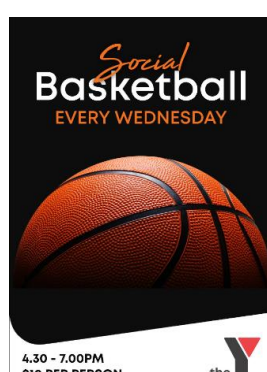
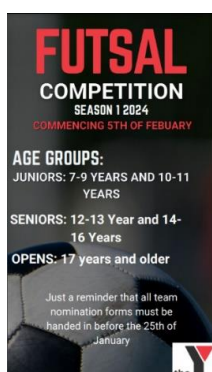
- 36 hire hours occurred during the month, which was 7 hours higher than last month.

Sports Competitions

The Futsal Season commenced on the 5th of February and will run for 12 weeks. We have 25 teams in the competition from all divisions. The season will stop for the school holidays and re-commence on the 15th of April with only 2 more rounds of the normal season until finals.

Season 1 of Netball has commenced and now is in full swing. Netball will also stop over the holiday period.

We continue to promote the other services that are on offer at the facility – Basketball and Badminton.





ATTENDANCE

The total attendance recorded for the month amounted to 7,244 individuals, this is down from last month as we had 4 closures of the Centre in March as we had the Apple and Grape Festival and also Easter. The lower attendance is also because of wet weather and cold days in the month.

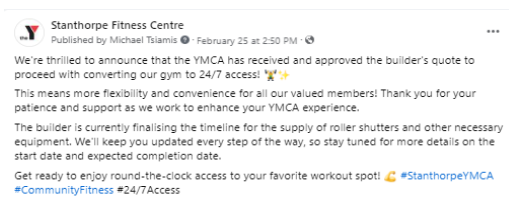
		Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24
Fitness Attendance	Members	1316	1541	1431	1990	2243	1771			
	Casuals	777	308	330	428	481	401			
	24 hr Access	0	0	0	0	0	0			
	Group Fitness	1087	1089	769	1223	1477	1156			
Total		3180	2938	2650	3641	4201	3328	0	0	0
Aquatics Attendance	Season & Visit pass	313	318	384	523	468	343			
	Casual	2197	1147	2877	2282	1317	510			
	Spectator	120	0	0	0	0	0			
	Learn to swim	514	661	42	141	424	410			
	Squad	316	310	23	68	242	73			
	School Swim	1434	2071	637	121	1696	1157			
	School Carnivale		137	435	1030	430	0			
	School Break ups		261	98	0	0	0			
	Aqua Aerobics	114	146	91	186	226	182			
Total		5008	5051	4587	4351	4803	2675	0	0	0
Stadium	Indoor Soccer	573	494	123	0	672	802			
	Netball	168	170	18	0	0	192			
	Table Tennis	45	41	56	78	56	40			
	Pickleball	40	43	72	62	96	116			
	Social Basketball	49	22	37	46	48	56			
	Social Badminton	55	20	22	36	50	35			
Total		930	790	328	222	922	1241	0	0	0
Hireage In Hours	Court	16	27.5	14.5	18.5	18	24			
	Room	8	16	5	6	11	12			
Total		24	43.5	19.5	24.5	29	36	0	0	0
Overall Monthly Attendance		9118	8779	7565	8214	9926	7244	0	0	0
Year to date Overall Attendance				50846						



FACILITY UPKEEP, MAINTENANCE, AND IMPROVEMENTS

1. 24/7 update – YMCA cost [REDACTED]

Progress has finally been made with the 24/7 upgrade with works beginning in April. We hope to have the full project completed by mid may.



2. Fire Extinguishers and Hose half yearly check

As per fire legislation, the 6 monthly checks of fire equipment were completed.



Council Facility Maintenance:

1. Lady's Shower's Water Leak

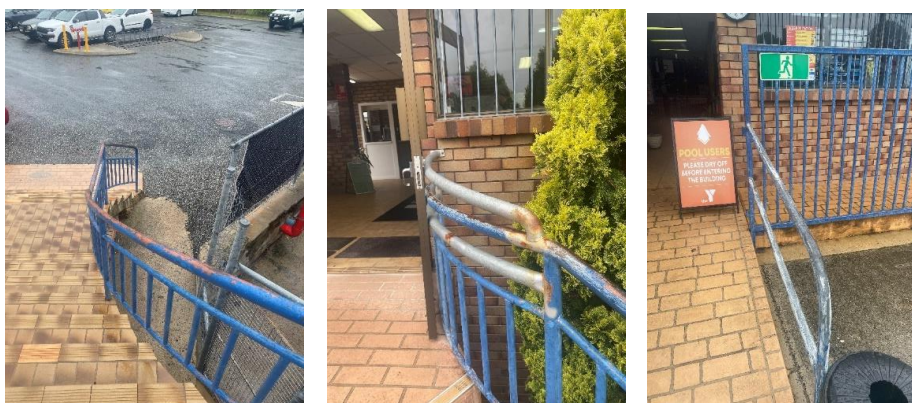
The YMCA would like to acknowledge that council has received two repair estimates for the repair of the shower which have highlighted different causes and repair methods for the problem. Council is organising an independent review of the cause and will arrange a contractor to repair on receipt of that advice.

2. Painting of the Pool

The YMCA would like to thank council as we understand that the painting of the pool will occur this year in time for the new pool season.

3. Painting of the Stair Rails

The YMCA would like to bring to the attention of the council the need for painting the rails outside the centre. These rails are experiencing paint loss and rusting, and it's worth noting that they have not been painted since the centre's opening in 1986. We kindly request that this matter be considered and included in the next financial budget for 2024-2025.



Community Support:

The YMCA is delighted to partner with the Stanthorpe United Football Club as a major sponsor this season. The sponsorship will support the purchase of 50 training shirts for the Men's and Lady's United Team as well as signage displayed at the grounds which presents a great advertising medium for the facilities.

On the 24th of March, Stanthorpe United Football Club had the honour of handing out the new polo shirts to their 2024 players. Dylan Politch (YMCA Centre Manager) was there to help hand out all the shirts to the men's and ladies' team. It was a great day with the pool party being moved indoors to the court as it was raining for most of the day.



- ▶ 24/7 Gym
- ▶ Group Fitness Classes
- ▶ 50m Outdoor Seasonal Pool
- ▶ Learn to Swim Classes



the Y Stanthorpe Fitness, Recreation & Aquatic Centre
Proud supporters of the Redbacks



Apple and Grape:

On the 2nd of March the Stanthorpe YMCA Team put a float into the Apple and Grape Grand Parade. It was an incredible day with the temperature hitting a nice 33 degrees. At 7:00am the team got together at the Centre and designed the truck with all YMCA Branding and gym equipment/swim equipment. At 2pm the parade kicked off and the team were off walking down the main street of Stanthorpe. We were also privileged to have 3 members join us for the day. Overall the team and community were impressed on how everything turned out.





Apple and Grape Accommodation:

From March 1st to 3rd, the Stanthorpe YMCA hosted the YWAM Youth Group and the Bundaberg Drum Association for a two-night stay. We provided accommodation in the gymnastics room, furnishing them with beds for their comfort. Both groups expressed satisfaction with their stay and thoroughly enjoyed their two nights here in Stanthorpe.





YMCA Warwick (WIRAC) Monthly report for March 2024





EXECUTIVE SUMMARY

The Y would like to extend a warm welcome to the newly elected Mayor and Councillors of the Southern Downs.
Please find below an overview of this month's developments and ongoing initiatives within the Centre.

PROGRAMS AND SERVICES

These School holidays, we have a two-week program, with many activities to keep children and Youths busy. As its Queensland Youth Week, we are offering the program "free" for youths aged 12 to 25 years.

WIRAC
School Holiday PROGRAM
Youth Week: 2nd-12th APRIL
All activities FREE for young people aged 12-25 years **\$5.20 cash**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WATER POLO (Over 12 years old only) 6am-7.30am	BADMINTON (Court) 10.30am-12pm	SWIM FIT (Aussie for able to swim) 6am-7.30pm	KIDS GAMES (Court) 10am-2pm	SWIM FIT (10 and over able to swim) 6am-7.30pm
BEACH VOLLEYBALL (Shedder) 10am-12pm	POOL INFLATABLE (Over 100cm high) 12pm-2pm	BOOTCAMP (Group Class) 10.30am-11.30am		DANCE (Group Class) 11.30am-12.15pm
		GYM PLAY (0-4 years old) 10.30am-11am		
		GYM PLAY (5-7 years old) 11am-11.45am		

A: 29 Palmerin Street Warwick
Ph: 07 4861 7955
E: Wirac@ymcqueensland.org.au

Cancer survivors Program

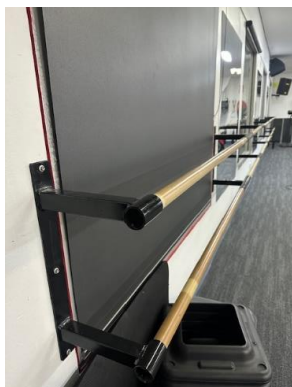
Our annual Cancer survivor program will be commencing once again on April 15th! The program is a Free-12-week program designed for cancer survivors who have become deconditioned or chronically fatigued from their treatment and/or disease.
We are in the process of getting participants, with 12 already booked in to start in April.



Health and Wellness

We are in the process of converting the upstairs “Spin” room into “Wellness” room. The room will be set up for Yoga, Pilates, reformer, Tai chi, core and Barre’ classes, with the goal to increase wellness type classes and also introduce small group classes, especially with the reformers. We currently have two reformers and will be purchasing a few more with some Grant funding that we were successful in through the Gambling community benefit funding.

The wellness room will be in operation along with the new Group fitness room commencing the 15th of April.



The room has had a fresh paint, carpet went in a few months ago, Bar’s have been mounted to the wall. The entry to the room has also had a fresh coat of paint, along with the carpet shampooed. Unfortunately, the carpet is very warned, so we had to remove the carpet from the stairs as the frayed and ripped edges were a “trip” hazard. In time, the carpet will need replacing.



Aquatics

March saw the last of the School swimming and Carnivals for Summer. Most Schools have a break with some Schools re-starting in Term 3. With the pool not being as busy during School hours over the winter, Scots high School, uses this time to play Canoe Polo. Cano Polo requires a bit of room in the 25m pool, so it's a perfect time.

Each year we conduct a safety week with the children attending Learn to swim lessons. This year Instructors dressed up in super hero costumes and not only conducted water safety skills, but as part of our National licencing review by the Australian Childhood foundation, we are required to provide evidence of incorporating safeguarding in some of the programs we run.





Hire Groups

The utilisation of the courts by basketball, netball and pickleball groups remain consistent. This month also saw the courts hired by the Australian Electoral commission, for the local vote for our new council.



STAFFING AND TRAINING

The Aquatic Industry is still finding a shortage of qualified Lifeguards and Learn to swim Teachers. We are actively looking for qualified staff in these areas, and have recently advertised again.

A Lifeguard course is also planned for sometime in June/July to hopefully attract some people who may be interested.



ATTENDANCE

March 2024

		Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24
Fitness Attendance	Members	3944	3787	3280	3699	4047	3551			
	Casuals & Visit passes	393	166	286	1291	146	164			
	24 hr Access	2041	1833	1952	2003	1816	1677			
	Personal Training	97	104	64	44	128	111			
	Group Fitness	1226	1219	835	938	2049	1616			
Total		7701	7109	6417	7975	8186	7119	0	0	0
Aquatics Attendance	Members	734	inc above	inc above	inc above	inc above	inc above			
	Casual	1733	1396	1522	3082	1355	1241			
	Aquatic Sports Ability	27	26	12	15	34	24			
	Learn to swim	1048	890	395	1143	1108	1393			
	Squad	189	196	102	153	35	120			
	School Swim	3573	2530	1260	0	1171	1206			
	Physio's	111	122	65	109	107	66			
	Aqua Aerobics	698	606	286	657	575	511			
Total		8113	5766	3642	5159	4385	4561	0	0	0
Stadium	Junior Futsal	102	188	0	0	0	0			
	Schools	659	674	425	413	822	697			
	Sports Ability	99	132	60	38	146	108			
	Pickleball	34	86	30	33	78	74			
	Taekwondo	225	203	85	0	0	0			
	Basketball	105	689	302	150	512	528			
	Netball	0	0	0	0	460	840			
	Social Badminton	24	28	22	12	13	35			
Total		1248	2000	924	646	2031	2282	0	0	0
OTHER										
Total		0	0	0	0	0	0	0	0	0
Overall Monthly Attendance		17062	14875	10983	13780	14602	13962	0	0	0

Year to date Overall Attendance

121744



Pool blankets

All of the pool blankets are at least 10 years old and are in need of replacement. The Y have engaged Maytronics to supply new blankets for all the pools plus 2 new rollers for the 25m pool at a cost of [REDACTED]

In addition to this The Y are looking at replacing some more of the “old” and “worn” Gym equipment, and will make a start by replacing the two concept rowers. The rowers are very old and there are continual issues with them. Replacement cost being approx [REDACTED]

- **Replacement of rusted door handles and drinking fountains**

The Y are still in the process of replacing rusted door handles and drinking fountains throughout the Centre, mainly the Aquatic Hall. With the Air Handling system not working efficiently or at all over the years, we can no longer maintain the upkeep on the rust, therefore a replacement seems to be the best option, with material that will hopefully withstand the atmosphere.

We are just awaiting stock to be available to complete the door handles and are awaiting quotes for suitable drinking fountains that can withstand the harsh atmosphere in the Aquatics Hall.

We have managed to replace the Gym bubbler system, at a cost of [REDACTED]



MAINTENANCE

1. Learn to swim Pool back wash system-

With the change, in re-routing the filters and pipework to resolve the back-wash problem, we were unable to get heat into the Learn to swim pool. Listers came up with a solution, by adding in further pipework and another filter into the balance tank, and were able to get heat back into the system, and therefore heat the pool. This was an additional cost of [REDACTED]



2. Switchboard Project-

Works have now been completed with the new main Switchboard.





3. Air Handling in the Hydro Pool area and bathrooms:



With Contractors now appointed, Engineers are in the process of designs and regular meetings with Council and the Y to keep up to date with progress. The works are scheduled to start on the 20th of May, with the closure of the Hydrotherapy pool for 12 weeks, whilst the works commence.

4. Repairs to sink area and wall in Male's bathroom and Pool deck:

The ceiling in the Aquatic hall, above the Grandstand has finally give away, and the vanity in the Male changerooms was repaired a few months ago, but it still requires tiling to finish it off! We have finally received a quote for the repairs and are just awaiting approval from Council to proceed with the works.



5. Roof works on building: Awaiting Council tender details?



BUSINESS DEVELOPMENT

Partnerships with organizations like AMP and Headspace are fostering employment opportunities for individuals with disabilities and supporting youth programs continue. Also, discussions with local entities aim to explore collaborative projects during community events. We are currently in discussions with SDIEA and the Jumpers and Jazz committee regarding a collaborative event to be held during the festival.


CONCLUSION

The Southern Downs community stands at the threshold of exciting opportunities and continued progress under the leadership of our newly elected Mayor and Councillor's. The initiatives outlined in this report underscore our unwavering dedication to enhancing the quality of life for residents across all age groups and interests.

As we navigate the challenges and seize the possibilities ahead, collaboration and engagement will remain paramount. By working together with stakeholders, partners, and the broader community, we can overcome obstacles, capitalise on strengths, and build a future that is resilient, inclusive, and prosperous for the Centre.

Infrastructure Services Monthly Status Report

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	A/Director Infrastructure Services	ECM Function No/s:

Recommendation

THAT Council receives and notes the Infrastructure Services Monthly Status Report for April 2024, dated 15 May 2024.

REPORT

The Infrastructure Services Directorate has responsibility for the operational aspects of a range of functions, which are outlined below.

A/Director Infrastructure Services

Highlights

- Stanthorpe streetscape works continue with civil works on drainage and roadworks well advanced in April.
- Work on Ablution Facility refurbishment across 4 sites continues on program.
- REPA (Reconstruction of Essential Public Assets) for all events up to May 2022 including final betterment projects are programmed for completion in May 2024. All outstanding QRA funding acquittals for the subsequent events continue as detailed in the Flood Recovery Program Report.
- Emergent Works are complete and REPA damage assessment continues for the January 2024 activated Flood Event.
- Council's reseal program was interrupted by wet weather. Contractors return to site in May 2024.
- Contractors continue Smart Meter installation in Warwick with approximately 25% complete to date. Leak identification continues to prompt favourable response from numerous affected landholders.
- Toowoomba to Warwick Pipeline project working groups continue to meet at regular intervals to progress design and operational processes. Formalisation of agreements will commence over coming months.

Risks

- Ongoing stakeholder engagement remains essential to avoid negative impacts of the CBD Crossings Project.
- TMR final approval of pedestrian crossing in Stanthorpe Streetscape project is subject to completion of lighting works
- With REPA works delivery ending close to EOFY, complementary works funding commitment for at risk scope changes will not be finalised until early 2024/25.
- Hard to fill technical roles vacancies continue to impact operational and capital program delivery requiring utilisation of short-term external resources.

WORKS

Maintenance and Operational – see Attachments

1. Works Department Monthly Report – 30 April 2024
2. 23-24 Works Department CAPEX Financial Report 2024-04-30
3. Flood Recovery Program – GenEng Progress Status Report April 2024

PARKS AND OPERATIONS

Due to Tech One data issues, the Parks & Operations Capital Projects Monthly Report for May 2024 will not be available for inclusion in the Agenda.

WATER

Capital Projects

- 01/24 installation of Smart Meters commenced in Warwick in January 2024. This is progressing really well with no issues to date and good progress being made. The Customer Liaison Education Officer (CLEO) started in January 2024 and is performing well, already familiar with the project and has several successful customer encounters. 02/24 The CLEO is now able to provide the statistics regarding the project. 04/24 For April these are as follows:-
 - New Smart Meters installed in Warwick 762 (total 3188)
 - Leaks ceased over April 61
 - Potential kL water saved over a year 67,794
 - Potential saving to customers over a year \$193,000
 - Customer registrations onto the portal in March 2024 110 (total 322)The CLEO has had several phone calls back thanking him, as the customers were unaware of the leaks and it will be a large saving to them.
- Unity Water project for monitoring SDRC's DMA Smart Meters in Stanthorpe for one year and providing reports on potential issues. 01/24 Detection Services were used to accurately locate a leak in the main street of Stanthorpe under the piazza area. This allowed SDRC officers to target their efforts and repaired their leak with minimal damage to the piazza area. 02/24 There have been issues with the calibration of the Takadu model, which they are trying to resolve. This is hampering getting good data from the model. 04/24 No update at this stage.
- Emergency storage tanks for three sewer pump stations located in Stanthorpe Contract. 12/23 All of the designs have now been received and the consultant is producing final "as for construction drawings" to allow the construction to begin. 01/24 The contractor has ordered the tanks. 02/24 The lead time on the tanks is 12 weeks and this will delay completion of the project. 03/24 EOT with Department for grant funding approved to 30 September 2024. All easements applications finalised. Finalising design changes with Design Consultant and Contractor to improve constructability and meeting TMR requirements. 04/24 We have reached an agreement with TMR on allowing our new tanks in their road reserve. We will submit the construction drawings to them and they will issue the permit.
- Market Square Rising Main Replacement Contract. 01/24 Construction has commenced. The draft design has been received and is being finalised. 03/24 The crossing under the Condamine River along Fitzroy Street road reserve was not successful, looking at options to progress this. Contractor to bore on a different alignment at a shallower angle to avoid river cobble while maintaining enough cover to prevent fracking. Approximately 1.5 km main installed along Victoria Street and Wentworth Street. 04/24 Delivery of pipes is again holding up construction.

- ALARP (as low as reasonably practicable) Study for Connolly Dam. 02/24 The consultant has commenced the hydrology update. They have reviewed the access to the crest and the spillway for future testing equipment and found a driller that has tracked vehicles so that no upgrades to the track are required. The Dam Regulator requires a final Safety Review Report to be submitted by 31 December 2025. This deadline has been confirmed with the Consultant. Funds required for studies required by the Regulator will be sought in the 2024/25 budget. 04/24 The additional drilling required has been approved and will be complete by the end of June 2024 subject to the driller's availability.
- The T2W (Toowoomba to Warwick) Pipeline Project. Operations and Maintenance (O&M) monthly meetings continue. Costing on various scenarios and the maintenance implications are being developed as well as trigger points for utilising the various sources in the event of a drought. Considerations include pipeline material selection, specification for the Allora reservoir and operation of the Allora bores independently of the T2W pipeline. 03/24 The outcomes of the trigger report have been shared with the wider group. The pipeline material from Greenmount to Logan Road has been determined to be DICL. This could have significant operational/ maintenance cost implications for SDRC. The Allora reservoir will not have a roof. 04/24 Preparing for design and safety reviews in May 2024.
- Southern and Darling Downs Regional Water Assessment. 12/23 The consultation period has closed and SDRC sent a submission on the draft report. 01/24 There is strong support for progressing the Granite Belt Irrigation Project and further work will proceed. The development of a Detailed Business Case (DDBC) for the W2S pipeline will also proceed. There was strong community support for farm dam evaporation covers and expansion of recycled water schemes.
- Leslie Dam Delivery Main. SDRC will start the procurement of materials as there are some very long lead times for some items, particularly the pipes. 02/24 The design is well advanced and SDRC will order the bulk of the materials as soon as a list is received from the consultant on quantities. Due to the size of this project it will be carried over into the next financial year. 03/24 The consultant has provided the materials schedule and these are now being procured. 04/24 Final design received for some connection details and construction on these can commence.
- Stanthorpe STP Upgrade. 01/24 Council approved the design at the Ordinary Council Meeting held on 13 December 2023 and the Concept Design Report has been submitted to the Regulator. 03/24 A meeting was held with the Regulator and they provided the pathway for applying for a revised Environmental Authority (EA). They requested additional information before commenting on the design and this has been provided to them. 04/24 Engaged the consultant to assist with the preparation of the EA application.
- Morgan Park Recycled Main Project. 01/24 The contractor has established on site and is commencing construction. There have been some minor design changes to avoid removal of trees on site. 02/24 Construction is progressing in line with the contractor's timeline. 03/24 The project is progressing well and 1.7 km recycled main from Kenilworth Road to Morgan Park reservoir has been laid and tested. Concrete hardstand and crossover completed. Access road to filling station installed and sealed. 04/24 The pump shed is built and the pump and filling point installed. All pipework is complete except for some minor plumbing. Electrical design is complete and the switchboard is on order.
- Yangan Reservoir Project. 11/23 Closing date for tenders extended to 5 December 2023 following a request for extension. The reservoir tenders have been evaluated and will be awarded in early February 2024. The design of the pipeline as well as the track and platform are complete. 03/24 The contract has been sent to the reservoir supplier for signing. Construction of the delivery main should start in early April 2024. 04/24 Construction of the watermain is 50% complete.
- Connolly Dam Inlet Project. This portion is for desilting around the outlet. Sent the 2019 survey results to the tenderer and requested a revised price. They have submitted a tender

value of close to a third of the original tender and we are negotiating with them to formalise a contract. 04/24 Letter of award and contract sent to the contractor.

- Storm King Dam Retentioning Specification. 12/23 Tender has closed and has been evaluated. Waiting on award and contract signing. 01/24 Contract has been awarded and waiting on the contractor to commence the works. 03/24 The program for the works has been received and the contractor will start on site in May 2024. 04/24 Contractor checking on the trolley for carrying out the repairs in preparation of the works in May 2024.

Update on Drought Resilience Project

	Project Objective	Status Update
Activity 1	Developing water supply from bores in the Cunningham Alluvium to Warwick	Complete.
Activity 2	Development of the Allora Borefield (Dalrymple Creek Alluvium)	Complete.
Activity 3	Water supply from Connolly Dam to the Warwick Water Treatment Plant (WTP)	Complete.
Activity 4	Blending and Pre-treatment Facility - Warwick WTP Upgrade	Concept design is complete, commencing with the detailed design.
Activity 5	Extraction of water from below the minimum operating level (MOL) at Leslie Dam by SDRC (about 74% of dead storage)	01/24 Sunwater have awarded the contract and the contractor will commence purchase of the necessary equipment. 02/24 Contractor purchasing materials. 04/24 Project progressing within approved timeframe.
Activity 6	Investigation of market availability of groundwater entitlements, test bore locations and system integration	Complete.

Water Graphs

Water graphs are available on the Southern Downs Regional Council website. See link below:-

<https://www.sdrc.qld.gov.au/living-here/environment-water-waste/water-wastewater/water-wastewater>


ATTACHMENTS

1. Works Department Monthly Report – 30 April 2024
2. 23-24 Works Department CAPEX Financial Report 2024-04-30
3. Flood Recovery Program – GenEng Progress Status Report April 2024

Works Department Monthly Report INFRASTRUCTURE SERVICES DIRECTORATE



Report Date:	30 Apr 2024	Reporting Period:	28 Mar 2024 to 30 Apr 2024
Link for Current and Future Road Works: Current and Future Road Works - Southern Downs Regional Council (sdrcl.qld.gov.au)			

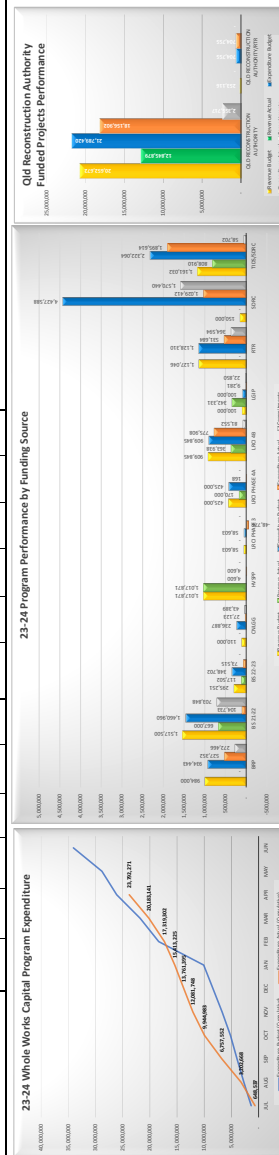
1.	Highlights and Achievements	<ul style="list-style-type: none"> ○ Flood damage repairs and complementary works from flood events prior to January 2024 on the sealed network have been completed ○ Significant stabilisation works across various funding streams completed ○ Roads to Recovery 5-year program of \$9,464,047 fully allocated ○ Emergent works from January 2024 flood event completed ○ Resealing Program progressing, almost complete ○ Works in progress photographs:  <p><i>Homestead Road bridge progressing</i></p>  <p><i>Roona Road Culvert Progressing</i></p>
2.	Priority issues of importance	<ul style="list-style-type: none"> ○ Resealing program was delayed due to wet weather, but now progressing and is almost complete ○ Doyles Road floodway replacement contractor engaged, but will be a very tight timeframe to deliver by 30 June 2024 to meet QRA deadline; also dealing with waterlogged site conditions

		<ul style="list-style-type: none"> ○ Footpath concrete program now on critical path ○ Variation submitted to the Department for Bracker/Tooth/Mardon Black Spot project ○ Customer complaints, community expectations and council staff having to respond repeatedly
3.	Brief Progress of Works	<p>Capital Works Planning and Delivery</p> <ul style="list-style-type: none"> ○ Warwick CBD Pedestrian Crossings commencing 7 May ○ Stanthorpe Streetscape progressing ○ Resheeting program progressing ○ Old Stanthorpe Road drainage improvements progressing ○ Roona Road culvert replacement progressing <p>Road Maintenance Performance Contract (RMPC works)</p> <ul style="list-style-type: none"> ○ Repairs are ongoing on the network with Roadtek contributing to REPA works on our RMPC network ○ Asphalt repair works completed ○ Culvert scour Yangan-Killarney Road at Danderoo, temporary repair placed before permanent fix is applied, design received from TMR waiting work team availability <p>Operational Activities</p> <ul style="list-style-type: none"> ○ Condamine River Road electronic Road Closed signs have been replaced with enforceable regulatory signs, the CCTV camera at The Head is yet to be relocated to Second Crossing ○ The only unsealed roads remaining from flood events prior to January 2024 are Condamine River Road and Adjinbilly Road; delay due to wet weather impacts ○ Womina-Willowvale Road gully downstream scour has increased within the road reserve to a severe stage. It is no longer a maintenance fix but now are capital works repairs i.e. gabion structures. Team is investigating funding opportunities ○ Frees Road drainage structure has suffered severe downstream erosion; investigation in progress ○ Connells Bridge Road, bridge guardrails, damaged and requiring replacement to current standards. A design/risk assessment has been arranged for replacement <p>Flood Recovery</p> <ul style="list-style-type: none"> ○ Stabilisation contract completed lower than original estimated costs. Some adjustments may be required to fully expend Roads to Recovery funding allocation. See item 7 below.
4.	Safety Concerns	<ul style="list-style-type: none"> ○ On-going challenges to recruitment and ensuring safe worksites ○ Yangan Road Depot emulsion tank: ongoing maintenance operational risk of breakdown
5.	Gravel Quarry Pits	<p>Resourcing and scoping in progress to identify a resource to manage, establish a timeline and subsequent milestones including an operational funding bid for Qtr 1 2024/25</p> <p><u>Previous Update</u></p> <p><i>A project to investigate the viability of sourcing gravel from private properties / private quarries has been undertaken. A summary of project progress is provided below:</i></p> <ol style="list-style-type: none"> 1. Three pits Swanfels, Greymare & Glen Aplin have been nominated for further investigation. 2. The Development Assessment was undertaken externally. 3. The outcome was that Swanfels pit and Greymare pits were viable considering planning requirements. The Glen Aplin pit was not viable. 4. The next step is to confirm that the landowners are still willing to proceed. 5. Tests will then be conducted to gauge the quality and extent of the product. 6. Further investigation required to identify a pit near Stanthorpe. 7. Greymare pit will require a Development Application. 8. Swanfels pit will not require a Development Application. <p><i>Periodic monthly updates will be provided on this subject as it progresses.</i></p>
6.	Resourcing	<ul style="list-style-type: none"> ○ Currently 16% positions vacant with ongoing coordination to ensure teams are working safely and efficiently

		<ul style="list-style-type: none"> Supervisors dealing with resourcing challenges with current traffic management arrangements
7.	Key Budgetary Concerns	<p>Capital Budget:</p> <ul style="list-style-type: none"> Due to lower than expected expenditure on the Pavement Stabilisation contract and potentially the “Better Inverts” project, the following SDRC-funded projects are proposed to claimed through the Roads to Recovery (RTR) program in order to fully expend the RTR allocation: <ul style="list-style-type: none"> Resheeting: Big Hill Road, Washpool Road, Mauchs Road Resealing: a portion of Emu Swamp Road <p>Operational Budget:</p> <ul style="list-style-type: none"> Sealed Road Pavement Repairs and Unsealed Roads Maintenance Grading expenditures currently tracking over the budget allocation and will need to make adjustments Bridge/culvert repair allocation will need to be increased to complete two timber bridge repairs (Ellinthorpe-Hendon Road, Talgai and Lairds Lane, Yangan) William Deacon Bridge Allora repairs need to push back to FY 24/25

ATTACHMENTS

- 23-24 Works Department CAPEX Financial Report 2024-04-30
- Flood Recovery Program – GenEng Progress Status Report April 2024



Project Status Report



PROJECT: SDRC 2021, 2022 & 2024 DRFA PROGRAMS (5)

REPORT NUMBER	42	REPORT DATE	30 April 2024
REPORT PREPARED BY	Ben Lusk, GenEng Solutions		
REPORT RECIPIENT	James Varughese		
COPIES TO	Ged Brennan, GenEng PM Team		

PROJECT UPDATE

Report Period	Up to 30 April 2024
Progress	<p>March 2021 Submissions</p> <ul style="list-style-type: none"> – All works associated with these submissions have been completed. – All submissions have been lodged with QRA for final payment. – Only one submission remains for acquittal. QRA has advised this is imminent. This has been followed up again as still outstanding. – Actual expenditure for this event excluding CDO is \$7,295,803. – REPA Income received so far \$6,164,702 – \$752,000 TIDS allocation not included in total income from the program <p>November 2021 Submissions</p> <ul style="list-style-type: none"> – All works are complete – The current value of the November 2021 REPA and Betterment program is estimated to be \$4.1M. – All but 1 submission has been lodged for acquittal with QRA. – Only 3 submissions remain to be acquitted. <p>Feb & May 2022 Submissions</p> <ul style="list-style-type: none"> – The value of all funding programs for combined Feb and May 2022 events is currently estimated at \$40.3M. A further \$1.4M has been set aside for complementary work. – The grading program of the February 2022 event is largely complete with just 2 roads remaining. Condamine River Road and Adjinbilly Road – The sealed pavement rehabilitation program is complete including final seals. – Closeout processes across those submissions is well underway to achieve minimal delays in final payments from QRA. Just 2 unsealed road submissions remain to be lodged. Sealed road and betterment submissions remain the priority now for closeouts. – 5 betterment submissions have been approved under the 2022 events. 3 of 5 of these submissions have been completed to date. The other 3 betterment projects of Connells Bridge Road and Wheatvale Plains Road are programmed for completion in May.

SDRC – DRFA Program | Status report 30 April 2024


Report Period	Up to 30 April 2024
	<p>January 2024 Submissions</p> <ul style="list-style-type: none"> Emergency works period has now ended for this event. REPA damage assessment has commenced. Photographic capture of unsealed roads has been completed in the northern part of the region. It is not planned to undertake this process in the south as advice is the damage is inconsequential in this area. <p>Delivery</p> <ul style="list-style-type: none"> Emergent Works grading and silt removal is complete for the Jan 24 event. Unsealed road grading remains on 2 roads. Physical completion of these roads is expected by early May 2024. Connells Bridge and Wheatvale Plains Road betterment project contract works are ongoing with completion due in late May. Stabilising works are completed on all roads. Doyles Road (Clintonvale) to be delivered by contract in May Charleys Gully Road delivered by Contract in April.
QRA	<ul style="list-style-type: none"> Monthly progress reporting continues to QRA. There are 48 active submissions requiring cost and time reporting and forecasts each month on a road-by-road basis. As acquittals are steadily being lodged across the early DRFA programs this number is reducing. Acquittal of February 2020 event has been processed, the 4 subsequent events are ongoing with QRA progressively working through the acquittals lodged to date. LRRG projects updated to align with stabilising contract works. Activation of CDO, EW and REPA for the January 2024 Ex-TC Kirrily Event
Forecast Activities	<ul style="list-style-type: none"> Monthly claims to QRA. SDRC reporting. Submission closeouts with QRA. Unsealed roads delivery, 2 roads remain. Finalising minor structure works Stabilising contract Wheatvale betterment contract

SDRC – DRFA Program | Status report 30 April 2024

Report Period	Up to 30 April 2024					
Financial Status	Event	Actual	Committed	ECC	EFC	Income
	Feb 20	\$8,937,610	\$0	\$0	\$8,937,610	\$8,669,898
	Mar 21	\$7,295,803	\$0	\$0	\$7,295,803	\$6,164,702
	Nov 21	\$3,923,341	\$152,741	\$171,500	\$4,094,841	\$3,231,542
	Feb 22	\$11,105,687	\$684,802	\$1,597,679	\$12,703,366	\$10,124,556
	May 22	\$20,159,770	\$4,024,416	\$4,927,105	\$25,086,876	\$17,099,739
	TIDS	\$454,745	\$1,306,000	\$1,306,000	\$1,760,745	\$0
	LRCI	\$1,564	\$781,000	\$781,000	\$782,564	\$0
	Jan 24	\$136,599	\$391,256	TBD	TBD	\$0
	TOTAL	\$52,177,069	\$7,336,265	\$9,313,284	\$61,490,353	\$45,290,437
	<p>*Note that this month's report does not include update financials. Financial reporting has been deferred until after end of month processing is completed by Council so as many costs as possible are reported to QRA to allow finalisation activities to progress.</p> <ul style="list-style-type: none"> – The above includes Emergency Works and Immediate Reconstruction Works expenditure. It also includes TIDS and LRCI funding used to facilitate complementary stabilisation work alongside REPA on select roads. 					
Critical Issues/ Delays/ Concerns	<ul style="list-style-type: none"> – Primary focus remains on completing the last few projects prior to June 30 deadline for works. – Finalisation activities are the secondary focus, consuming most of the PM time to ensure evidence is provided to QRA for reimbursement of expenditure. We continue to work with SDRC staff to ensure the information drawn from Council systems supports these claims. – The complementary works budget originally allocated at \$2m was fully assigned to at-risk scope changes for pavement repairs. Council subsequently reduced the budget to \$1.4m. This change occurred after the cost were allocated and incurred. These costs are booked to the DRFA program (not visible under the budget line item that covers them) and while we are confident a high percentage will be recovered through DRFA program this is not guaranteed. Due to delays finalising bitumen seals it is now not anticipated that these outcomes will be known until FY24/25. Budget allocation should be made to account for this risk. Further advice can be provided over coming months as Council forms its budget and we are able to make a more confident estimate of the amount to budget to cover this contingent risk. 					
Attachments	<ul style="list-style-type: none"> – Nil 					

0.0

Planning & Environment Monthly Status Report

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Managers – Planning & Environmental Services	ECM Function No/s:

Recommendation

THAT Council notes the operational details as outlined in the Planning & Environmental Services Monthly Status Report

REPORT

Planning and Development

Planning Services

- The development of the new Local Government Infrastructure Plan (LGIP) is continuing, with the associated planning assumptions completed.
- The Planning Services team attended a session conducted by Colin Biggers & Paisley Pty Ltd on Reasonable and Relevant conditions.

Built Environment

- On 14 March 2024 representatives from the Queensland Building and Construction Commission (QBCC) attended the region and met with Council Officers to provide updates, particularly in relation to pool inspectors. Council has respectfully requested that the QBCC certification team also visit Council to discuss some keys matters in relation to certification services.
- Council's building certifiers are attending a webinar series conducted by Timber Queensland relating to Understanding structures; Bracing; Tie downs; and Member sizes.
- The backflow prevention register program is continuing with 378 devices now tagged and 272 devices which have been previously identified.
- Joshua Wingett has joined the Planning & Development team on 9 April 2024 as a Plumbing Inspector.

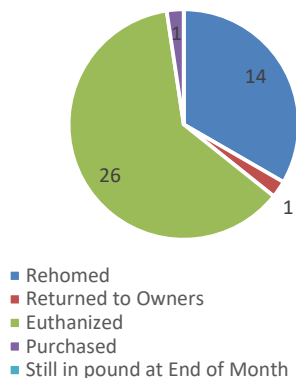
Environmental Services

Local Laws

<u>Animal Pound Data</u>	Total	Returned to owner	Rehomed	Euthanized	Purchased	Still in pound at End of Month
Cats						
Warwick	24	1	11	11	1	0
Stanthorpe	18	0	3	15	0	0
Total	42	1	14	26	0	0
YTD	341	14	133	172	2	20
Dogs						
Warwick	20	8	3	1	1	7
Stanthorpe	6	2	2	1	1	0
Total	26	10	5	2	2	7
YTD	355	133	132	25	10	55
Other animals						
Total	0					
YTD	15					

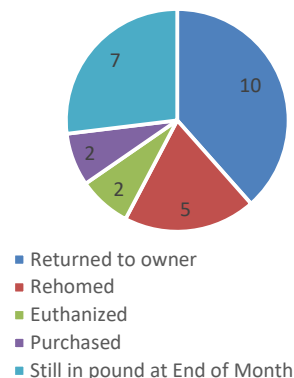
Cat Statistics from Warwick and Stanthorpe Pounds April 2024

Total Cats Impounded= 42



Dog Statistics from Warwick and Stanthorpe Pounds April 2024

Total Dogs Impounded= 26



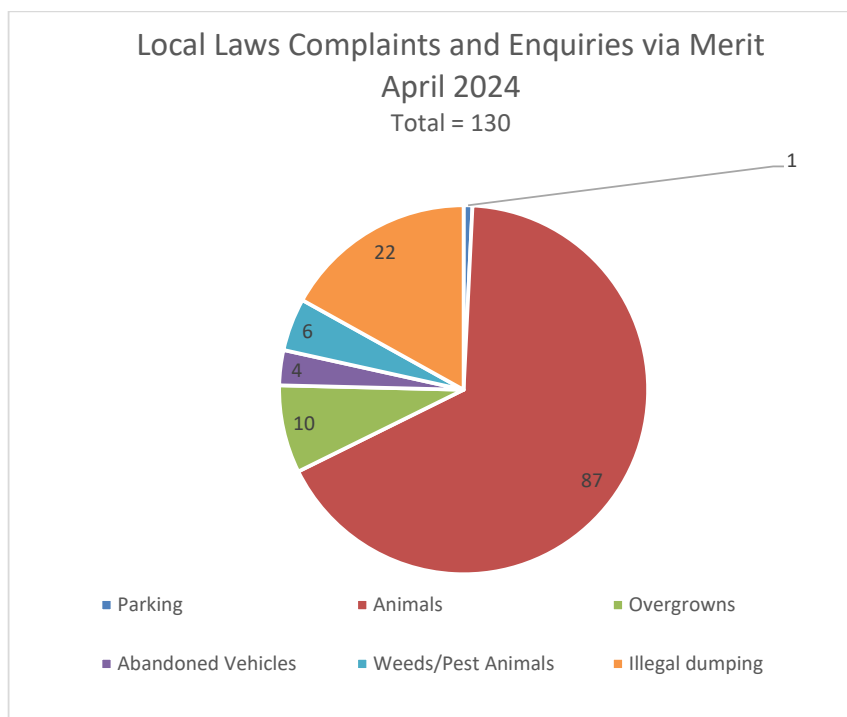
<u>Notices Issued</u>	Total	Animals	Overgrowns/ Unsightly	Parking	Approved Inspection Program
Infringement notices	9	7	2	0	0
Compliance notices	75	37	8	0	30
YTD	937	329	109	9	480

<u>Roadside Spraying Activity</u>	Total
Kms roadside sprayed	111
YTD	1601

<u>Wild Dog Bounties</u>	Total	Male	Female	Budget spent	% annual budget
Bounties Paid	25	13	12	\$2500	8.3%
YTD	265	128	137	\$26,400.00	88%

<u>Baiting Activities</u>	Total	YTD
Total baits injected	276	5836
Number of properties covered by baits injected	6	108

Complaint and Enquiry Summary



Other Tasks Completed

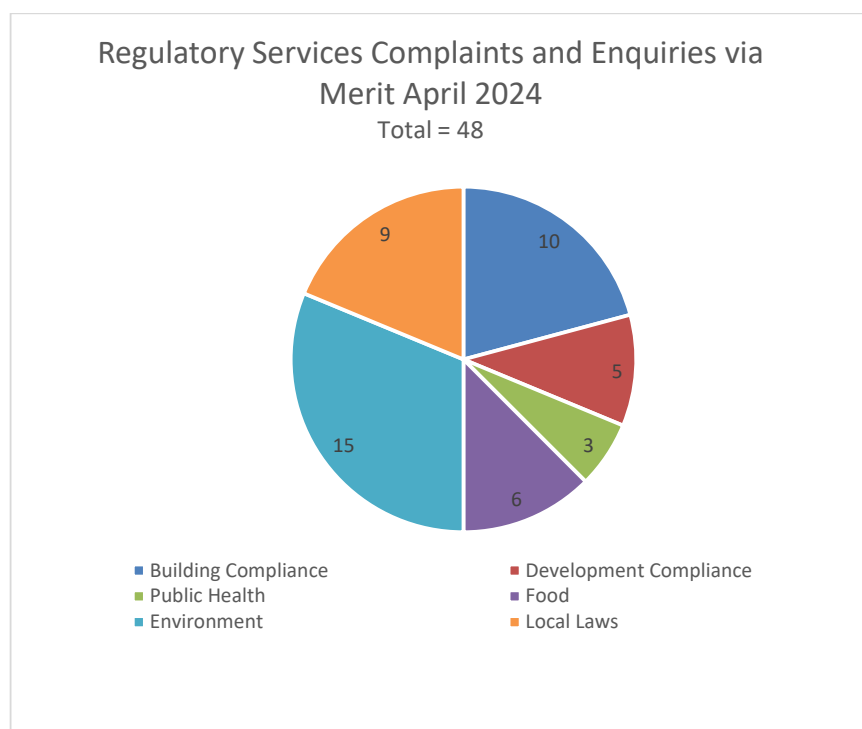
- The approved inspection program for 2023/24 finished on the 30 April 2024. At the end of April, 1465 new dog have been registered since the commencement of the program on 1 November 2023.
- Aerial baiting was conducted, covering approximately 400km of bait lines.
- Social media posts have been released to encourage responsible cat ownership. As a result of media interest, the Local Laws Coordinator also participated in an interview on the local ABC radio on responsible cat ownership.

Regulatory Services

Inspection summary

Licenced Premises Type	Pre-Opening Inspections	Routine Inspections	Re-inspections	Total Inspections	% Premises Inspected
Food	1	13	0	14	4%
YTD	33	130	36	201	46%
Rental Accommodation	0	2	0	2	1%
YTD	12	32	2	42	23%

Complaint and Enquiry Summary



Environmental Sustainability Summary

- 1 sprinkler and 10 showerheads exchanged as part of the water saving exchange program.
- Delivery of 2000 plants to be planted as part of the flying-fox rehabilitation site on West Rd, Stanthorpe (this is a funded project).
- Application submitted for the Community Energy Upgrades Fund on behalf of Council.
- Review on the National Soil Action Plan for 2023-28, and provided internal advice on local government obligations.

Other Tasks Completed

- 1 infringement notice issued for non-compliance with the *Food Act 2006*.

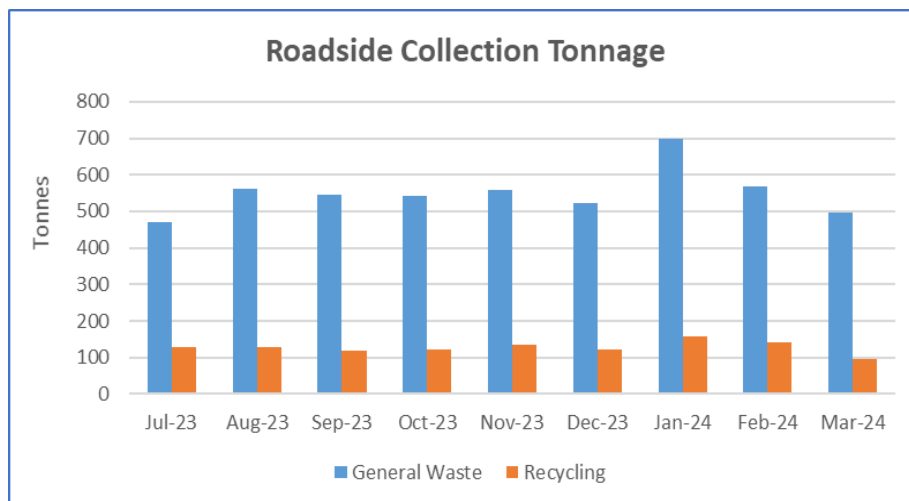
Waste

Tonnage of Waste to Landfill



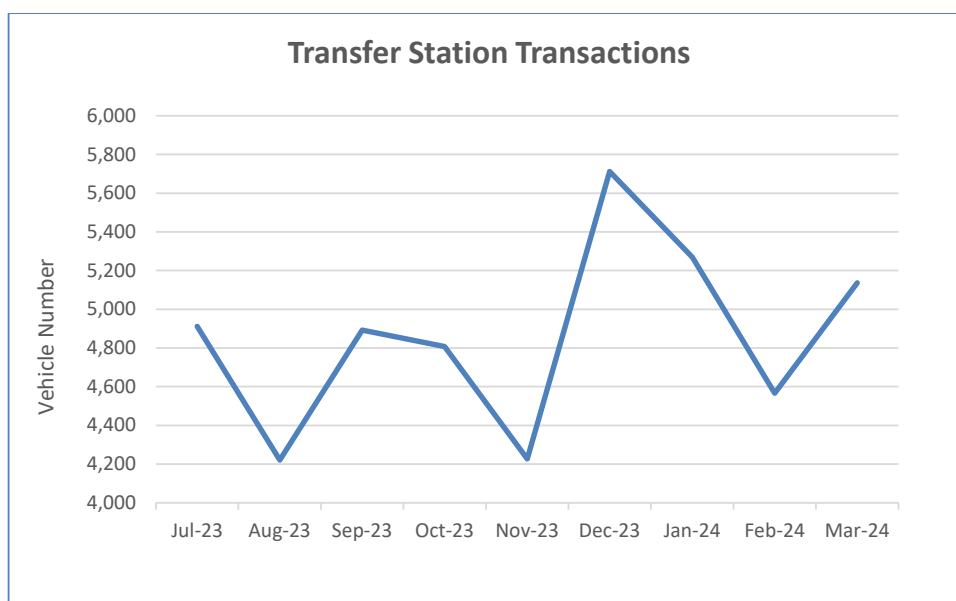
Note- due to State Government reporting timeframes, this data is for March 2024. The data is for waste disposed of at Warwick and Stanthorpe landfills.

Roadside Collection Information



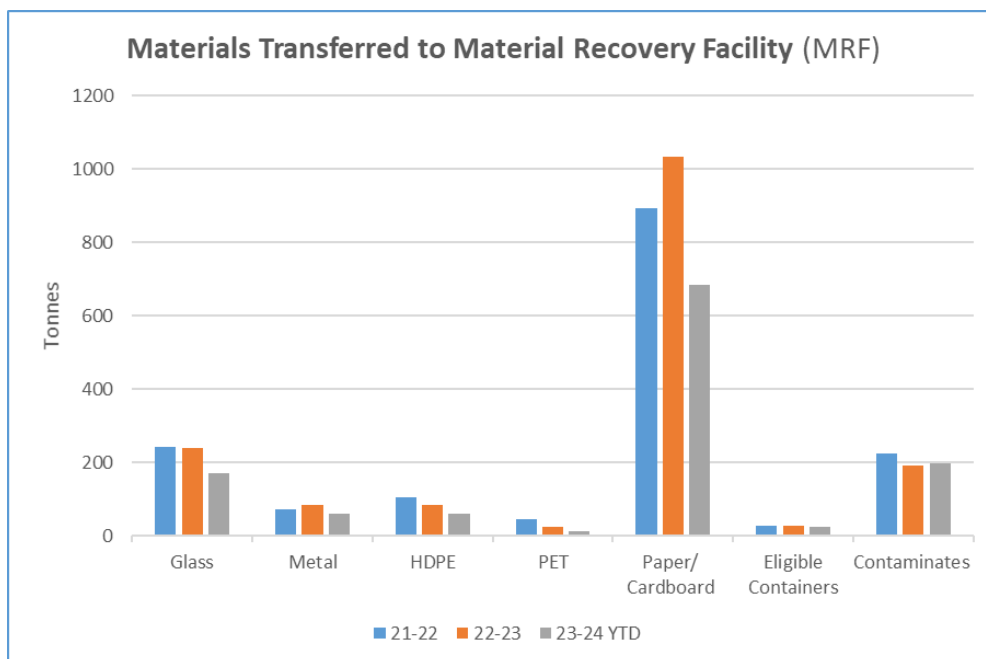
Note- due to a delay in receipt of data from contractors, this data is for March 2024.

Waste Facility Transactions

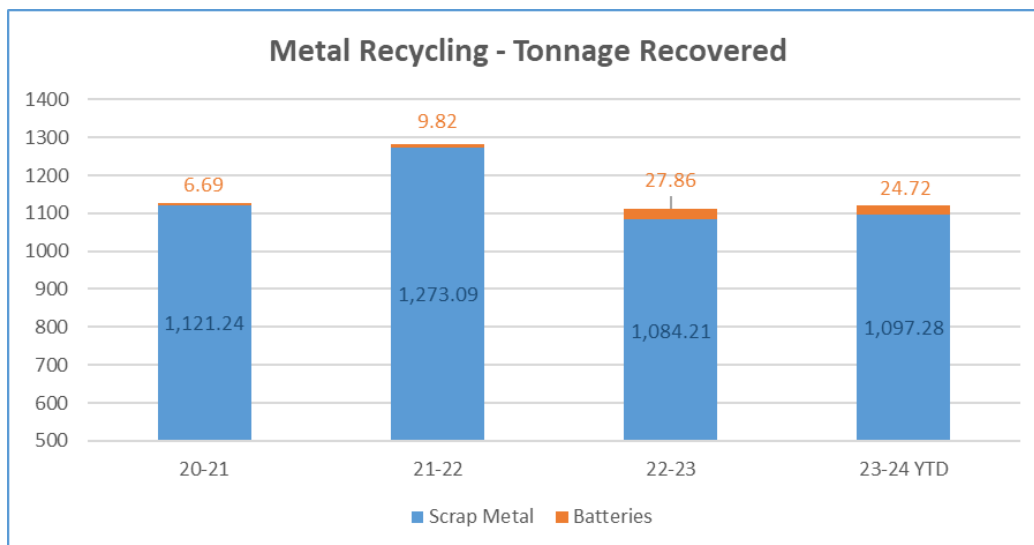


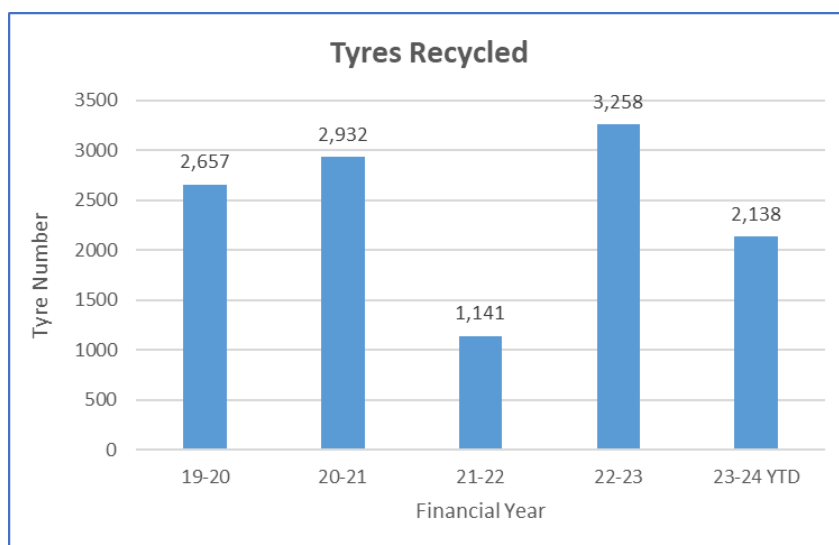
Note- due to a delay in receipt of data from contractors, this data is for March 2024.

Recycling Data



Recycling Data- Materials Recovered from Waste Facilities





Complaint and Enquiry Summary

- 44 complaints and enquiries received, primarily about kerbside waste collections.

Other Tasks Completed


- Over 100 mattresses diverted from landfill during April. In addition, a debrief of the first mattress recycling program occurred internally, to assess what worked well and what can be improved for 2024/25.
- Council promoted the State Government's waste and recycling advertising/education campaign, Let's Get it Sorted – goes for 6 weeks from late April.
- The tender for the new landfill cell design at the Warwick Waste Facility has closed and is under assessment.

ATTACHMENTS

Nil

10.2 LGAQ Policy Executive 2024 - 2028

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Chief Executive Officer	ECM Function No/s:

Recommendation

THAT Council vote for one of the nominated candidates for the District No. 4 – Darling Downs Representative to the LGAQ's Policy Executive for the period 2024-2028.

REPORT

Background

The Local Government Association of Queensland (LGAQ) have called nominations for the election of District Representatives to the Association's Executive for the period 2024-2028 in accordance with Rule 5.4 of the Association's Constitution and Rules. Councils within an Electoral District are entitled to nominate candidates for election from amongst elected members of the Councils within their District.

Nominations closed at 12.00pm on Wednesday 01 May 2024.

Southern Downs Regional Council did not nominate a Councillor as a candidate for election from amongst its elected members or an elected member from any other of the Councils within District No. 4 – Darling Downs, which includes Goondiwindi Regional Council, Toowoomba Regional Council and Western Downs Regional Council.

As there has been more than one nomination for District 4, an election by postal ballot will apply.

Report

There have been two nominations within District 4, namely:

- Councillor Megan James, Western Downs Regional Council; and
- Councillor Rebecca Vonhoff, Toowoomba Regional Council.

Both candidates have presented to Council.

Completed ballots must be returned to the LGAQ Returning Officer as soon as possible, but no later than 5.00pm Monday 20 May 2024.

The voting allocations for each Council are as follows:

- Goondiwindi 2 votes
- Southern Downs 2 votes

- Toowoomba 6 votes
- Western Downs 4 votes

FINANCIAL IMPLICATIONS

Nil

RISK AND OPPORTUNITY

Risk

Nil

Opportunity

This provides an opportunity for direct involvement in the LGAQ Policy Executive as well as a professional development opportunity for an elected member.

COMMUNITY ENGAGEMENT

Internal Consultation

Nil

External Consultation

Nil

LEGAL / POLICY

Legislation / Local Law

Nil

Corporate Plan

Goal 4 Our Performance

Outcome: 4.5 We have genuine and effective partnerships.

Objective: 4.5.2 We use a range of advocacy, engagement and communication methods that suit the issue or initiative we are advocating for.

4.5.3 Our advocacy is well planned with a clearly defined purpose.

Policy / Strategy


Nil

ATTACHMENTS

Nil

10.3 ALGA National General Assembly 2024

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Chief Executive Officer	ECM Function No/s:

Recommendation

THAT Council consider the endorsement of one or more Councillors for attendance at the Australian Local Government Association 2024 National General Assembly.

REPORT

Background

Council considered this report at the Ordinary Meeting held on 19 April 2024. The matter was deferred for consideration to the May Ordinary Council Meeting.

Report

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) is the peak annual event for the ALGA, attracting in excess of 800 Mayors and Councillors each year.

The 2024 NGA will be held from 2 – 4 July 2024 at the National Convention Centre in Canberra. The theme for the 2024 NGA is *Building Community Trust*.

Motions for the Assembly need to be lodged no later than Tuesday, 30 April 2024.

The Provisional Program for the NGA can be found at [NGA24 \(eventsair.com\)](https://eventsair.com)

FINANCIAL IMPLICATIONS

Council makes a provision in the budget for attendance at various conferences. Costs would include registration, airfares, accommodation and meals.

NGA Registration:

- Early Bird available until 7 June \$945
- Late Registration \$1045

Regional Forum:

- Regional Forum Only \$475
- NGA Delegate \$275

RISK AND OPPORTUNITY

Risk

There are no specific details provided in the Provisional Program to assess applicability to our region.

Opportunity

This event provides an opportunity for Local Government to engage directly with the Federal Government and to potentially influence the future direction of key issues affecting local government in general.

COMMUNITY ENGAGEMENT

Internal Consultation

Nil

External Consultation

Nil

LEGAL / POLICY

Legislation / Local Law

Nil

Corporate Plan

Goal 4 Our Performance

Outcome: 4.5 We have genuine and effective partnerships

Objective: 4.5.1 We act in an honest, open and respectful way to build strong relationships, partnerships and trust with our stakeholders at all levels of the organization

Outcome: 4.6 Our leaders are authentic

Objective: 4.6.3 Leadership development at all levels including elected members is considered “core business

Policy / Strategy

Nil


ATTACHMENTS

Nil

11. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

11.1 Financial Services - Financial Report as at 30 April 2024

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Budget Accountant	ECM Function No/s:

Recommendation

THAT Council receive and note the Financial Report as at 30 April 2024.

REPORT

Background

The Finance Team have prepared the following Performance Report for April 2024.

Report

Income Statement

Revenue

Operational revenue of \$92.7M is \$2.2M over budget compared to YTD budget of \$90.5M with the main variations being:

- General Rates and Utility Charges received year-to-date are over budget by \$944K;
- Fees and Charges received year-to-date are over budget by \$1.2M mostly relating to higher than expected Water Sales, Waste Disposal Fees and Animal Registrations;
- Interest income is \$577K over budget due to higher than expected cash balance and changes in Reserve Bank cash rates;
- Contracts and Sales Revenue is under budget by \$700K due to Roads Maintenance and Performance Contract funds received year-to-date being less than anticipated due to timing of claims; and
- Grants and Subsidies are \$475K over budget due to the anticipated timing of funds received.

Expenses

Operational expenditure of \$78.5M is \$6.4M under budget compared to YTD budget of \$84.9M.

Variations include:

- Employee Costs are under budget by \$1.2M due to the fortnightly pay run not being processed at the time of completing the Performance Report.
- Materials and Services are under budget by \$5.6M. This includes lag time involved with processing of invoices related to utilities, communications and some of the contracts. Council continues to monitor these and they have been outlined in Departmental comments.
- Depreciation is over budget by \$414K. Increased capitalisation and revaluation changes will impact the figures later in the financial year.

Capital Grants

Revenue from capital grants is over budget by \$1.3M. The timing of the receipt of capital grants can vary and dependent on the progress of projects.

Balance Sheet

As at 30 April 2024, Council had \$77.9M in cash at bank and investments. The total of outstanding loans, both the current and non-current portions is \$12.8M

Capital Works in Progress

Capital works expenditure at 30 April 2024 was \$49.1M which is 57.2% of the adopted capital works budget of \$85.8M. There are committed costs of \$19M meaning \$68.1M has been spent or committed, representing 79.3% of the adopted budget.

**Southern Downs Regional Council
Capital Works Projects by Asset Class
As At 30 April 2024**

	Budget	YTD Expenditure	% Spent	Committed	Spent and Committed	% Spent and Committed
Land & Land Improvements	267,198	26,517	9.9%	14,974	41,491	15.5%
Buildings	8,635,572	4,737,213	54.9%	1,408,717	6,145,930	71.2%
Plant & Equipment	7,742,319	2,461,439	31.8%	2,478,580	4,940,019	63.8%
Roads, Drains & Bridges	34,841,177	23,756,193	68.2%	5,415,059	29,171,252	83.7%
Water	12,786,759	6,950,162	54.4%	2,786,124	9,736,286	76.1%
Sewerage	9,328,089	5,203,640	55.8%	3,659,448	8,863,088	95.0%
Other Assets	12,228,843	5,968,501	48.8%	3,202,783	9,171,284	75.0%
Total	85,829,957	49,103,665	57.2%	18,965,685	68,069,350	79.3%

FINANCIAL IMPLICATIONS

The Third Quarter Budget Review was adopted by Council on the 19th April 2024. Preparation for the 2024/25 Budget is currently underway.

RISK AND OPPORTUNITY

Risk

Nil

Opportunity

Nil

COMMUNITY ENGAGEMENT

Internal Consultation

Nil

External Consultation

Nil

LEGAL / POLICY

Legislation / Local Law

Local Government Act 2009 and Local Government Regulation 2012

Corporate Plan

Goal 4 Our Performance

Outcome: 4.4 Council has embedded risk management, good governance, transparency and accountability into what we do.

Objective: 4.4.2 Ensure our long-term financial sustainability is a pillar of our decision making.

Policy / Strategy

Operational Plan 2023/24

ATTACHMENTS

1. Performance Report - 30 April 2024 [↓](#)



Southern Downs
REGIONAL COUNCIL

Performance Report

April 2024

Southern Downs Regional Council Income Statement

April 2024

	Phased 2024 YTD Actual \$	Phased 2024 YTD Budget \$	YTD Variance \$	YTD Variance %	Annual 2024 Budget \$	Annual 2024 Forecast \$
Revenue from ordinary activities						
General Rates	39,442,619	39,287,529	155,090	0.4%	39,286,696	39,442,619
Rural fire brigade levy	280,041	278,700	1,341	0.5%	278,700	280,041
Utility Rates and Charges	32,170,246	31,400,406	769,840	2.5%	31,400,406	32,170,246
Less Discounts	(2,354,700)	(2,401,646)	46,946	(2.0%)	(2,401,646)	(2,401,646)
Rates on Council properties	(659,901)	(630,256)	(29,645)	4.7%	(713,291)	(713,291)
	68,878,305	67,934,732	943,572	1.4%	67,850,865	68,777,969
Fees and Charges	7,241,194	6,086,013	1,155,181	19.0%	7,236,578	7,236,578
Interest	3,890,216	3,312,980	577,236	17.4%	3,975,000	3,975,000
Contract & Sales Revenue	516,506	1,216,177	(699,671)	(57.5%)	2,334,716	1,590,859
Rent and Other Income	1,033,834	1,296,665	(262,831)	(20.3%)	1,584,871	1,441,471
Government Grants and Subsidies	6,959,328	6,484,757	474,571	7.3%	15,265,805	15,265,000
Internal Revenue	4,205,510	4,205,510	(0)	(0.0%)	5,046,612	5,046,612
Total Operating Revenue	92,724,893	90,536,833	2,188,059	2.4%	103,294,446	103,333,489
Expenses from ordinary activities						
Employee Costs	23,694,749	24,866,664	(1,171,915)	(4.7%)	29,545,835	29,420,447
Materials and Services	31,983,547	37,591,930	(5,608,383)	(14.9%)	45,548,775	45,439,197
Depreciation and Amortisation	17,830,312	17,415,901	414,411	2.4%	21,825,889	21,825,889
Finance Costs	737,840	785,265	(47,425)	(6.0%)	1,187,614	1,187,614
Internal Charges	4,205,510	4,205,510	0	0.0%	5,046,612	5,046,612
Total Operating Expenses	78,451,958	84,865,270	(6,413,312)	(7.6%)	103,154,724	102,919,759
Operating Surplus/(Deficit) before capital items	14,272,935	5,671,562	8,601,371	151.66%	139,722	413,730
Other Capital Amounts						
Capital Grants, Contributions and Donations	25,584,469	24,281,501	1,302,968	5.4%	47,659,448	31,000,000
Other capital income and (expenses)	(837,432)	(5,398,423)	4,560,991	(84.5%)	(4,513,108)	(4,513,108)
Net Result Surplus/(Deficit)	39,019,972	24,554,640	14,465,330	58.9%	43,286,062	26,900,622

Southern Downs Regional Council Balance Sheet

April 2024

	Phased 2024 YTD Actual \$	Annual 2024 Budget \$	YTD Variance \$	YTD Variance %
Current Assets				
Cash assets & Investments	77,927,886	63,816,000	14,111,886	22.1%
Receivables	20,353,534	14,836,000	5,517,534	37.2%
Assets held for sale	1,413,409	1,309,000	104,409	8.0%
Inventories	904,409	834,000	70,409	8.4%
	100,599,238	80,795,000	19,804,238	24.5%
Non-Current Assets				
Investment Property	204,680	406,000	(201,320)	(49.6%)
Property, plant and equipment	857,533,906	935,789,000	(78,255,094)	(8.4%)
Other Financial Assets	131,334	24,000	107,334	447.2%
Capital works in progress	65,100,569	15,000,000	50,100,569	334.0%
Intangible Assets	131,810	235,000	(103,190)	(43.9%)
	923,102,299	951,454,000	(28,351,701)	(3.0%)
TOTAL ASSETS	1,023,701,537	1,032,249,000	(8,547,463)	(0.8%)
Current Liabilities				
Creditors and other payables	20,195,671	24,960,000	(4,764,329)	(19.1%)
Provisions	5,863,188	8,850,000	(2,986,812)	(33.7%)
Interest bearing liabilities	1,867,822	1,981,000	(113,178)	(5.7%)
	27,926,681	35,791,000	(7,864,319)	(22.0%)
Non-Current Liabilities				
Interest bearing liabilities	10,921,261	10,372,000	549,261	5.3%
Provisions	11,640,350	8,565,000	3,075,350	35.9%
Other Payables	4,826,324	4,767,000	59,324	1.2%
	27,387,935	23,704,000	3,683,935	15.5%
TOTAL LIABILITIES	55,314,616	59,495,000	(4,180,384)	(7.0%)
NET COMMUNITY ASSETS	968,386,921	972,754,000	(4,367,079)	(0.4%)
Community Equity				
Asset Revaluation Reserve	290,889,266	290,991,000	(101,734)	(0.0%)
Retained surplus	677,497,655	681,763,000	(4,265,345)	(0.6%)
TOTAL COMMUNITY EQUITY	968,386,921	972,754,000	(4,367,079)	(0.4%)

SDRC Sustainability Ratios As At 30 April 2024

Key Ratios	Calculation	Budget	YTD Actual	Target Ratio	On Target?	Overview
Council Controlled Revenue Ratio	((Net Rates, Levies and Charges + Fees and Charges) / Total Operating Revenue) (%)	76.60%	84.62%	N/A	✓	Council-controlled revenue is an indicator of a Council's financial flexibility, ability to influence its operating income, and capacity to respond to unexpected financial shocks.
Operating Surplus Ratio	(Net Operating Surplus / Total Operating Revenue) (%)	0.14%	15.39%	> 0.0% to < 10.0%	✗	The operating surplus ratio is an indicator of the extent to which operating revenues raised cover operational expenses only or are available for capital funding purposes.
Operating Cash Ratio	(Net Operating Surplus + Depreciation + Finance Costs) / Total Operating Revenue (%)	64.19%	62.11%	> 0%	✓	The operating cash ratio indicates that a Council is generating surplus cash from its core operations, which suggests that Council has the ability to self-fund its capital expenditure requirements.
Asset Sustainability Ratio	(Capital Expenditure on the Replacement of Assets (renewals) / Depreciation Expense)	250.4%	185.9%	> 90%	✓	This is an approximation of the extent to which the infrastructure assets managed by the Council are being replaced as these reach the end of their useful lives.
Asset Consumption Ratio	Written Down Replacement Cost of Depreciable Infrastructure Assets / Current Replacement Cost of Depreciable Infrastructure Assets	64.1%	61.9%	> 60%	✓	The asset consumption ratio approximates the extent to which Council's infrastructure assets have been consumed compared to what it would cost to build a new asset with the same benefit to the community.
Debt Leverage Ratio	(Book Value of Debt / (Total Operating Revenue - Total Operating Expenditure + Depreciation and Amortisation))	0.56	0.40	Tier 4 = 0 - 3 times	✓	This is an indicator of Council's ability to repay its existing debt. It measures the relative size of the Council's debt to its operating performance.
Working Capital Ratio	(Current Assets / Current Liabilities)	2.26 : 1	3.6 : 1	> 1:1	✓	This is an indicator of the management of working capital (short term financial capital). Measures the extent to which a Council has liquid assets available to meet short term financial obligations.
Net Financial Liabilities Ratio	((Total Liabilities - Current Assets) / Total Operating Revenue)	(20.6%)	(48.8%)	<=60%	✓	This is an indicator of the extent to which the net financial liabilities of a Council can be serviced by its operating revenues.

Comments on Ratio Results.

The reported ratios are taken from the Department of Local Government guidelines on sustainable financial management. When looking at ratios it is important to acknowledge that they represent a snapshot in time and that anomalies in the reported results are not taken in isolation. The targets are those provided by the Department as a preferred range and results outside those ranges will require further consideration.

Whilst changes to the legislation have amended the required ratios, the ratios listed will continue to be reported on.

An operating surplus ratio that is higher than target shows that while expecting to generate substantial revenues can assist in offsetting past or future operating deficits, and fund proposed capital expenditure and/or debt repayments it can also indicate that a local government is providing levels of service below that expected by ratepayers.

However these ratios represent Council's position at a single point in time and should not be considered in isolation. Ratios should be considered over the long term.

	YTD Actual \$	YTD Budget \$	Variance \$	Variance %	FY Budget \$	Notes
Executive Services Operating Statement						
Operating Revenue						
Fees and Charges	777	-	777	0.0%	-	
Operating Grants and Subsidies	231,471	269,000	(37,529)	(14.0%)	333,000	
Sundry Revenue	21,386	17,947	3,439	19.2%	21,030	
Internal Revenue	399,258	399,258	(0)	(0.0%)	479,110	
Total Operating Revenue	652,892	686,205	33,313	(4.9%)	833,140	
Operating Expenses						
Employee Costs	2,700,989	3,003,282	(302,293)	0.0%	3,537,705	Note 1
Materials	455,409	621,928	(166,519)	(10.1%)	794,491	Note 2
Contracts and Services	366,541	1,033,365	(666,824)	(64.5%)	1,248,438	Note 3
Depreciation and Amortisation	9,181	8,539	642	7.5%	10,253	
Plant Hire	81,625	33,708	47,917	142.2%	40,450	
Other Expenses	891,672	1,027,137	(135,465)	(13.2%)	1,293,365	Note 4
Rates on Council Properties	3,333	3,352	(19)	(0.6%)	3,352	
Internal Charges	164,269	164,269	(0)	(0.0%)	197,123	
Total Operating Expenses	4,673,019	5,895,581	(1,222,562)	(17.2%)	7,125,178	
Operating Surplus/Deficit	(4,020,127)	(5,209,376)	1,189,249	(22.8%)	(6,292,038)	
Comments						
Note 1	Fortnightly pay run not processed in TechOne at the time of running Monthly Finance Report					
Note 2	Corporate Communication and Tourism Advertising and Promotion actuals not aligned with budget \$(109)K					
Note 3	Council Election costs YTD less than anticipated - not yet invoiced by Electoral Commission Qld \$(208)K Council Election costs budgeted twice \$(194)K Economic Development various projects work schedules not aligned with budget \$(117)K					
Note 4	Tourism and Marketing project actuals not aligned with the budget \$(108)K Various Economic Development Community Grant actuals YTD less than anticipated \$(118)K					

	YTD Actual \$	YTD Budget \$	Variance \$	Variance %	FY Budget \$	Notes
Customer and Organisational Services Operating Statement						
Operating Revenue						
Rates and Utility Charges	35,668,643	35,474,109	194,534	0.5%	35,473,276	
Fees and Charges	1,616,374	1,381,703	234,671	17.0%	1,634,570	
Operating Grants and Subsidies	4,877,490	4,237,533	639,957	15.1%	9,211,821	Note 1
Interest Received	3,890,216	3,312,980	577,236	17.4%	3,975,000	Note 2
Leasing and Rent	455,826	424,443	31,382	7.4%	509,332	
Sundry Revenue	214,343	381,442	(167,099)	(43.8%)	457,711	Note 3
Internal Revenue	3,689,368	3,689,369	(0)	(0.0%)	4,427,242	
Total Operating Revenue	50,412,261	48,901,580	1,510,681	3.1%	55,688,952	
Operating Expenses						
Employee Costs	6,832,562	6,578,577	253,985	3.9%	7,811,506	Note 4
Materials	4,377,899	5,759,243	(1,381,344)	(24.0%)	6,450,384	Note 5
Contracts and Services	3,403,577	4,456,722	(1,053,145)	(23.6%)	5,990,719	Note 6
Finance Costs	153,244	125,979	27,265	21.6%	306,416	
Depreciation and Amortisation	1,015,544	1,027,600	(12,056)	(1.2%)	1,228,436	
Plant Hire	321,152	422,759	(101,607)	(24.0%)	508,386	Note 7
Other Expenses	701,389	863,785	(162,396)	(18.8%)	892,342	Note 8
Rates on Council Properties	138,138	130,331	7,807	6.0%	161,148	
Internal Charges	704,762	704,762	0	0.0%	845,714	
Total Operating Expenses	17,648,267	20,069,757	2,421,490	(12.1%)	24,195,052	
Operating Surplus/Deficit	32,763,994	28,831,823	(3,932,171)	13.6%	31,493,900	
Comments						
Note 1	Flood Event funding received earlier than anticipated \$820K Killarney, Karara and Allora Flood Studies Program funding received YTD less than anticipated \$(151)K, budget not aligned with actuals.					
Note 2	Interest received higher than expected due to cash balance and changes in Reserve Bank cash rates.					
Note 3	Warwick Aerodrome Fuel Sales YTD less than anticipated \$(127)K. Service out of order from November 2023 to January 2024 due to staff turnover impacting changes in bank service provider.					
Note 4	Fortnightly pay run not processed in TechOne at the time of running Monthly Finance Report					
Note 5	Warwick Aerodrome petrol expense actuals YTD less than anticipated \$(146)K Community Recovery and Resilience Program YTD less than anticipated. Budget not aligned with schedule \$(148)K Natural Disaster Event Response and Recovery Trigger Point budget not aligned with actuals \$(208)K Library Books purchases YTD less than anticipated. Budget not aligned with purchasing schedule \$(152)K Sport and Recreation Strategy 2022-27 actuals YTD less than anticipated \$(79)K Telephone, Leases, Licences and Registration actuals YTD less then \$(628)K due to budget phasing. This is currently being reviewed					
Note 6	Asset Management Plans and Flood Studies Programs YTD budget not aligned with works schedule \$(524)K Aerodrome budget not aligned with schedule of work under the Regional Airport Program Round 2 \$(189)K WIRAC Contractor actuals YTD less than anticipated \$(306)K. April account not yet received					
Note 7	Plant Hire actuals YTD less than anticipated due to utilisation of plant not being charged out and fortnightly pay run not processed in TechOne at the time of running Monthly Finance Report					
Note 8	Rural Fire Brigade Levy YTD actual less than anticipated \$(136)K as payment hasn't been processed.					

	YTD Actual \$	YTD Budget \$	Variance \$	Variance %	FY Budget \$	Notes
Infrastructure Services Operating Statement (Excludes Water and Wastewater)						
Operating Revenue						
Fees and Charges	653,742	745,287	(91,544)	(12.3%)	879,230	
Operating Grants and Subsidies	345,174	390,823	(45,649)	(11.7%)	4,121,582	
Leasing and Rent	5,040	10,400	(5,360)	(51.5%)	12,480	
Recoverable Works	516,506	1,216,177	(699,670)	(57.5%)	2,334,716	Note 1
Sundry Revenue	40,788	24,515	16,273	66.4%	64,418	
Internal Revenue	116,883	116,883	-	0.0%	140,260	
Total Operating Revenue	1,678,133	2,504,085	(825,952)	(33.0%)	7,552,686	
Operating Expenses						
Employee Costs	7,633,610	7,930,738	(297,128)	(3.7%)	9,420,131	Note 2
Materials	4,999,338	5,366,545	(367,208)	(6.8%)	6,439,255	Note 3
Contracts and Services	3,469,977	2,860,333	609,644	21.3%	3,427,449	Note 4
Finance Costs	184,532	205,777	(21,245)	(10.3%)	274,370	
Depreciation and Amortisation	11,655,924	11,311,011	344,913	3.0%	14,501,952	Note 5
Plant Hire	(2,153,018)	(2,711,470)	558,452	(20.6%)	(3,254,832)	Note 6
Other Expenses	127,727	128,000	(273)	(0.2%)	128,000	
Rates on Council Properties	458,047	449,213	8,834	2.0%	493,387	
Internal Charges	514,073	514,073	-	0.0%	616,887	
Total Operating Expenses	26,890,209	26,054,220	835,989	3.2%	32,046,599	
Operating Surplus/Deficit	(25,212,076)	(23,550,135)	(1,661,941)	7.1%	(24,493,912)	
Comments						
Note 1	Road Maintenance Performance Contract revenue received YTD less than anticipated \$(670)K due to timing of claims being processed.					
Note 2	Fortnightly pay run not processed in TechOne at the time of running Monthly Finance Report					
Note 3	Plant Operating Maintenance - diesel actuals YTD less than anticipated \$(288)K					
Note 4	Plant Registration costs YTD less than anticipated \$(101)K					
Note 5	Road Maintenance Performance Contract YTD more than anticipated. Budget not aligned with work schedule \$332K					
Note 6	January 2024 Flood Event actuals more than anticipated \$185K. This is offset against the Natural Disaster Event Response and Recovery Trigger Point					
Note 5	Depreciation actuals YTD more than anticipated. Budget to be reviewed.					
Note 6	Plant Hire actuals YTD less than anticipated due to utilisation of plant not being charged out and fortnightly pay run not processed in TechOne at the time of running Monthly Finance Report					

	YTD Actual \$	YTD Budget \$	Variance \$	Variance %	FY Budget \$	Notes
Planning and Environmental Services Operating Statement						
(Excludes Waste)						
Operating Revenue						
Fees and Charges	1,758,015	1,546,171	211,844	13.7%	1,855,407	Note 1
Operating Grants and Subsidies	14,588	36,796	(22,208)	(60.4%)	36,796	
Sundry Revenue	5,222	4,083	1,139	27.9%	4,900	
Total Operating Revenue	1,777,825	1,587,051	190,775	12.0%	1,897,103	
Operating Expenses						
Employee Costs	2,968,957	3,302,778	(333,821)	(10.1%)	3,941,480	Note 2
Materials	579,601	650,355	(70,754)	(10.9%)	687,677	
Contracts and Services	525,073	1,180,193	(655,119)	(55.5%)	1,336,367	Note 3
Depreciation and Amortisation	18,319	18,462	(142)	(0.8%)	22,166	
Plant Hire	132,924	381,154	(248,230)	(65.1%)	457,385	Note 4
Other Expenses	53,575	96,250	(42,675)	(44.3%)	111,500	
Rates on Council Properties	3,331	3,119	212	6.8%	3,274	
Internal Charges	211,300	211,300	-	0.0%	253,560	
Total Operating Expenses	4,493,082	5,843,611	(1,350,529)	(23.1%)	6,813,410	
Operating Surplus/Deficit	(2,715,257)	(4,256,560)	1,541,303	(36.2%)	(4,916,307)	
Comments						
Note 1	Animal Registrations YTD more than anticipated \$172K					
Note 2	Fortnightly pay run not processed in TechOne at the time of running Monthly Finance Report					
Note 3	Environmental Local Laws - Willi St Investigation YTD budget not aligned with actuals \$(104)K Planning Scheme Preparation and Amendments YTD budget not aligned with actuals \$(286)K Building and Planning Compliance YTD budget not aligned with actuals \$(74)K Pest Animal Control - Wild Dog Fencing and Bating YTD budget not aligned with work schedule \$(142)K					
Note 4	Plant Hire actuals YTD less than anticipated due to utilisation of plant not being charged out and fortnightly pay run not processed in TechOne at the time of running Monthly Finance Report					

	YTD Actual \$	YTD Budget \$	Variance \$	Variance %	FY Budget \$	Notes
Water Services Operating Statement						
Operating Revenue						
Rates and Utility Charges	15,733,725	15,024,534	709,191	4.7%	15,024,534	Note 1
Fees and Charges	489,086	202,000	287,086	142.1%	242,400	
Operating Grants and Subsidies	-	60,000	(60,000)	(100.0%)	72,000	
Sundry Revenue	61,234	20,000	41,234	206.2%	24,000	
Total Operating Revenue	16,284,045	15,306,534	977,511	6.4%	15,362,934	
Operating Expenses						
Employee Costs	2,342,855	2,612,748	(269,893)	(10.3%)	3,125,844	Note 2
Materials	2,775,011	2,666,182	108,828	4.1%	3,199,421	
Contracts and Services	810,653	860,667	(50,014)	(5.8%)	1,032,800	
Finance Costs	167,124	180,589	(13,466)	(7.5%)	240,786	
Depreciation and Amortisation	2,777,287	2,723,990	53,297	2.0%	3,270,245	
Plant Hire	269,469	323,587	(54,118)	(16.7%)	388,305	
Other Expenses	1,818	5,000	(3,182)	(63.6%)	15,000	
Rates on Council Properties	10,134	10,004	130	1.3%	14,412	
Internal Charges	1,378,123	1,378,123	-	0.0%	1,653,748	
Total Operating Expenses	10,532,474	10,760,890	(228,416)	(2.1%)	12,940,560	
Operating Surplus/Deficit	5,751,572	4,545,644	1,205,927	26.5%	2,422,374	
Comments						
Note 1	AVDATA and Stanthorpe Water Station Sales received YTD more than anticipated \$291K Fortnightly pay run not processed in TechOne at the time of running Monthly Finance Report					
Note 2						
	YTD Actual \$	YTD Budget \$	Variance \$	Variance %	FY Budget \$	Notes
Sewerage Services Operating Statement						
Operating Revenue						
Rates and Utility Charges	10,268,550	10,239,576	28,974	0.3%	10,239,576	
Fees and Charges	331,654	426,002	(94,348)	(22.1%)	483,151	
Total Operating Revenue	10,600,204	10,665,578	(65,374)	(0.6%)	10,722,727	
Operating Expenses						
Employee Costs	828,880	1,069,542	(240,662)	(22.5%)	1,266,512	Note 1
Materials	1,082,183	809,470	272,713	33.7%	971,364	Note 2
Contracts and Services	888,444	1,120,427	(231,982)	(20.7%)	1,749,724	Note 3
Finance Costs	172,799	203,580	(30,781)	(15.1%)	273,774	
Depreciation and Amortisation	2,163,825	2,136,083	27,742	1.3%	2,564,453	
Plant Hire	77,844	225,714	(147,871)	(65.5%)	270,849	Note 4
Rates on Council Properties	35,090	23,651	11,439	48.4%	27,067	
Internal Charges	575,580	575,580	-	0.0%	690,696	
Total Operating Expenses	5,824,645	6,164,046	(339,401)	(5.5%)	7,814,438	
Operating Surplus/Deficit	4,775,559	4,501,532	274,027	6.1%	2,908,289	
Comments						
Note 1	Fortnightly pay run not processed in TechOne at the time of running Monthly Finance Report					
Note 2						
Note 3						
	Warwick Sewerage various actuals YTD more than anticipated \$192K					
	Warwick Sewerage Pump Stations and Reticulation various expense actuals YTD less than anticipated \$(62)K. Budget not aligned with actuals					
	Stanthorpe Sewerage Treatment and Reticulation various actuals YTD less than anticipated \$(153)K. Budget not aligned with actuals.					
Note 4	Plant Hire actuals YTD less than anticipated due to utilisation of plant not being charged out and fortnightly pay run not processed in TechOne at the time of running Monthly Finance Report					

	YTD Actual \$	YTD Budget \$	Variance \$	Variance %	FY Budget \$	Notes
Waste Services Operating Statement						
Operating Revenue						
Rates and Utility Charges	7,867,287	7,826,770	40,517	0.5%	7,826,770	
Fees and Charges	2,391,545	1,784,850	606,695	34.0%	2,141,820	Note 1
Operating Grants and Subsidies	1,490,605	1,490,605	-	0.0%	1,490,605	
Sundry Revenue	229,995	413,834	(183,838)	(44.4%)	491,000	Note 2
Total Operating Revenue	11,979,433	11,516,059	463,374	4.0%	11,950,195	
Operating Expenses						
Employee Costs	386,896	369,001	17,896	4.8%	442,655	
Materials	1,831,199	2,347,480	(516,281)	(22.0%)	2,846,973	Note 3
Contracts and Services	5,891,190	6,988,850	(1,097,660)	(15.7%)	8,433,505	Note 4
Finance Costs	60,142	69,341	(9,199)	(13.3%)	92,268	
Depreciation and Amortisation	190,232	190,216	16	0.0%	228,384	
Plant Hire	21,274	74,547	(53,273)	(71.5%)	89,457	
Rates on Council Properties	11,828	10,586	1,243	11.7%	10,652	
Internal Charges	657,403	657,403	-	0.0%	788,884	
Total Operating Expenses	9,050,164	10,707,423	(1,657,259)	(15.5%)	12,932,778	
Operating Surplus/Deficit	2,929,269	808,636	2,120,632	262.2%	(982,583)	
Comments						
Note 1	Waste Disposal Fees received YTD more than anticipated \$389K					
	State Government Waste Levy Collected YTD more than anticipated \$215K					
Note 2	Scrap Metal Sales less than anticipated YTD \$(183)K					
Note 3	State Government Waste Levy Payment actuals YTD less than anticipated \$(395)K					
	- March and April levy outstanding					
Note 4	Waste Facility Administration YTD budget not aligned with work schedule \$(51)K					
	Warwick and Stanthorpe Waste Management Facilities actuals YTD less than anticipated \$(414)K					
	- April Account not yet received					
	Waste and Recycling North - Spec A and Bay 4 actuals YTD less than anticipated \$(216)K					
	- April Account not yet received					
	Transfer Stations and Bin Compounds actuals YTD less than anticipated \$(416)K					
	- April Account not yet received					

Flood Events							
	YTD Actual	YTD Budget	Variance	Variance	FY Budget	Life-to-Date Actuals	Notes
	\$	\$	\$	%	\$	\$	
Flood Events - Operational							
Total Operating Revenue	3,317,189	2,496,297	(820,892)	32.9%	2,970,961	23,539,990	
Total Operating Expenses	2,503,320	1,291,234	(1,212,086)	93.9%	1,549,481	27,894,035	
Net Operating Surplus/Deficit	813,869	1,205,063	(391,194)	-32.5%	1,421,480	(4,354,045)	

Comments

Actual expenditure includes January 2024 events. The Finance team, in collaboration with the DRFA Project Manager, will continue to review actuals and budgets.

	YTD Actual \$	YTD Budget \$	Variance \$	Variance %	FY Budget \$	Life-to-Date Actuals \$	Notes
Flood Events - Capital							
Total Capital Revenue	12,845,878	17,162,349	(4,316,471)	(25.2%)	20,652,672	22,307,464	
Total Capital Expenses	18,258,482	19,274,071	(1,015,589)	-5.3%	23,254,575	26,796,416	
Net Capital Surplus/Deficit	(5,412,604)	(2,111,722)	(3,300,882)	156.3%	(2,601,903)	(4,488,952)	

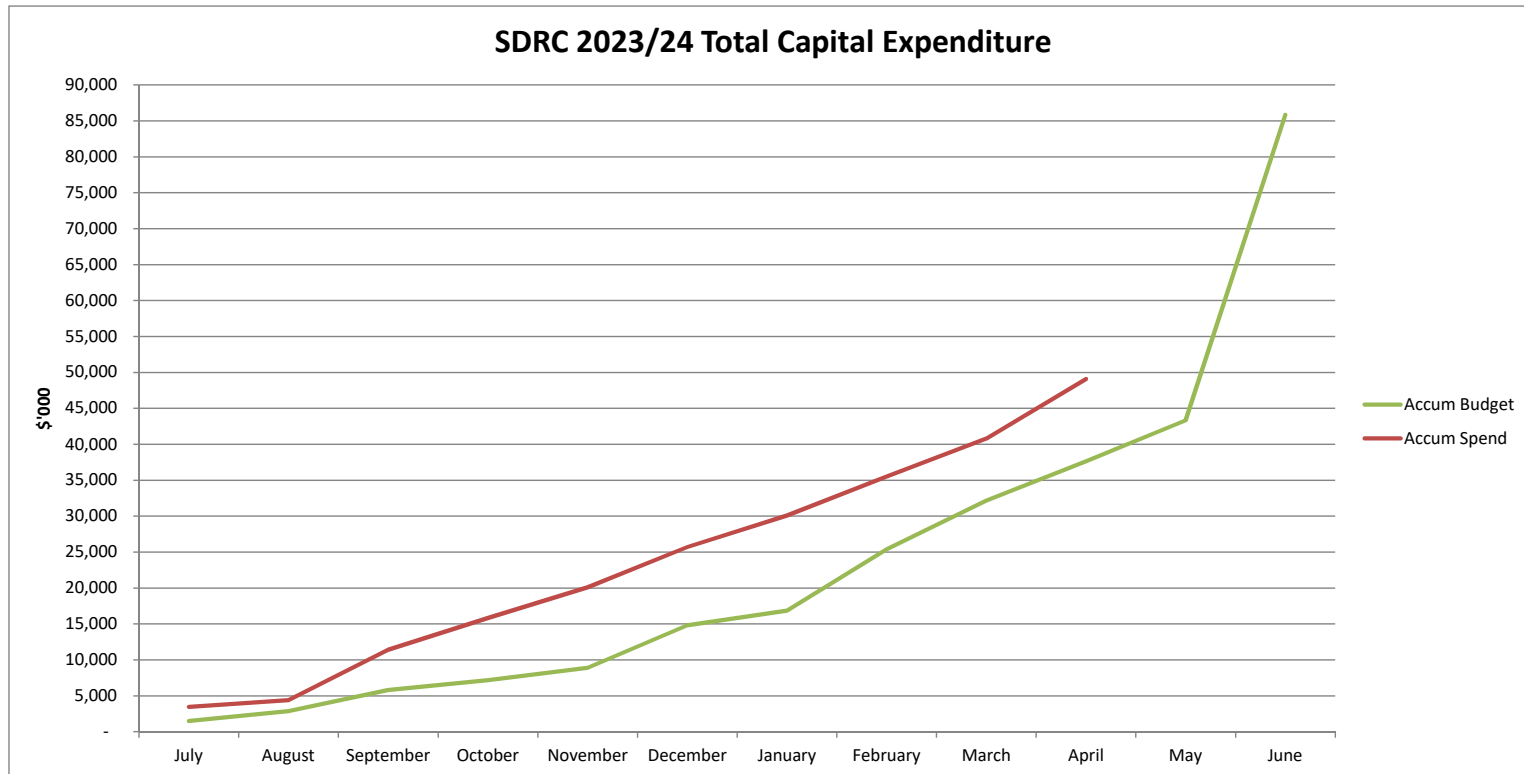
Comments

Actual expenditure includes January 2024 events. The Finance team, in collaboration with the DRFA Project Manager, will continue to review actuals and budgets.

**Southern Downs Regional Council
Capital Works Projects by Asset Class
As At 30 April 2024**

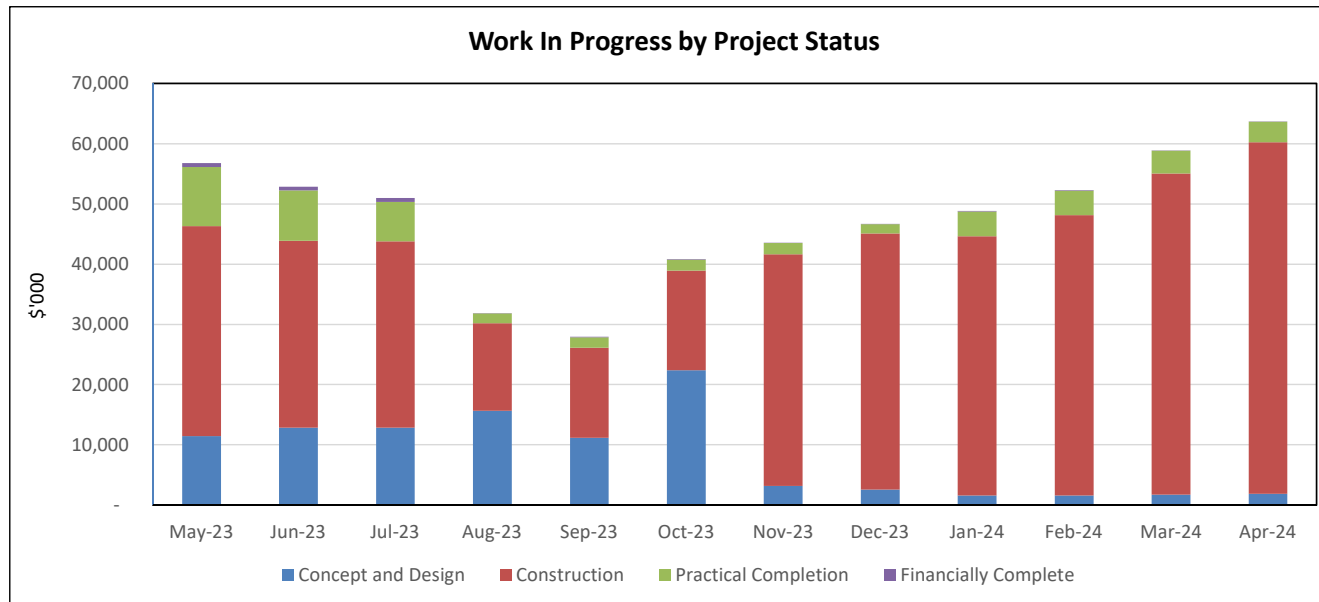
	Budget	YTD Expenditure	% Spent	Committed	Spent and Committed	% Spent and Committed
Land & Land Improvements	267,198	26,517	9.9%	14,974	41,491	15.5%
Buildings	8,635,572	4,737,213	54.9%	1,408,717	6,145,930	71.2%
Plant & Equipment	7,742,319	2,461,439	31.8%	2,478,580	4,940,019	63.8%
Roads, Drains & Bridges	34,841,177	23,756,193	68.2%	5,415,059	29,171,252	83.7%
Water	12,786,759	6,950,162	54.4%	2,786,124	9,736,286	76.1%
Sewerage	9,328,089	5,203,640	55.8%	3,659,448	8,863,088	95.0%
Other Assets	12,228,843	5,968,501	48.8%	3,202,783	9,171,284	75.0%
Total	85,829,957	49,103,665	57.2%	18,965,685	68,069,350	79.3%

Southern Downs Regional Council
Capital Expenditure
As At 30 April 2024



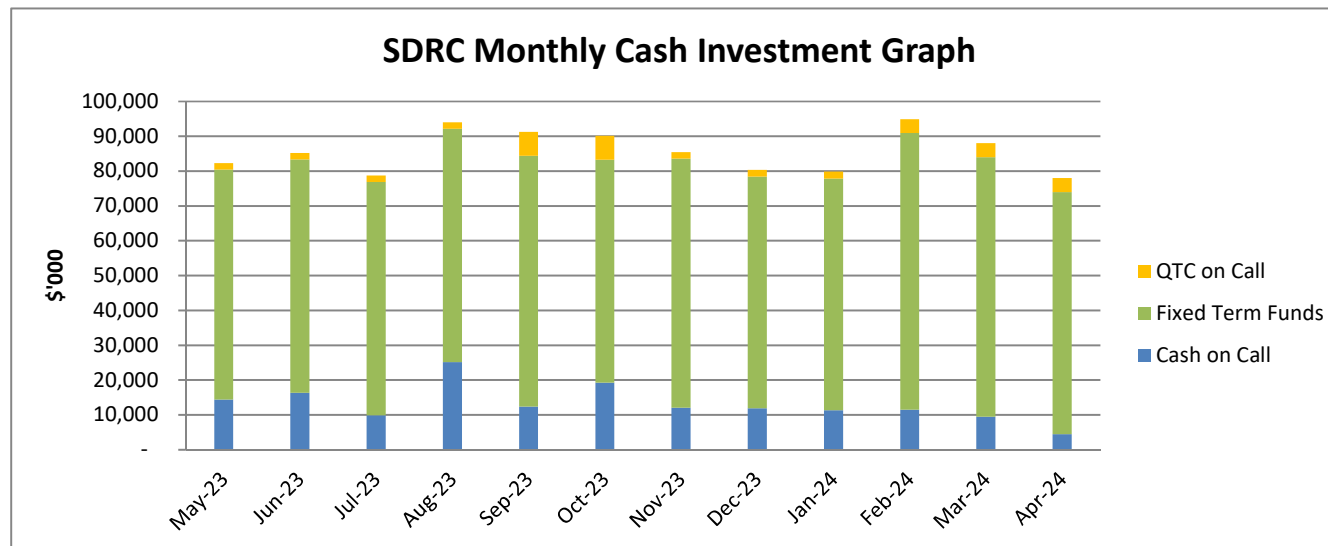
Capital committed costs as at 30 April 2024 is \$19 Million

**Southern Downs Regional Council
Work in Progress (WIP) Status Report
As At 30 April 2024**

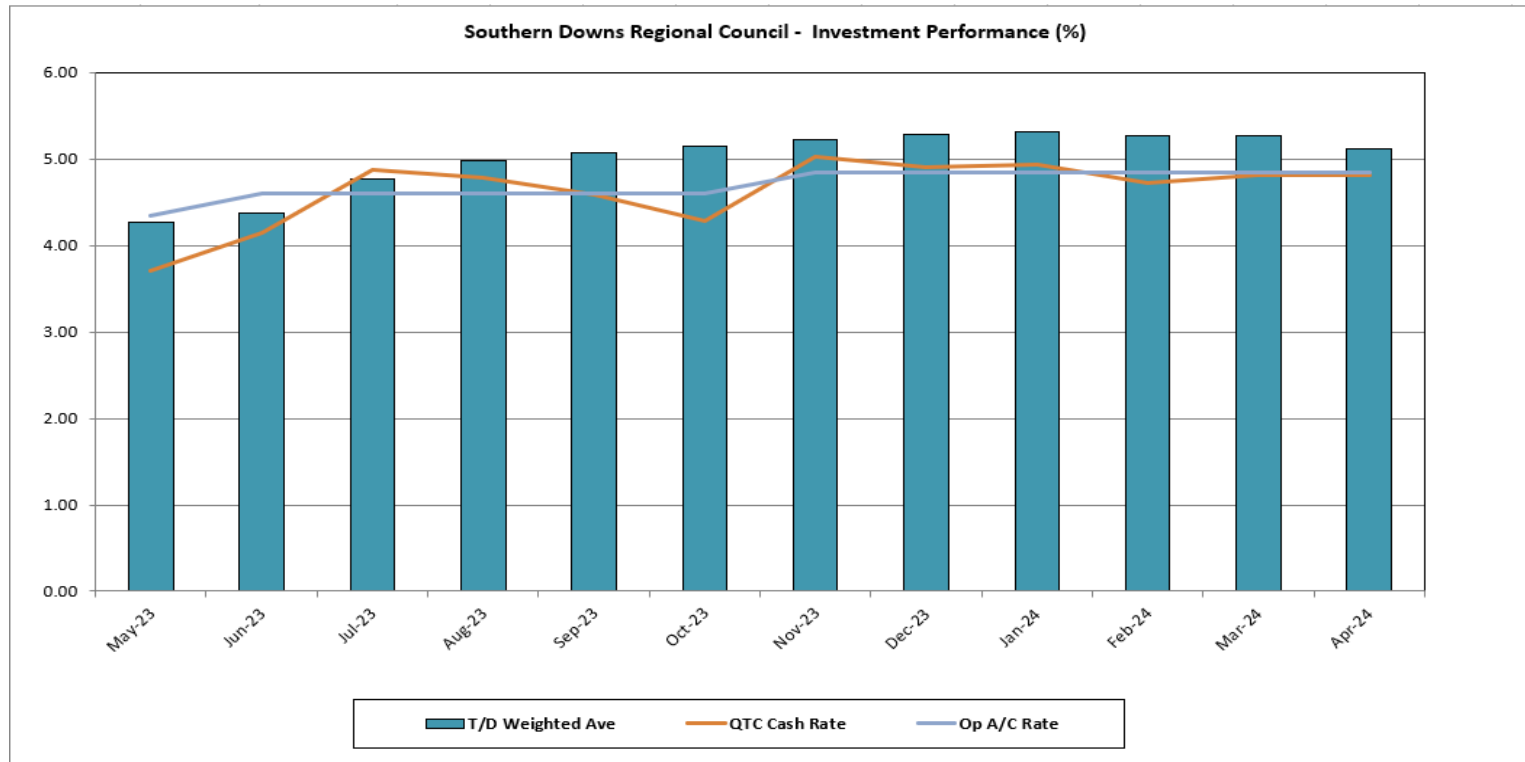


Project status' were reviewed and updated in April 2024.
Finance Team will continue to work with Department Managers and Asset Management Team to review and update project status'.

**Southern Downs Regional Council
Total Monthly Cash Investment Register
As At 30 April 2024**



Southern Downs Regional Council
Investment Performance
As At 30 April 2024




**Southern Downs Regional Council
Borrowings Report
As At 30 April 2024**

QTC Loan Account Balances:

	\$
Fund Name: Southern Downs Regional Council	
CBD Redevelopment Stage 2	472,909
Market Square Pump Station	220,691
General	1,596,988
General 2009	756,207
General 2009/10	114,919
General 2010/11	1,735,958
General 2011/12	2,857,431
General 2012/13	1,641,818
Warwick Sewerage Treatment Plant	319,017
Allora Water Main	3,073,146
Stanthorpe Sewerage	-
Total Loan Balance	<u>12,789,082</u>

11.2 Operational Plan Update - Third Quarter Update

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Manager Corporate Services	ECM Function No/s:

Recommendation

THAT Council receive and note the contents of the 2023/24 Operational Plan Third Quarter Review.

REPORT

Background

The *Local Government Act 2012* requires that Council prepare and adopt an Operational Plan for each financial year. The *Local Government Regulation 2012* also requires that Council must make assessments of its progress towards implementing its Operational Plan at regular intervals of not more than three months and that it must discharge its responsibilities in a way that is consistent with the annual Operational Plan.

Report

Officer's comments regarding the status of the 2023/24 Third Quarter Review Operational Plan actions are attached.

FINANCIAL IMPLICATIONS

The Operational Plan is consistent with Council's 2023/24 Budget

RISK AND OPPORTUNITY

Risk

Nil

Opportunity

Nil

COMMUNITY ENGAGEMENT

Internal Consultation

Council's Senior Leadership Team are responsible for various actions within the 2023-2024 Operational Plan and consult with their respective staff to complete and report on progress of the actions.

External Consultation

Nil

LEGAL / POLICY

Legislation / Local Law

Section 104 of the *Local Government Act 2009*

Sections 174-175 of the *Local Regulation 2012*

Corporate Plan

Goal 4 Our Performance

Outcome: 4.4 Council has embedded risk management, good governance, transparency and accountability into what we do.

Objective: 4.4.1 Provide assurance through effective governance, audit and risk management practices.

Policy / Strategy


Corporate Plan 2021-2026

ATTACHMENTS

1. Operational Plan 2023/24 - Third Quarter Update (Excluded from agenda - Provided under separate cover)⇒

11.3 Application for Permanent Road Closure and Purchase State Land - Porter Road, Allan - Adjacent to Lot 2 on RP36379

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Land Management Consultant	ECM Function No/s: 3792725

Recommendation

THAT Council offer no objection to the application to permanently close the western end of Porter Road, Allan, being adjacent to Lot 2 on RP36379 and to purchase the land from the State, provided the land is amalgamated with Lot 2 on RP36379.

REPORT

Background

Council has received a request from landowner located at 56 Porter Road, Allan seeking views on an application to purchase State land adjacent to Lot 2 on RP36379 shown in attached Site Plan (area hatched in green). The applicant seeks to permanently close the existing road reserve and purchase the land from the Department of Resources, with the intention of maintaining the area to reduce fire hazards originating from the Cunningham Highway and to plant a vegetation (tree) buffer to reduce noise from the highway.

Report

An applicant seeking to apply to purchase State land is required to seek comments from Council on Part C – From LA 30 - *Statement in relation to an application under the Land Act 1994 (the Act) over State Land* to accompany an application to the Department of Resources.

The permanent road closure applies to an unmade road that runs to the west of Porter Road, Allan, adjacent to the applicant's land which is also located to the west of the neighboring landowner at 57 Porter Road, Allan.

If the road reserve was closed, there is no impact to future access to any other lots in the area. The approximate area of the dedicated road reserve being closed is 3,500m².

Internal assessment has been undertaken by Council officers.

Sustainability and Environment Services advise that based on the application details, the portion of land is shown as potential impact buffer on the Bushfire Hazard Mapping. The area in question does not contain remnant vegetation, is not a roadside conservation area or threatened flora zone and does not contain any threatened species that Council is aware of. It is also not shown as being registered as contaminated land or depicted as being part of the flood hazard area along Sandy Creek. Therefore, no issues exist with the area being purchased by the adjoining landholder for the purpose stated.

Infrastructure Services have no concerns or objection to the application.

No planning issues are applicable with the application given the road reserve will be amalgamated with Lot 2 on RP36379 and no new lots are created.

If approved by the Department of Resources, the road reserve will be re-surveyed and included in the applicant's substantive allotment, pursuant to the Act.

Conclusion/Summary

The application to permanently close the road reserve west of Porter Road, Allan and adjacent to Lot 2 on RP36379 raises no objections and is supported by Council.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this request. All costs are met by the applicant.

RISK AND OPPORTUNITY

Risk

Minimal risks exist with this decision as it is based on legislation and supports the applicant's property and safety requirements.

Opportunity

Council promotes the landowners desire to improve fire safety and increase buffering to offset noise and farming activity.

COMMUNITY ENGAGEMENT

Internal Consultation

Internal consultation supports the request.

External Consultation

No external consultation is conducted by Council. The Department of Resources is the decision-maker for the application. Council is deemed an interested party given its role as road manager and is not required to consult with landowners.

LEGAL / POLICY

Legislation / Local Law

Council controls all roads in its local government area pursuant to section 60 of the *Local Government Act 2009*.

The application to permanently close a road is decided by the Minister pursuant to section 99(1) of the *Land Act 1994*. Only adjoining land owners or public utility providers can apply to permanently close a road.

Corporate Plan

Goal 2 Our Places

Outcome: 2.2 Public places, services and facilities are accessible, sustainable and cost effective.

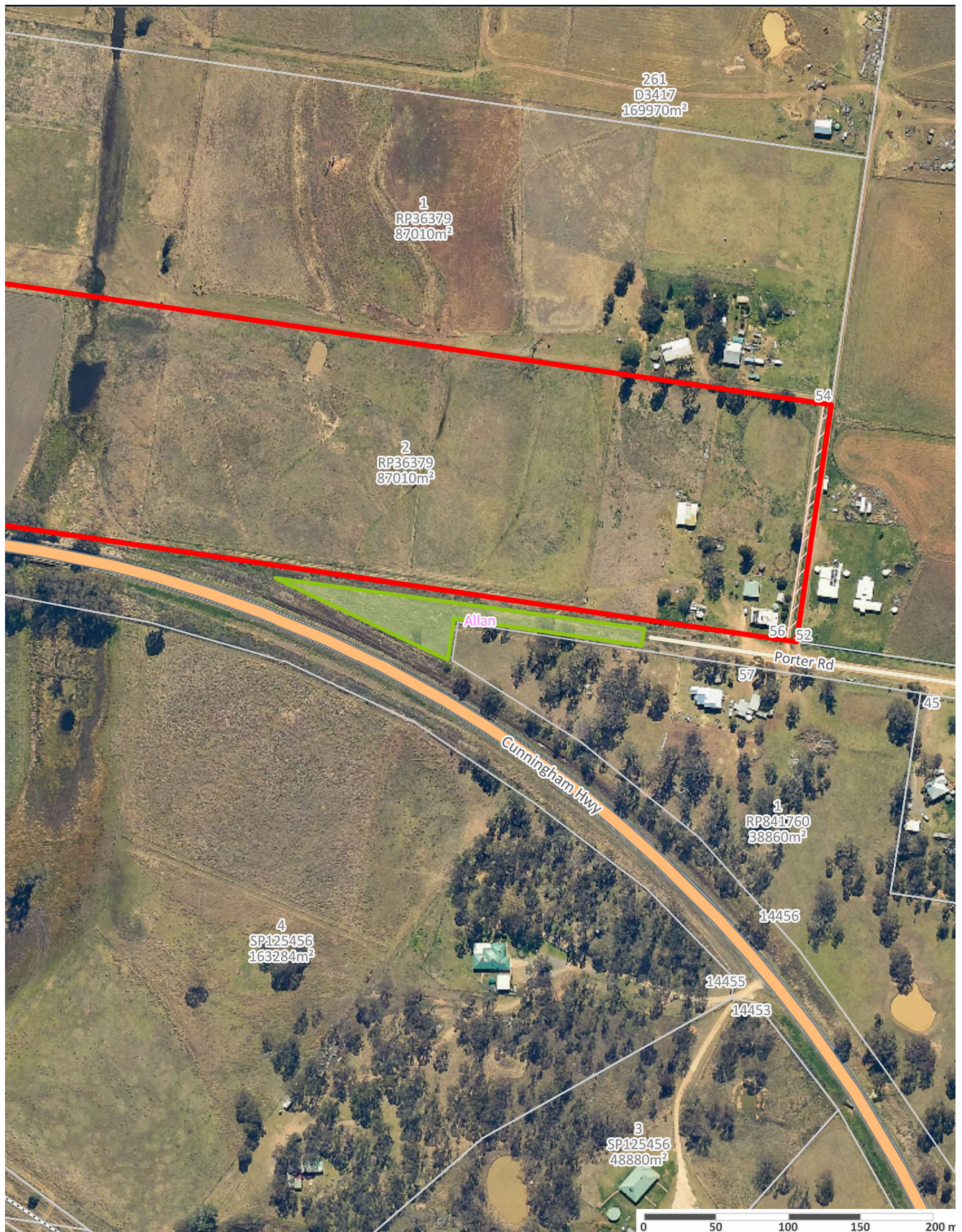
Objective: 2.2.1 Facilitate and plan for safe, accessible and affordable infrastructure, housing, health and communication services for the community, visitors and industry.

Policy / Strategy

Use of Roads Policy - PL-IS110. There are no conflicts with the roads policy.

ATTACHMENTS

1. Site Plan [↓](#)



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Scale (A4): 1:3024
Projection: GDA2020 / MGA zone 56

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11.4 Regional Arts Development Fund 2023/24 - Applications for Recommendation

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Acting Grants Officer	ECM Function No/s: 15.36.01

Recommendation

THAT Council Approve the three (3) grant applications for funding under the Regional Arts Development Fund (RADF) program namely:

1. Deborah C Wheeler for \$18,099 for the project title 'Southern Downs Military History website';
2. Warwick Art Gallery for \$20,322 for the project title 'Exhibition Public Programs during Jumpers & Jazz in July'; and
3. Border District Eisteddfod for \$7,490 for the project title '2024 Border District Eisteddfod'.

REPORT

Background

The Regional Arts Development Fund (RADF) is a partnership between the Queensland Government and Southern Downs Regional Council to support local arts and culture in regional Queensland.

The purpose of the RADF program is to support local artists and creative community organisations and to provide opportunities for local residents to participate in arts and cultural activities.

The priorities for the 2023/24 Program are:

- Arts and cultural tourism (e.g. festivals and events)
- Heritage and collections of the region (e.g. museums, galleries, libraries, heritage trails)
- Applications where funding is aimed at participants from demographics and segments of the community who have not historically participated in RADF funded programs or projects
- Arts and creative activities which support the wellbeing of participants, strengthen social connections and build community resilience
- Provide employment opportunities for local artists and arts workers.

Applicants can apply for up to \$25,000 in funding.

Report

The 2023/24 RADF program opened on 30 October 2023 and remains open until 31 July 2024.

Three (3) applications were received in April 2024 and were assessed online via SmartyGrants and undertaken in accordance with Council's RADF Guidelines.

An overview of the process is provided below:

- Stage One (1) is the pre-eligibility criteria assessment which ascertains if applications are eligible to apply for the funding. If applications are deemed ineligible, they do not progress to stage two (2).
- Stage Two (2) is the application assessment criteria, which is undertaken by two (2) assessors. These assessors come from a pool of Council and Gallery staff members.
- Each application assessment criteria carries a percentage weighting, as follows:

Weighting	Application Assessment Criteria (total score of 100%)
15%	Description of the project and how the funding will be used
20%	How the project contributes to the Assessment Criteria (Quality, Reach, Impact and Viability) as outlined in the RADF Guidelines
15%	Outline the outcomes expected to be achieved from the project and how it will benefit the Southern Downs community
15%	Budget – description of expenses, income and co-funding, authentic quotations attached
10%	How the need for the project was identified
10%	How does the project align with the Southern Downs priorities
5%	List each stage of the project and the expected completion date
5%	What steps have been taken to address Workplace Health & Safety, Public Liability Insurance, Blue Card (if working with children), copyright and relevant licences
5%	Support materials (letter of support, concept plans etc)

- Each application is individually assessed and scored by each assessor.
- SmartyGrants automatically calculates the moderated score for each application for each assessor.
- The Total Moderated Score is calculated and as per the Guidelines, applications must meet the minimum Total Moderated Score of 3 (out of 5) to be recommended for funding.
- If the application meets all pre-eligibility criteria and the minimum Total Moderated Score, the Grants Officer will write an Email of Recommendation to the Manager of Community Services for their consideration.
- The Manager Community Services advises whether they do or do not recommend to Council to award funding.

The three (3) applications assessed, met the minimum Total Moderated Score of three (3) and above and are therefore recommended for funding.

The current budget remaining for the 2023/24 RADF Program is \$79,131.00.

The total funding requested for the three (3) Applications is \$45,911.00.

Conclusion/Summary

The Manager Community Services recommends that the three (3) applications received in April 2024 from Deborah C Wheeler, Warwick Art Gallery and Border District Eisteddfod which met the Assessment Criteria of the RADF Guidelines, be funded for a total of \$45,911.00.

FINANCIAL IMPLICATIONS

The 2023/2024 budget includes \$115,567.00 for the RADF Program as per below:

RADF 2023/2024	Arts Queensland Funds	Council Contribution	Total
	\$41,475	\$39,500	\$80,975
	<i>2022/23 Unspent funds carried over to 2023/24</i>		\$34,592
	Total available for 2023/24		\$115,567

To date, \$36,436.00 in RADF grant funding has been approved by Council, leaving a balance of \$79,131.00 in the current program

If the recommended funding of \$45,911.00 is awarded to the three (3) applicants, \$33,220.00 will remain available in the budget to be awarded to eligible applicants until 31 July 2024.

RISK AND OPPORTUNITY

Risk

Nil

Opportunity

Funding to be granted to various projects throughout the region, providing many ongoing benefits to the community.

COMMUNITY ENGAGEMENT

Internal Consultation

Council staff

External Consultation

Applicant feedback: Council's online SmartyGrants application forms include a feedback section to be completed by the applicant. The feedback data is collated and reviewed by the Grants Officer in an endeavor to ensure the continuous improvement in Council's delivery of funding to the community. The feedback summary is attached to this report (Attachment Two (2)).

LEGAL / POLICY

Legislation / Local Law

Local Government Act 2009

Local Government Regulation 2021

Corporate Plan

Goal 1 Our People

Outcome: 1.1 Communities trust us to engage with them and advocate on their behalf.

Objective: 1.1.3 Build confidence in our communities by being visible, empathetic and by actively listening.

1.1.2 Implement effective and genuine community consultation processes that enable participation, engagement and collaboration.

Outcome: 1.3 Communities are active, healthy and celebrate cultural diversity.

Objective: 1.3.1 Identify, promote and grow opportunities for arts, cultural expression and the development of creative industries.

1.3.3 Plan and provide facilities and programs that enable participation in sport, recreation and cultural and community activity.

Policy / Strategy

Arts & Culture Policy PL-CS053 27 January 2021

Public Art Policy PL-CS107 10 August 2022

ATTACHMENTS

1. List of Applicants & Scores [↓](#)
2. Applicant Feedback Summary [↓](#)

Item 11.4 Regional Arts Development Fund 2023/24 - Applications for Recommendation
Attachment 1: List of Applicants & Scores

2023/24 Regional Arts Development Fund (RADF)

Recommended Applications (sorted by Total Moderated Score)

Application ID	Applicant	Project Title	Brief Project Description	Project Start Date	Project End Date	Total Project Cost	Total Amount Requested	Total Moderated Score (must be above 3)	Amount Recommended	Approved by Council Resolution
RADF-2223023	Bony Mountain Folk Festival Incorporated	Bony Mountain Folk Festival	<i>The festival is run to provide a significant benefit to Artists both professional and aspiring. With fire, flood and COVID many performers have had limited opportunities to perform this provides a significant mental boost. The performers both professional and up and coming benefit both financially and by appreciation of their artistic talents. We give aspiring artists the opportunity to perform onstage in front of a significant audience, this gives a significant degree of confidence to them to continue with their efforts. By running the festival and utilising paid performers it gives us the ability to be able to devote significant stage time to many who wish to become artists in their own rite.</i> <i>This year we are running two workshops. One is the Ukulele workshop which has been run approximately 5 times at the festival. The workshop attracts on average 30 participants who attend the workshop for 3 days and on the final day all participants get up on stage to perform their new found skills. we have numerous verbal reports of many of the attendees progressing with their skills and participating in music groups and forming local bands, we regard this as a very significant boost to local artists. This year is the first time we are running a Song writing workshop</i>	11/09/2023	17/09/2023	\$45,720.00	\$10,000.00	3.20	\$ 10,000.00	23/08/2023
RADF-2223015	SCOTS PGC College P&F Association - Pipe Band Sub-group	Australian Juvenile Piping and Drumming Workshops	<i>The Australian Juvenile Piping and Drumming Workshops are designed to empower and educate individuals interested in piping and drumming. These workshops aim to provide comprehensive lessons in all disciplines, ensuring that participants gain a deep understanding of the musical aspects involved in these traditional art forms. Informal workshops will also be open to the public to come and try over the weekend.</i> <i>The Workshops are for aspiring pipers and drummers from across the country and encourage youth from the local district to participate regardless of experience. Participants will receive expert guidance on music theory, technique, and performance, enabling them to develop their skills and express themselves creatively through their instruments.</i> <i>Through expert instruction and hands-on activities, the workshops participants will learn essential skills such as reed adjustment, drumhead tuning, and instrument cleaning, fostering a sense of responsibility and pride in their equipment.</i>	28/09/2023	30/09/2023	\$89,549.00	\$9,986.00	3.90	\$ 9,986.00	23/08/2023
RADF-2223025	CelticFest Incorporated	CelticFest Warwick Celtic Music Program	<i>CelticFest Warwick is a multi-day destination event celebrating the rich Celtic (Irish and Scottish) heritage of the Southern Downs, which will be held on the long weekend in September 2023. CelticFest will run a full program of music and dance on the main stage on the Sunday, comprising Celtic bands and entertainers. The musicians will also be involved in public workshops at the event on Saturday evening and Sunday at the Showgrounds, and also as part of the Celtic Fringe festival on the Saturday. CelticFest proposes to use the RADF funding to help support the provision of a high-quality lineup of nationally-recognised Celtic musicians and dancers who can share their artistic excellence both on stage and in workshops with festival enthusiasts, who will be from the local community and also visitors to the region.</i>	29/09/2023	2/10/2023	\$147,750.00	\$16,450.00	3.83	\$ 16,450.00	23/08/2023
RADF-2324-005	Deborah C Wheeler	Southern Downs Military History Website	<i>The funding will be used to build a dedicated website, where all aspects of the Southern Downs regions vast, varied and rich military history can be housed in the one central place and to research and upload the details of the nineteen men whose names appear on the Warwick Armature Rugby League Honour Board which hangs on the front wall of the Warwick Town Hall. The website will be called: Southern Downs Military History. Once established it will be populated with the completed records of the 19 footballers, the 46 WWI & 43 WWII soldiers from the new Freestone Honour Boards and a link to the existing Kyoomba Sanatorium website with records of 750 soldiers, doctors, nurses.</i>	11/06/2024	20/12/2024	\$ 25,949.00	\$ 18,099.00	3.77	\$ 18,099.00	

Attachment 1: List of Applicants & Scores

Total Budget for 2023/24:	\$	115,567.00
Remaining for 2023/24 Program:	\$	33,220.00

Regional Arts Development Program *Applicant Feedback Summary*

Application Form Feedback

The RADF **application** form requires applicants to respond to the following questions -

1. How they heard about the RADF Program? *Mandatory multiple choice question.*

Option	Responses
Community Grants Officer	2
Customer Service Officers	0
Direct email to your group	0
Council Facebook page	0
Council website	0
Word of mouth	0
Other	1

2. How they rated using the online *SmartyGrants* application form? *Mandatory single choice question.*

Option	Responses
Very easy	0
Easy	2
Neutral	1
Difficult	0
Very difficult	0

3. How long it took to complete the application form? *Not a mandatory question.*


Time in Minutes	Responses
240	1
1500	1
1800	1

4. Applicants were offered an opportunity to add any additional feedback. *Not a mandatory question.*

Feedback Comment	Action (if required)

11.5 Council Meetings Policy PL-CS036

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Governance Officer	ECM Function No/s:

Recommendation

THAT Council adopt the amended and updated Council Meetings Policy PL-CS036.

REPORT

Report

The following amendments have been incorporated:

- Inclusion in its entirety the Model Meeting Procedures as produced by the Department of Housing, Local Government, Planning and Public Works (DHLGPPW) revised March 2024;
 - Where amendments of these procedures from February to March 2024 included:
 - 4.3 split into two forming 4.3 and 4.4
 - 9.3 formatting of dot points
 - 12.4 formatting from upper case to lower case
 - 12.5 formatting from upper case to lower case
 - 13.2 was omitted through incorrect numbering, now corrected
 - 21.5 split into two
 - 23.1 amended wording not affecting the intent.
- Further amendments to the model procedures as discussed at a recent Councillor Information Session namely:
 - Incoming Council requests including:
 - order of business,
 - en-bloc voting and
 - community presentations.

FINANCIAL IMPLICATIONS

Nil

RISK AND OPPORTUNITY

Risk

Outdated Meeting procedures.

Opportunity

Council will exemplify best practice procedures.

COMMUNITY ENGAGEMENT

Internal Consultation

Councillors

External Consultation

Nil

LEGAL / POLICY

Legislation / Local Law

Local Government Act 2009

Local Government Regulation 2012

Corporate Plan

Goal 4 Our Performance

Outcome: 4.4 Council has embedded risk management, good governance, transparency and accountability into what we do.

Objective: 4.4.1 Provide assurance through effective governance, audit and risk management practices.

Policy / Strategy

Council Meeting Policy PL-CS036

ATTACHMENTS

1. Council Meetings Policy PL-CS036 - tracked changes [↓](#)



Council Meetings Policy

Policy Number:	PL-CS036
Policy Type:	Strategic
Department:	Customer and Organisational Services
Section:	Corporate Services
Responsible Manager:	Manager Corporate Services
Date Adopted:	22 May 2013
CEO Signature:	
Date to be Reviewed:	15 December 2022
Date Reviewed:	22 April 2024

REVISION RECORD

Date	Version	Revision description
27/04/2016	1	Amended as per Council resolution of 27 April 2016 meeting.
03/12/2018	2	Council's Code of Meeting Practice Policy renamed Council Meetings Policy which incorporated amended content from the DLGRMA's Model Meetings Procedures and amended content from Council's Code of Meeting Practice Policy.
27/05/2020	3	Amended to incorporate provisions relating to Standing Committees and remove Briefing Sessions.
23/09/2020	4	Amendments to sections 4.2.2, 4.2.3, 8.1, 8.2, 8.4, 8.5, 8.6, 8.7 and removal of all references to Standing Committees.
14/10/2020	5	Amendments to various sections following implementation of the <i>Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020</i> and <i>Local Government Legislation (Integrity) Amendment Regulation 2020</i> including new conflict of interest provisions.
02/12/2021	6	Amendments to section 8.6 regarding formal and informal debate and various legislative references throughout policy.
21/12/2023	7	Amended to include Department of State Development, Manufacturing, Infrastructure and Planning - Best practice example standing orders for local government and standing committee meetings
12/01/24	8	Amended to include Department of State Development, Manufacturing, Infrastructure and Planning – Model Meeting Procedures Revised November 2023
19/02/24	9	Amended to include updated Best practice example standing orders for local government and standing committee meetings – February 2024
22/04/2024	11	Amended to include Department of State Development, Manufacturing, Infrastructure and Planning – Best practice example standing orders for local government and standing committee meetings – March 2024 Amended to include incoming Council requests including order of business, en-bloc voting, community presentations. Addendum of mobile phone protocol.

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1 Policy Background

To assist local governments, the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) provides best practice standing orders that local governments can choose to adopt to provide written rules for the orderly conduct of local government meetings.

These best practice standing orders incorporate the DSDILGP model meeting procedures that deal with matters during council meetings that must be adhered to under the Local Government Act 2009 (LGA) including the model meeting procedures and the Local Government Regulation 2012 (LGA). Local governments can revise their standing orders to incorporate the model meeting procedures or adopt the model meeting procedures

2 Purpose

The purpose of the Council Meeting Policy is to set out certain procedures to ensure the Local Government principles are reflected in the conduct of Local Government statutory meetings, including Ordinary and Special Meetings.

3 Scope

As required under section 150F of the Local Government Act 2009 (the LGA) this document sets out:

- The process for how a Chairperson of a Local Government meeting may deal with instances of unsuitable meeting conduct by Councillors.
- The process for how suspected inappropriate conduct of a Councillor referred to the local government by the Independent Assessor (the Assessor) is to be dealt with at a Local Government meeting.

4 Policy Details

This policy follows the Model Meeting Procedures and Best Practice Example Standing Orders for Local Government and Standing Committee Meetings as appended to this policy. Accordingly, all definitions are contained within the Best Practice Example.

5 **Appendix A – Best practice example standing orders for local government and standing committee meetings**

Queensland Government

**Best practice example standing orders for
local government and standing committee
meetings**

March 2024

Last updated:

Date	Version number	Officer's Name	Approved
10 November 2022	004	P Cameron	Director G&C
30 November 2023	005	P Cameron	Director G&C
22 January 2024	006	P Cameron	Director G&C
12 February 2024	007	P Cameron	Director G&C
14 March 2024	008	P Cameron	Director G&C



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Intent

To assist local governments, the Department of Housing, Local Government, Planning and Public Works (DHLGPPW) provides best practice standing orders that local governments can choose to adopt to provide written rules for the orderly conduct of local government meetings. These best practice standing orders incorporate the meeting procedures that deal with matters during local government meetings that must be adhered to under the *Local Government Act 2009* (LGA) including the DHLGPPW model meeting procedures and the meeting provisions in the Local Government Regulation 2012 (LGR). Local governments can revise their standing orders to incorporate the model meeting procedures or adopt the model meeting procedures.

1. Standing orders

- 1.1. These standing orders apply to local government meetings including standing committee meetings. These standing orders do not apply to meetings of the audit committee.
- 1.2. A provision of these standing orders may be suspended by resolution of any meeting of the local government except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any suspension and must specify the application and duration of each suspension.
- 1.3. Where a matter arises at the local government meeting that is not provided for in these standing orders, the matter will be determined by resolution of the local government upon a motion which may be put without notice, but otherwise conforming with these standing orders.

Procedures for meetings of local government

2. Presiding officer

- 2.1. The mayor will preside at a meeting of a local government, except for the Brisbane City Council.
- 2.2. If the mayor is absent or unavailable to preside, the deputy mayor will preside.
- 2.3. If both the mayor and the deputy mayor, or the mayor's delegate, are absent or unavailable to preside, another councillor chosen by the councillors present at the meeting will preside at the meeting.
- 2.4. The local government will choose the chairperson for a committee meeting. This chairperson will preside over meetings of the committee.
- 2.5. If the chairperson of a committee is absent or unavailable to preside, another councillor chosen by the councillors present will preside over the committee meeting.
- 2.6. Before proceeding with the business of the local government meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

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3. Order of business

- 3.1. The order of business will be determined by resolution of the local government from time to time. The order of business may be altered for a particular meeting where the councillors at that meeting pass a procedural motion to that effect. A motion to alter the order of business may be moved without notice.
- 3.2. Unless otherwise altered, the order of business will be as follows:
- attendance
 - apologies and granting of leaves of absence
 - confirmation of previous minutes
 - business arising out of previous meetings
 - officers' reports.

Note: The minutes of a previous meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of the local government, in order that the minutes may be confirmed. No discussion will be permitted about these minutes except with respect to their accuracy as a record of the proceedings. Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting. Once the minutes are confirmed by resolution of the meeting they cannot be changed. If the local government needs to make a correction to the confirmed minutes, that can be done by passing a rescinding motion or a new motion that states what the correction is, but the original minutes remain as they are recorded.

4. Agendas

- 4.1. The agenda may contain:
- notice of meeting
 - amendments correcting the minutes of the previous meeting
 - adoption of the minutes of the previous meeting
 - business which the mayor wishes to have considered at that meeting without notice
 - matters of which notice has been given
 - committees' reports referred to the meeting by the chief executive officer (CEO)
 - officers' reports referred to the meeting by the CEO
 - councillor conduct breach investigation reports provided by the investigator
 - deputations and delegations from the community that are approved to attend
 - any other business the local government determines by resolution be included in the agenda.
- 4.2. Business not on the agenda, or not fairly arising from the agenda, will not be considered at any local government 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.

- 4.3. The notice of the meeting and the agenda must be given to each councillor at least two days before the meeting and in the case of Indigenous regional councillors, being Torres Strait Regional Council and Northern Peninsula Area Regional Council, at least four days prior to the meeting, unless it is impracticable to give the notice before that time.
- 4.4. The agenda for the local government must be made publicly available by 5pm on the business day after the notice of meeting is given to the councillors. Any related reports, including any summary investigation report for a conduct breach matter, for the local government meeting must also be included and available to the public when the agenda for the meeting is made publicly available, excluding confidential reports. If the related report is made available to councillors or committee members during the period starting immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the councillors or committee members.
- 4.5. Matters on the agenda that may require the meeting to be in a closed session consistent with the provisions under section 254J LGR, can be identified on the agenda as 'may be closed by resolution of the meeting for the matter to be debated'.

5. Quorum

- 5.1. A quorum at a local government meeting is a majority of its councillors. If the number of councillors is even, then one half of the number is a quorum.
- 5.2. If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of councillors present, or if only one councillor is present, then that councillor, or if no councillors are present then the CEO.

6. Petitions

- 6.1. Any petition presented to a meeting of the local government will:
 - be in legible writing or typewritten and contain a minimum of 10 signatures
 - include the name and contact details of the principal petitioner (i.e., the key contact)
 - include the postcode of all petitioners, and
 - have the details of the specific request/matter appear on each page of the petition.
- 6.2. Where a councillor presents a petition to a meeting of the local government, no debate in relation to it will be allowed, and the only motion which may be moved is:
 - that the petition be received
 - received and referred to a committee or officer for consideration and a report to the local government, or
 - not be received because it is deemed invalid.

- 6.3. The local government will respond to the principal petitioner in relation to all petitions deemed valid.

7. Deputations

- 7.1. A deputation wishing to attend and address a meeting of the local government shall apply in writing to the CEO not less than seven business days before the meeting.
- 7.2. The CEO, on receiving an application for a deputation, shall notify the chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed (e.g. 15 minutes).
- 7.3. For deputations comprising three or more persons, only three persons shall be at liberty to address the local government meeting unless the councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 7.4. If a member of the deputation other than the appointed speakers interjects or attempts to address the local government meeting, the chairperson may terminate the deputation.
- 7.5. The chairperson may terminate an address by a person in a deputation at any time where:
- the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting
 - the time period allowed for a deputation has expired, or
 - the person uses insulting or offensive language or is derogatory towards councillors or others.
- 7.6. The CEO is responsible for the deputation, including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

8. Public participation at meetings

- 8.1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the chairperson.
- 8.2. In each local government meeting, time may be required to permit members of the public to address the local government on matters of public interest related to local government. An appropriate time period will be allowed (e.g. 15 minutes) and no more than three speakers shall be permitted to speak at one meeting. The right of any individual to address the local government during this period shall be at the absolute discretion of the local government chairperson.
- 8.3. If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.
- 8.4. For any matter arising from such an address, the local government may take the following actions:
- refer the matter to a committee
 - deal with the matter immediately
 - place the matter on notice for discussion at a future meeting

- note the matter and take no further action.
- 8.5. Any person addressing the local government shall stand, act, and speak with decorum and frame any remarks in respectful and courteous language.
- 8.6. Any person who is considered by the local government or the chairperson to be inappropriately presenting 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. Prescribed conflict of interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a local government or committee meeting (other than ordinary business matters as prescribed under section 150EF of the LGA or section 177C of the *City of Brisbane Act 2019* (COBA)). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

- 9.1. A councillor who has notified the CEO in writing, including all the particulars, of a prescribed conflict of interest in a matter to be discussed in a local government meeting must also give notice during the meeting at the time when the matter is to be dealt with.
- 9.2. A councillor who first becomes aware of a prescribed conflict of interest in a matter during a local government meeting must immediately inform the meeting of the conflict of interest and the particulars.
- 9.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must be provided:
- for a gift, loan, or contract—the value of the gift, loan, or contract
 - for an application for which a submission has been made—the matters the subject of the application and submission:
 - the name of the entity, other than the councillor, that has an interest in the matter
 - the nature of the councillor's relationship with the entity
 - details of the councillor's, and any other entity's, interest in the matter.
- 9.4. 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 of approval from the Minister for Local Government (the Minister) to participate in deciding the matter in a meeting including participating in the discussion and the vote.

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.

- 9.5. Once the councillor has either left the area where the meeting is being conducted or remains in the meeting under ministerial approval, the local government 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 LGA, 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. If the councillor with the suspected declarable conflict of interest considers there is no conflict of interest, then the eligible councillors (those who do not have a conflict of interest in the matter) must make a decision about whether or not the subject councillor has a prescribed conflict of interest under section 150EX(2) of the LGA or section 177U(2) of the COBA applies.

10. Declarable conflict of interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at local government or committee meetings that might lead to a decision that is contrary to the public interest (other than the interests that are not declarable conflicts of interest prescribed under section 150EO of the LGA or section 177L of the COBA and ordinary business matters prescribed under section 150EF of the LGA or section 177C of the COBA).

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 suspect the personal interest might be a conflict of interest, the councillor or councillors may 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 LGA or section 177O of the COBA, will apply. 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 LGA or section 177U(2) of the COBA.

When dealing with a declarable conflict of interest, councillors must abide by the following procedures:

- 10.1. A councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a local government meeting must also give notice during the meeting at the time when the matter is to be dealt with.
- 10.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a local government meeting must stop participating in the decision on the matter and must inform the meeting of the conflict of interest including the particulars.
- 10.3. 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; and
 - the nature of the relationship of the related party to the councillor; and

- 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; and
 - the nature of the relationship of the other person to the councillor or related party and
 - the nature of the other person's interest in the matter; and
 - the value of the gift or loan and the date the gift or loan was made.
- 10.4. After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have ministerial approval to participate, or they have reasons why their participation would improve making the decision in the public interest.
- 10.5. 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 as prescribed in section 150ES of the LGA. In deciding on a councillor's declarable conflict of interest in a matter, only eligible councillors (those who do not have a prescribed or declarable conflict of interest in the matter) can participate in the decision making. The decision may be made even if the number of eligible councillors is less than a majority, or does not form a quorum for the meeting, or is a single eligible councillor, consistent with section 150ET of the LGA section 177Q of the COBA. If there is a single eligible councillor deciding, then a seconder for the resolution is not required.
- Note:** *The ability to make a resolution without a seconder applies when making a resolution under section 150ES of the LGA or section 177P of the COBA.*
- 10.6. The eligible councillor/s 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 eligible councillors. The eligible councillors may impose conditions on the councillor to either participate or leave the meeting e.g. they may stay for the debate but must leave for the vote. The councillor must comply with any decision and any condition imposed by the eligible councillors. The councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the Minister for Local Government under section 150EV.
- 10.7. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring about their ability to participate and can answer 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.

- 10.8. When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible councillors should consider the particular circumstances of the matter including, but not limited to:
- how does the inclusion of the councillor in the deliberation affect the public trust
 - how close or remote is the councillor's relationship to the related party
 - if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - will the benefit or detriment the subject councillor or their related party stands to receive from the decision have a major or minor impact on them
 - how the benefit or detriment the subject councillor stands to receive compares to others in the community
 - how this compares with similar matters that the local government has decided and have other councillors with the same or similar interests decided to leave the meeting
 - whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 10.9. If the eligible councillors cannot decide about the councillor's participation in the meeting with a declarable conflict of interest, 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 matter as prescribed in section 150ET(3) of the LGA or section 177Q (3) of the COBA.
- 10.10. 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 matter as prescribed in section 150ET(4) of the LGA section 177Q (4) of the COBA, 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 by resolution 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 local government meeting about the same matter e.g. workshops.
- 10.11. In making the decision, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 10.12. A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA or section 177S of the COBA.

11. Reporting a suspected conflict of interest

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 a declarable conflict of interest, and that councillor is participating in a decision on that matter, the informing councillor who believes that a conflict of interest exists 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 by another

councillor to have a suspected personal interest in a matter, the meeting must deal with each councillor individually.

- 11.1. The chairperson then should ask the 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 meeting procedures above for prescribed and declarable conflicts of interest.
- 11.2. 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.
- 11.3. The eligible councillors must then decide whether the relevant councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have any conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant meeting procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillor's participation.
- 11.4. If the eligible councillors at the meeting cannot make a decision about, whether a councillor has a declarable conflict of interest under section 150ER of the LGA or section 177Q of the COBA, or whether the councillor may or may not participate in the decision despite the subject councillor's declarable conflict of interest under section 150ES of the LGA or section 177P of the COBA, then they are taken to have determined that the councillor must leave the meeting and stay away while the matter is being decided under section 150ET(3) of the LGA or section 177Q(3) of the COBA. A decision under these provisions about 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 by resolution that the subject 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 local government meeting about the same matter e.g. workshops.
- 11.5. 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 the relevant details.

Note: *The minutes must include details of how the conflict of interest was dealt with, being (section 150FA of the LGA or section 177X of the COBA):*

- *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*
- *the local government's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision.*

11.6. The minutes of the meeting must record the name of each eligible councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.

Note: *The eligible councillors include a councillor who has either been granted approval by the Minister or their fellow councillors to participate and vote on a matter (e.g. the eligible councillors in this subsection means all councillors who were entitled to vote on the matter).*

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.

- 11.7. Where a decision has been made under section 150ES of the LGA or section 177P of the COBA, the minutes must include the:
- decision and reasons for the decision
 - name of each eligible councillor who voted, and how each eligible councillor voted.

12. Loss of quorum

12.1. 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 local government must resolve to:

- delegate the consideration and decision on the matter, as described in section 257 of the LGA or section 238 of the COBA, unless the matter cannot be delegated under subsection three of both sections, because an Act says it must be decided by resolution of the local government
- decide by resolution to defer the matter to a later meeting
- decide by resolution not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

12.2. The local government may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:

- the mayor or CEO
- a standing committee, or joint committee of the local government
- the chairperson of a standing committee or joint standing committee of the local government (does not apply to Brisbane City Council)
- another local government for a joint government activity

- the Establishment and Coordination Committee (only applies to Brisbane City Council).
- 12.3. The local government 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.
- 12.4. The local government may only delegate a power to make a decision about a councillor's conduct under section 150AG of the LGA pursuant to section 257(2) of the LGA, to:
 - the mayor
 - a standing committee
- 12.5. A local government may only delegate a power to make a decision about a councillor's conduct pursuant to section 238(2) of the COBA, to:
 - the mayor
 - the Establishment and Coordination Committee, Brisbane City Council
 - a standing committee of the local government.
- 12.6. The Minister for Local Government may, by signed notice give approval for a conflicted councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of quorum and deciding the matter cannot be delegated, subject to any conditions the Minister may impose.

Motions

13. Motion to be moved

- 13.1. A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion. When a motion has been moved and seconded, it will become subject to the control of the local government and cannot be withdrawn without the consent of the local government meeting.
- 13.2. Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion:
 - a motion brought before a meeting of the local government in accordance with the LGA or these standing orders will be received and put to the meeting by the chairperson.
 - the chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
 - the chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.
- 13.3. The chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote can occur.

- 13.4 No more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time.

14. Absence of mover of motion

- 14.1 Where a councillor who has given notice of a motion is absent from the meeting of the local government at which the motion is to be considered, the motion may be:
- moved by another councillor at the meeting
 - deferred to the next meeting.

15. Motion to be seconded

- 15.1 A motion or an amendment to a motion will not be debated at a meeting of the local government unless or until the motion or the amendment is seconded.
- 15.2 Procedural motions are an exception to this rule and do not need to be seconded.

16. Amendment of motion

- 16.1 An amendment to a motion should maintain or further clarify the intent of the original motion and not contradict the motion.
- 16.2 Where an amendment to a motion is before a meeting of the local government, no other amendment to the motion will be considered until after the first amendment has been voted on.
- 16.3 Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

17. Speaking to motions and amendments

- 17.1 The mover of a motion or amendment will read it and state that it is moved but will not speak to it until it is seconded.
- 17.2 The chairperson will manage the debate by allowing the councillor who proposed the motion the option of speaking first on the motion. The chairperson will then call on any other councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all councillors who wish to speak have had the opportunity.
- 17.3 A councillor may make a request to the chairperson for further information before or after the motion or amendment is seconded.
- 17.4 The mover of a motion or amendment has the right to reply. Each councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.
- 17.5 Each speaker will be restricted to not more than five minutes unless the chairperson rules otherwise.
- 17.6 Where two or more councillors indicate, they may wish to speak at the same time, the chairperson will determine who is entitled to priority.
- 17.7 In accordance with section 254H of the LGR or section 242H(2) of the City of Brisbane Regulation 2012(COBR), if a decision made at the local government meeting is inconsistent with a

recommendation or advice given to the local government by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

Note: *If a report contains distinct recommendations, the decision of the local government may be taken separately on each recommendation. If a decision by the meeting is contra to a recommendation in a report the minutes must give the reasons for the decision.*

18. Method of taking vote

- 18.1. The chairperson will call for all councillors in favour of the motion to indicate their support. The chairperson will then call for all councillors against the motion to indicate their objection.
- 18.2. A councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minutes of the meeting will record the names of councillors voting in the affirmative and of those voting in the negative. The chairperson will declare the result of a vote or a division as soon as it has been determined.
- 18.3. Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.
- 18.4. Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

19. Withdrawing a motion

- 19.1. A motion or amendment may be withdrawn by the mover with the consent of the local government, which will be without debate, and a councillor will not speak to the motion or amendment after the mover has been granted permission by the local government meeting for its withdrawal.

20. Repealing or amending resolutions

- 20.1. A resolution of the local government may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation (five business days).
- 20.2. Councillors present at the meeting at which a motion to repeal or amend a resolution is put may defer consideration of that motion. The deferral may not be longer than three months.

21. Procedural motions

- 21.1. A councillor at a meeting of the local government may during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:
 - that the question/motion be now put before the meeting
 - that the motion or amendment now before the meeting be adjourned
 - that the meeting proceeds to the next item of business
 - that the question lie on the table
 - a point of order
 - a motion of dissent against the chairperson's decision

- that this report/document be tabled
 - to suspend the rule requiring that [insert requirement]
 - that the meeting stands adjourned.
- 21.2. A procedural motion that 'the question be put' may be moved and, where the procedural motion is carried, the chairperson will immediately 'put the question to the motion' or amendment to that motion under consideration. Where the procedural motion is lost, debate on the motion or amendment to that motion will resume.
- 21.3. A procedural motion that 'the motion or amendment now before the meeting be adjourned', may specify a time or date to which the debate will be adjourned. Where no date or time is specified:
- a further motion may be moved to specify a time or date; or
 - the matter about which the debate is to be adjourned, will be included in the agenda for the next meeting.
- 21.4. Where a procedural motion that 'the meeting proceed to the next item' is carried, debate on the matter that is the subject of the motion will cease and may be considered again by the local government on the giving of notice in accordance with the standing orders.
- 21.5. A procedural motion that 'the question lie on the table' will 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 local government or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the local government will proceed with the next matter on the agenda.
- 21.6. A motion that 'the matter be taken from the table', may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- 21.7. Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:
- has failed to comply with proper procedures
 - is in contravention of the legislation; or
 - is beyond the jurisdiction of the local government meeting.
- Note:** *Points of order cannot be used as a means of contradicting a statement made by the councillor speaking. Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended. The chairperson will determine whether the point of order is upheld.*
- 21.8. Upon the question of order suddenly arising during the process of a debate, a councillor may raise a point of order, and then the councillor against whom the point of order is raised, will immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.
- 21.9. A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. For example, where a motion of dissent is carried, the matter to which the

ruling of the chairperson was made will proceed as though that ruling had not been made. Where the opposite ruling is made, that the matter was discharged as out of order, it will be restored to the agenda and be dealt with in the normal course of business.

- 21.10. The motion that 'a report/document be tabled' may be used by a councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- 21.11. A procedural motion 'to suspend the rule requiring that' may be made by any councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule will specify the duration of the suspension.
- 21.12. A procedural motion that 'the meeting stands adjourned', may be moved by a councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a councillor's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the local government meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

22. Questions

- 22.1. At a local government meeting, a councillor may ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting.
- 22.2. Questions will be asked categorically and without argument and no discussion will be permitted at the local government meeting in relation to a reply or a refusal to reply to the question.
- 22.3. A councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.
- 22.4. A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.
- 22.5. The chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a councillor may move a motion that the chairperson's ruling be disagreed with, and if carried the chairperson will allow the question.

Meeting Conduct

23. Process for dealing with Unsuitable Meeting Conduct

The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a local government meeting and contravenes a behavioural standard of the Code of Conduct for Councillors. When dealing with an instance of unsuitable meeting conduct by a councillor in a meeting, the following procedures must be followed:

- 23.1. When an instance of unsuitable meeting conduct has been engaged in by a councillor at a meeting the following process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor must occur.
- 23.2. The chairperson must reasonably believe 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 been issued with any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under section 23.7 below.
- 23.3. 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:
- ceasing and refraining from exhibiting the conduct
 - apologising for their conduct
 - withdrawing their comments.
- 23.4. If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 23.5. 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 of unsuitable meeting conduct being issued.
- 23.6. If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 23.7. If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decides a warning was not appropriate under 23.2, the chairperson may make one or more of the orders below:
- an order reprimanding the councillor for the conduct
 - 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.
- 23.8. 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.
- 23.9. Following the completion of the meeting, the chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note below).
- Note:** Details of any order issued must be recorded in the minutes of the meeting. 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 to be dealt with at the next local government meeting as a suspected conduct breach. The local government's CEO is advised to ensure details of any order made is updated in the local government's councillor conduct register.*
- 23.10. Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 23.2, 23.3, 23.7 and 23.8 above.

24. Process for dealing with Unsuitable Meeting Conduct by a Chairperson

- 24.1. If a councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the councillor may raise the matter in the meeting by point of order.
- 24.2. 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.
- 24.3. 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 above for declarable conflict of interest.
- 24.4. For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.
- 24.5. If the original chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible councillors, they can put forward their reasoning about their conduct, and respond to questions through the chairperson from the eligible councillors.
- 24.6. 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).
- 24.7. 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.
- 24.8. 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.
- 24.9. The chairperson then resumes the role of chairperson, and the meeting continues.

Note: Details of any reprimand order must be recorded in the minutes of the meeting. The local government's CEO is advised to ensure details of any order made is updated in the local government's councillor conduct register.

For conduct of a chairperson, at local government meetings that is part of a course of conduct leading to orders for unsuitable meeting conduct being made against the chairperson, on three occasions within a 12-month period, the conduct that led to the orders being made, taken together, becomes a conduct breach.

If the conduct of a councillor, including a chairperson, at the meeting becomes a conduct breach (in accordance with section 150J of the LGA and is a conduct breach under section 150K of the LGA), the local government is not required to notify the Independent Assessor (the Assessor) about the conduct.

and may deal with the conduct under section 150AG of the LGA as if an investigation had been conducted. It may be dealt with at the next local government meeting.

25. Meeting Procedures for Dealing with a Suspected Conduct Breach including that which has been Referred to a Local Government by the Independent Assessor

Under chapter 5A, part 3, division 3A of the LGA, the Assessor must make a preliminary assessment and dismiss a complaint, notice or information if satisfied that particular circumstances apply – see section 150SD of the LGA. If the Assessor finds that a matter is a suspected conduct breach it must refer the matter to the local government. The Assessor refers the councillor's suspected conduct breach to the local government by giving a referral notice.

Note: A conduct breach is conduct that:

- contravenes a behavioural standard of the Code of Conduct for Councillors, or a policy, procedure, or resolution of the local government; or
- the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or
- an instance of a suspected conduct breach that may arise from circumstances of three instances of unsuitable meeting conduct orders within a 12-month period.

25.1. In relation to matters referred by the Assessor to the local government, the local government may decide not to start or discontinue an investigation if:

- the complainant withdraws the complaint
- the complainant consents to the investigation not starting or discontinuing
- the complainant does not provide extra information when requested
- there is insufficient information to investigate the complaint
- the councillor vacates or has vacated their office as a councillor.

Note: The local government investigation must be conducted in a way that is consistent with the local government's Investigation Policy. An investigation report must be prepared to assist the councillors in making a decision on the outcome under section 150AG of the LGA. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the LGA on or before the day and time prescribed by regulation. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the COBA.

25.2. The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach, unless the decision has been delegated to the mayor under section 257(2)(a) of the LGA, or to a standing committee section 257(2)(b) of the LGA or section 238(2)(a), (b) or (c) of the COBA. Under the LGA and COBA, decisions about a conduct breach can only be

delegated to the mayor or a standing committee and under COBA to the Establishment and Coordination Committee.

25.3. When dealing with an instance of a suspected conduct breach which has been referred to a local government by the Assessor:

- the local government must act in a manner consistent with the local government principle of transparent and accountable decision making in the public interest, by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under section 254J of the LGR or section 242J of the City of Brisbane Regulation (CBR).
- no resolution for a decision can be made in the 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.
- where a local government makes a decision about a conduct breach matter at a local government meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting under section 254H of the LGR and section 242H of the CBR.
- 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 (unless the eligible councillors decide otherwise) 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 to the local government.
- the subject councillor who has a declarable conflict 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.
- 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 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 either the debate, the vote, or the decision on any disciplinary action to be applied under section 150AH of the LGA.

Note: After making a decision under section 150AG of the LGA, the local government must make the full investigation report, publicly available within 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 CEO of the local government if they were the complainant/s, or any councillor who declared a conflict of interest in the matter.

25.4. If the local government has lost quorum due to the number of conflicted councillors or another reason, the local government must do one of the following:

- delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances, or
- decide, by resolution, to defer the matter to a later meeting, or
- decide, by resolution, not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

Note: A local government cannot decide to take no further action on a decision about a conduct matter because it is required under the LGA. In order to reach a decision when a loss of quorum has occurred, the matter can be delegated to the mayor or a standing committee, or the matter can be deferred to a later meeting when a quorum can be maintained.

If the conduct breach referral notice is about the suspected conduct breach by the mayor, then the matter will need to be delegated to a standing committee for a decision.

The local government should establish a standing committee under section 264 of the LGR to deal with decisions about conduct breach matters. The standing committee must be in existence before receiving the referral notice from the Assessor, in circumstances where there is no quorum to decide a matter under sections 150AEA or 150AG of the LGA due to conflicts of interest. The standing committee will decide about the mayor's conduct. While section 12(4)(f) of the LGA provides that the mayor has the extra responsibility of being a member of each standing committee, the mayor could not be a decision-making member of a standing committee dealing with decisions about the mayor's conduct because of a conflict of interest. The remainder of the unconflicted members of the committee will decide the matter.

25.5. 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 150AH of the LGA, if any, to impose on the councillor. In deciding what penalty to impose, the local government may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the local government is reasonably satisfied is true.

- 25.6. The local government may order that no action be taken against the councillor or make one or more of the following:
- an order that the councillor make a public apology, in the way decided by the local government, for the conduct
 - an order reprimanding the councillor for the conduct
 - an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
 - an order that the councillor be excluded from a stated local government meeting
 - an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor
 - an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct
 - an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.
- 25.7. A local government may not make an order in relation to a person who has vacated their office as a councillor.
- 25.8. 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 decision made by the local government and if relevant any orders made by resolution.

Note: *The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the Assessor as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH the details of the order.*

26. General conduct during meetings

- 26.1. After a meeting of the local government has been formally constituted and the business commenced, a councillor will not enter or leave from the meeting without first notifying the chairperson.
- 26.2. Councillors will speak to each other or about each other during the local government meeting by their respective titles ('mayor' or 'councillor'), and when speaking of or addressing officers, will call them by their respective official or departmental title and will confine their remarks to the matter under consideration.
- 26.3. No councillor who is speaking will be interrupted except upon a point of order being raised either by the chairperson or by another councillor.
- 26.4. When the chairperson speaks during the process of a debate, the councillor speaking or offering to speak will immediately cease speaking, and each councillor present will observe strict silence so that the chairperson may be heard without interruption.

27. Disorder

- 27.1. The chairperson may adjourn the meeting of the local government, where disorder arises at a meeting other than by a councillor.
- 27.2. On resumption of the meeting, the chairperson will move a motion, to be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the chairperson shall declare the meeting closed, and any outstanding matters will be deferred to a future meeting.

Attendance and non-attendance

28. Attendance of public and the media at a local government meeting

- 28.1. An area shall be made available at the place where any meeting of the local government is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.
- 28.2. When the local government is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

29. Closed session

- 29.1. A local government meeting, standing committee meeting and advisory committee meeting may resolve that a meeting be closed to the public if its councillors and members consider it necessary to discuss any of the following matters pursuant to section 254](3) of the LGR or section 242](3) of the COBR:
- appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees
 - industrial matters affecting employees
 - the local government's budget (which does not include the monthly financial statements)
 - rating concessions
 - 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
 - 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 local government for which a public discussion would be likely to prejudice the interests of the local government
 - negotiations relating to the taking of land by the local government under *the Acquisition of Land Act 1967*
 - a matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State

- a matter relating to the consideration of an investigation report for a conduct breach matter given to the local government by the Assessor under the LGA chapter 5A, part 3, division 5.
- 29.2. A local government or committee 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 declarable conflict of interest in the matter.
- 29.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting. The local government must instead:
- delegate consideration and decision on the matter, under section 257 of the LGA or section 238 of the COBA, unless the matter cannot be delegated
 - decide by resolution to defer the matter to a later meeting when a quorum may be available
 - decide by resolution not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.
- 29.4. None of the above will be considered, discussed, voted on or made during a closed session.
- 29.5. 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 (a failure to do so could be a contravention of section 171(3) of the LGA or section 173(3) of the COBA).
- 29.6. To take a matter into a closed session the local government must abide by the following process:
- 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 it is known in advance, the agenda should clearly identify that the matter may be considered in closed session, and an explanation of why the councillors at the meeting may consider it necessary to take the issue into closed session must be stated
 - no resolution can be made while in a closed meeting (other than a procedural resolution).

30. Teleconferencing of meetings

- 30.1. If a councillor wishes to be absent from a local government meeting place during a meeting, the councillor must apply to the local government to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The local government may allow a councillor to participate in a local government or committee meeting by teleconference.

Note: *There is no legislative requirement for a resolution by a local government to allow a councillor to participate by audio link or audio-visual link. This means the local government may delegate the matter. For example, the local government may delegate to the chairperson of the local government or a*

committee meeting the ability to decide whether a councillor can attend a meeting by audio link or audio-visual link.

30.2. The 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.*

6 **Appendix B – Amended and Supplementary Clauses**

The following additions have been added:

4. **Agendas**

- 4.6 The agenda may contain ~~P~~personal statements by Councillors and are to occur ~~following general business, immediately prior to the adjournment of the meeting. There is to be no discussion or debate on personal statements.~~
- 4.7 Any ~~The Opening P~~prayer or similar statement will occur prior to the opening of the Council meeting.

8 **Public Participation at Meetings**

- 8.2 B Any public address permitted by the chairperson under 8.2 ~~Presentations~~ will occur prior to the commencement of the meeting.

19A **Moving Motions by Group (En Bloc)**

- ~~19.1~~ Voting en bloc ~~is can be defined as~~ voting on a motion to adopt, by one resolution, a number of items, motions or recommendations. ~~This Council uses e~~En bloc voting enables the local government as a device to efficiently address matters that ~~the Elected Body believe~~ can be determined without debate.

~~Matters that can be dealt with en bloc~~

~~The Council can utilise e~~En bloc voting may only be used ~~for a limited range of agenda items and, in particular, for:~~

- 1) Items that are presented for information purposes only;
- 2) Reports which require only receipt and noting; and
- 3) Recommendations made in an officer's report that are not contentious and do not require discussion or debate.

If an item has been recommended to be addressed en bloc and it is identified later in the meeting that the recommendation is likely to give rise to amendment(s) to the motion, before the recommendation has been moved and seconded, the recommendation should be removed from the en bloc matters and addressed separately.

~~Matters that must not be dealt with en bloc~~

~~The Council will not utilise~~ To preserve integrity in the decision-making process en bloc voting cannot be used for ~~in regards to~~ the following matters which, ~~to preserve integrity in the decision-making process,~~ must be considered individually. ~~This includes matters:~~

- 1) Where a councillor ~~In respect of which any Elected Member and, in particular, to make informed and representative decisions~~ has indicated that he/she wishes to debate, ask a question or to raise a point of clarification;
- 2) Which are incapable of delegation in accordance with the LGA and the LGR;
- 3) Which require the ~~Council~~ Local Government to form an opinion as to the subject matter of the motion (for example, requests for partial relief from payment of water consumption charges);

- 4) Where there is a recommendation to apply the confidentiality provisions of section 254J of the LGR; and
- 5) ~~Where in respect of which~~ a related decision will, or is likely to ~~effect~~**affect** the rights, interests or legitimate expectations of a third party, individual or organisation (for example, a Decision Notice, a decision to grant or revoke a permit or licence or, to grant an application for a community grant).
- ~~Any councillor it also remains open to an Elected Member~~ or officer ~~to~~**may** request that an item be removed from the list of items to be considered en bloc.

~~27~~**24** General Conduct during meetings

~~27~~**24.5** ~~In respect of personal statements by Councillors are to seek the consent of any person/s or businesses named in any personal statements, must:~~

- ~~Be no longer than three (3) minutes;~~
- ~~Be in relation to issues/information of importance to the community;~~
- ~~Not be in relation to business that should be dealt with during officers' reports or where notice of business/motion should be given;~~
- ~~Not name any person, business or community group without their prior consent.~~

~~32. Device usage during meetings~~


~~32.1 Councillors will have all devices switched to 'silent' mode during Council meetings.~~

~~32.2 Councillors are requested to have only the Council agenda and relevant reports open on their laptop devices during Council meetings.~~

12. INFRASTRUCTURE SERVICES REPORTS

12.1 Water Service Areas May 2024

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Manager Water	ECM Function No/s:

Recommendation

THAT Council:-

1. Approve the Urban and Rural Water Service Areas as indicated on the plans attached to this report; and
2. Publish the Water Service Areas.

REPORT

Background

As a registered water provider, under Section 161 of the Water Supply (Safety & Reliability) Act 2008, Southern Down Regional Council (SDRC) must declare Water Service Areas and publish these.

This report is to seek approval of new Water Service Areas that supersede the current approved areas.

Report

SDRC has approved a single Water Supply Service Area for each town which has a SDRC water supply.

Areas serviced by only smaller water mains, typically 63 mm OD (Outside Diameter) and smaller, have a very different level of service to those that are serviced by larger mains 100 mm Internal Diameter (ID) or larger.

The areas with the smaller mains, predominantly in the rural areas and adjacent to an urban area, have no firefighting capacity and this is essentially a trickle feed arrangement, requiring the customer to have tanks and pressure pumps to provide adequate flow and pressure.

The customer service standards have recently (January 2024) been amended to reflect this. The water supplies have therefore been broken up into two Water Service Areas for each town; an Urban Water Service Area and a Rural Water Service Area. This better defines the differing levels of service that SDRC provides within each area.

The Rural Water Connection Policy recently approved by Council (January 2024), provides details on the rural water connections and standards applicable to the Rural Water Service Area.

A plan has been prepared for each town, with a Council water supply, showing the two defined Water Service Areas. Included in the Urban Water Service Area plans are areas where there is the potential for growth. As these areas develop SDRC Officers are able to approve water connections without having to amend these plans and obtain Council approval to do so.

For the Rural Water Supply Areas no growth has been allowed for. The intention is to try and limit new connections in this area, as it can impact other customer's level of service. Any applications for new connections in the Rural Water Supply Areas would require Council approval to amend the area and allow the connection.

These plans are integral to supporting the Customer Service Standards where the two areas are referred to.

From the community consultation we received six submissions. These submissions all highlighted the fact that new connections in the Rural Water Supply Areas should not be allowed. Unfortunately the original plans used for the consultation, which were prepared by Consultants, had an error in them, incorrectly including the properties from which we received submissions in the new Rural Water Supply Areas. This was never the intention and we have notified the submitters of this. The plans have been carefully reviewed to ensure there are no errors before submitting them as part of this report.

A copy of the plans are provided as **Attachment 2** to this report.

Conclusion/Summary

The current Water Supply Areas cover every property that has a water connection, with no indication of level of service and no lots earmarked for potential growth. The new water service plans address these issues, provide better visibility of the level of service and allow Council officers to manage new water connections efficiently. It is recommended that these plans be approved and replace the current plans on Intramaps.

FINANCIAL IMPLICATIONS

Defining the pressure to be supplied in the Rural Water Service Area ensures that customers are clear on the pressure supplied, not expecting Council to upgrade the watermains at considerable cost.

RISK AND OPPORTUNITY

Risk

Nil

Opportunity

This allows the Rural Water Connection Policy to be easily administered, providing clearer guidelines on water connections in the rural areas. It also allows customers to clearly see what area they fall under and what level of service they can expect.

COMMUNITY ENGAGEMENT

Internal Consultation

Water Maintenance and Construction Supervisors
Manager Planning & Development

Development Engineer
Council Information Session on 16 August 2023
Council Water Committee Meeting on 30 October 2023
Council Meeting on 17 January 2024

External Consultation

Community consultation was carried out from 15 March to 5 April 2024. Six submissions were received. These are provided as **Attachment 1** to this report.

LEGAL / POLICY

Legislation / Local Law

Section 161 of the *Water Supply (Safety & Reliability) Act 2008* requires the approval and publishing of water service areas.

Corporate Plan

Goal:	2	Our Places
Outcome:	2.2	Public places, services and facilities are accessible, sustainable and cost effective.
Objective:	2.2.2	Develop and implement a package of water security programs and strategies that ensures a sustainable and reliable water supply for the region.

Policy / Strategy

Water Infrastructure Policy
Rural Water Connection Policy

ATTACHMENTS

1. Submissions - Community Consultation 15 March to 5 April 2024[↓](#)
2. Water Area Maps 2 May 2024 (Excluded from agenda - Provided under separate cover)[⇒](#)

From: [REDACTED]
To: [Water Feedback](#)
Subject: Feedback regarding water policy
Date: Friday, 5 April 2024 4:59:22 PM

Good afternoon

I wish to express my strong opposition to the new water policy. As a resident within the newly designated Rural Water Service Area, I see this as an unnecessary waste of ratepayers' money for a service that very few people will use.

Lack of demand

This policy was not drafted because of the widespread demand for this service.

Onerous requirements on users

Users will be forced to purchase and install multiple storage tanks and water supply piping at significant cost.

Lack of reliability

There is no guarantee that the supply and pressure will be continuous or consistent.

Lack of clarity in the policy

There are no assurances that this will not become mandatory for those premises that are eligible, or for new premises.

For these reasons, I would request that this policy be rejected.

This service was not asked for and is not wanted.

Regards

[REDACTED]

From: [REDACTED]
To: [Water Feedback](#)
Date: Tuesday, 2 April 2024 8:42:00 PM

No. Why would I want another bill. Just no...

From: [REDACTED]
To: [Water Feedback](#)
Subject: Water supply
Date: Thursday, 4 April 2024 8:21:17 PM

Hello,

I'm not interested in joining the town water supply, we have ample water of our own at [REDACTED].
I do not wish to be charged more for rates.

Kind regards

[REDACTED]

From: [REDACTED]
To: [Dave Burges](#); [Water Feedback](#)
Subject: FW: SUBMISSION....WATER SERVICE AREAS
Date: Saturday, 6 April 2024 4:30:11 AM
Attachments: [300324 water supply areas submission 050424.docx](#)
[STRONG OBJECTION TO ITEMS 12.2 AND 12.3 AGENDA 17.01.24.msg](#)
Importance: High

Hi Dave

Have just discovered the above address on another document I had re the consultation. Was this the reason for the updated/edited media release on 18.03.24?

Regards

[REDACTED]

From: [REDACTED]
Sent: Friday, 5 April 2024 4:58 PM
To: 'Dave Burges'; 'sdrwater@sdr.cqld.gov.au'
Subject: SUBMISSION....WATER SERVICE AREAS
Importance: High

Hi Dave

Please find attached my submission.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Dave Burges](#); [Vic Pennisi](#); [Ross Bartley](#); [Jo McNally](#); [Cynthia McDonald](#); [Sheryl Windle](#); [Cameron Gow](#); [Stephen Tancred](#); [Andrew Gale](#); [Marco Giori](#)
Cc: [REDACTED]
Subject: STRONG OBJECTION TO ITEMS 12.2 AND 12.3 AGENDA 17.01.24
Importance: High

Good morning Dave and Councillors.

I wish to lodge my strong objection to the inclusion of the following Items in the Agenda or 17.01.24

- Agenda 17.01.24 Item 12.2 – Water Service Areas January 2024, and
- Agenda 17.01.24 Item 12.3 – Rural Water Connection Policy

and formally request that they are withdrawn and deferred for any further discussion until at least June 2024.

The reasons for this request are outlined below in the best interests of not only Council but also the affected residents and ratepayers.

ITEM 12.2. WATER SERVICE AREAS JANUARY 2024.

This report defines new urban and rural water supply areas for the Southern Downs Local Government area (LGA). As time does not permit a detailed examination of all towns, villages and areas covered in the LGA and maps my objection is concentrated on the newly included eight (8) blocks on Whiskey Gully Road Stanthorpe (Lots 1 to 8, RP193889). As Council has included these blocks as a new Rural Water Service Area then it is certain that Council has included numerous other blocks in expanded and new Urban and Rural Water Service areas throughout the LGA and so my objection to the inclusion of the Whiskey Gully blocks would certainly be valid for numerous other areas.

Objections include, but are not limited to the following:-

1. There has been NO community consultation with affected residents and property owners concerning the impact of this proposed change ... nor the impact financially on them with the forced introduction of their property being included in a Rural Water Service Area.
2. Council has not asked the property owners if they wish to be included in a Rural Water Service area or if they want to access the town water supply of Stanthorpe. Property owners have installed tanks to supply their domestic requirements as required when the residences were constructed, and they conserve their water supplies accordingly.
3. The rates payable for the period 01.07.23 to 31.12.23 were levied and payable on a Residential 3 zoned property. Attached documents from Council CLEARLY state that Residential 3 zoned properties are "land used or capable of being used for residential purposes, for which the owner or occupier is NOT liable to pay water access charges and the size of the assessment (rateable parcel) is greater than or equal to 4.4ha."
4. The defined zoning and Intent of Category as outlined in Point 3 above was adopted as part of the documentation included in the 2023/2024 Budget by SDRC. It is therefore believed/considered/understood to be binding on Council to continue this definition/Intent of Category for the remainder of the 2023/2024 Financial year as an obligation and commitment to its ratepayers and residents UNLESS the zoning and associated Intent of Category is rescinded by a Notice Of Motion and that Notice is passed by a majority of Councillors prior to any consideration of Items 12.2 and 12.3.....

but surely not unless community consultation has also taken place prior to such action.

5. When checking SDRC Intramaps the 8 blocks are no longer shown as Residential 3 (existing and still applicable planning scheme) but are shown as Rural Residential zoned. No consultation has taken place with the land owners concerning a change in the zoning of their property nor the implications that Council has intended to result from such a change. Financial gain by Council is suggested as the possible incentive..... with absolutely no consideration for the property owner.
6. If the eight blocks (Lots 1 to 8 RP193889) are proposed to be re-zoned from Residential 3 to Rural Residential in the NEW town planning scheme then the Intramap and the Rural Water Service area is not applicable and incorrect and probably illegal as the new planning scheme is still with the State Government, has NOT been placed out for community consultation, and HAS NOT been approved by Council as accepted. It is therefore totally inappropriate, presumptuous and possibly illegal for Council to be considering Items 12.2 and 12.3 at this time. As the intention of the new planning scheme is still totally CONFIDENTIAL AT THIS STAGE the question has to be asked if SDRC has broken that requirement of confidentiality by this report (Item 12.2 and 12.3)?
7. The reports (Items 12.2 and 12.3) infer that the new Rural Water Service Area requirements apply to existing buildings on the blocks and are NOT restricted to any new building applications.
8. The report clearly states that areas serviced by smaller mains (presumably the Rural Water Service areas) have a different and poorer service with respect to pressure and volume of Council delivered water supply when compared to areas serviced by larger diameter mains (Urban Water Service areas).
9. As a result the report states that rural areas have and will have no fire fighting capacity as a result of poor Council owned water main pressure and capacity and so affected properties are required now to have extra tanks and pressure pumps to provide adequate flow and pressure for fire fighting purposes.
10. With Stanthorpe's water supply being currently restricted by the capacity of Strom King Dam it is totally unreasonable, ill informed, ill advised and illogical to now increase the number of properties that MUST be connected to the urban supply system. This should NOT be seen or used by Council to advocate for Emu Swamp Dam as the Council water supply infrastructure to supply properties in a Rural Water Service area will clearly continue to be totally and deliberately inadequate.
11. The process adopted by Council in Items 12.2 and 12.3 is identical to the forced imposition of a garbage collection service in many rural areas of the LGA approx 18 months ago AGAIN without any form of notification, consultation, etc by Council with the affected property owners and ratepayers.

ITEM 12.3. RURAL WATER CONNECTION POLICY.

This report is to adopt a Rural Water Connection Policy. As outlined above Item 12.2 is considered to be totally inappropriate, out of line and probably illegal and therefore this is also applicable to Item 12.3.

Objections and concerns include, but are not limited to the following:-

1. The report clearly states that areas (Rural) serviced by smaller water mains have a different level of services to those serviced by larger mains (Urban). This involves lower pressures and flows.
2. The report clearly states that areas supplied by smaller mains (Rural) have limited

capacity and cannot supply fire fighting requirements or industry accepted standards for flow and pressure. The question must be asked THEN WHY IS COUNCIL PROPOSING TO CONNECT TOWN WATER TO RURAL SERVICES AREAS IF IT IS NOT ABLE TO SUPPLY INDUSTRY ACCEPTED STANDARD SUPPLY, FLOW AND VOLUME unless it is for financial gain by Council and not as a service to ratepayers?

3. Council offers NO guarantee for continuous and consistent water supply to Rural Water Service areas.
4. Council states that Rural connected customers should not expect Council to upgrade the water mains in order to improve flow, capacity, etc due to the cost to Council.
5. Council already requires on-premises water supply storage when a house is constructed on a Rural property. This policy is only specifying 20kilolitres for domestic water storage.
6. Council is now demanding that this domestic storage must be directly connected to the Council point of connection and that the domestic storage tank be filled from the Council town water pipeline.
7. Council is now demanding additional on-premises water storage capacity of more than twice (2x) the domestic use storage (20kilolitres) capacity for fire fighting purposes (45kilolitres).
8. The cost of connection to the Rural Water Service infrastructure including a back flow prevention device is to be totally bourn by the landholder and paid in advance. The cost of Council's demands/directions on existing property owners is likely to be prohibitive for a service that is not needed or wanted, below standard and totally unreliable so why impose a substandard service on existing ratepayers that have already made provision for water storage on their property?
9. The report does NOT state if this policy/direction applies to existing properties that are located in the new Rural Water Service areas or if it only applies to new properties and/or new residential construction on existing blocks.
10. If the eight blocks (Lots 1 to 8 RP193889) are proposed to be re-zoned from Residential 3 to Rural Residential in the NEW town planning scheme then the Intramap and the Rural Water Service area is not applicable and incorrect and probably illegal as the new planning scheme is still with the State Government, has NOT been placed out for community consultation, and HAS NOT been approved by Council as accepted. It is therefore totally inappropriate, presumptuous and possibly illegal for Council to be considering Items 12.2 and 12.3 at this time. As the intention of the new planning scheme is still totally CONFIDENTIAL AT THIS STAGE the question has to be asked if SDRC has broken that requirement of confidentiality by this report (Item 12.2 and 12.3)?
11. With Stanthorpe's water supply being currently restricted by the capacity of Strom King Dam it is totally unreasonable, ill informed, ill advised and illogical to now increase the number of properties that MUST be connected to the urban supply system. This should NOT be seen or used by Council to advocate for Emu Swamp Dam as the Council water supply infrastructure to supply properties in a Rural Water Service area will clearly continue to be totally and deliberately inadequate.
12. Until the security of water supply for urban and industrial needs and usage is resolved through the RWA process ABSOLUTELY NO EXTENSION OF WATER RETICULATION INFRASTRUCTURE AND PROPOSED WATER USAGE should be considered or condoned by Council. To consider or condone the additional availability of water reticulation and therefore water usage is considered to be ill advised and irresponsible action by Council and against environmental and climate change advice.

13. The process adopted by Council in Items 12.2 and 12.3 is identical to the forced imposition of a garbage collection service in many rural areas of the LGA approx 18 months ago AGAIN without any form of notification, consultation, etc by Council with the affected property owners and ratepayers.
14. Policy document "Eligibility"..... states "all premises within a Rural Water Service area where a principal place of residence or other registered dwelling place exists, are eligible for connection to a Rural Water Service." Is it intended to be compulsory to do so? If the property owner chooses to NOT connect will they be charged for having access to that infrastructure even if they do not actually connect to and use the service?

I therefore respectfully request that Council defers consideration of two items in the Agenda on 17th January 2024 as listed below

- **Item 12.2 – Water Service Areas January 2024, and**
- **Item 12.3 – Rural Water Connection Policy**

until at least July 2024 and that prior to any further consideration of these matters Council will

- **Undertake the legally required public consultation of the new planning scheme which, when adopted by SDRC and approved by the State Government, will define the new urban and rural profiles within the Southern Downs Local Government Area;**
- **Undertake genuine comprehensive community consultation concerning the need for the introduction of any Rural Water Service areas and a Rural Water Connection Policy,**
- **The completion and implementation of the recommendations of the Regional Water Assessment proposal for the Southern Downs region, and**
- **The completion of additional water security services for the Stanthorpe and Granite Belt region such as the construction and completion of the Warwick to Stanthorpe (W2S) pipeline.**

Such action would indicate Council's genuine respect for and consideration of the needs and concerns of its communities and ratepayers with respect to

- **Recognising and accepting the existing lack of urban water security of the region,**
- **Recognising and accepting the urgent need for a viable and affordable plan for the future urban water security for the region – in particular for Stanthorpe and the Granite Belt region,**
- **Recognising the impact of climate change and the environment on**

the urban water requirements of the population and ratepayers of the Southern Downs and Granite Belt,

- **Not placing unnecessary and unreasonable pressure on existing Council owned and operated water supplies and infrastructure, and**
- **Not impose unreasonable costs on existing and new residents and ratepayers for a service that is not reliable nor meets industry standards.**

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

SOUTHERN DOWNS REGIONAL COUNCIL

WATER SUPPLY PLANNING

INCLUDING

WATER & WASTEWATER SERVICE STANDARDS,

PROPOSED WATER SERVICES AREAS &

RURAL WATER CONNECTION POLICY.



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INTRODUCTION

On 17.01.24 the previous Council was required to consider three (3) items that would have a major impact on residents and ratepayers of Southern Downs Regional Council with respect to their access to reticulated water supplies. All three (3) subjects are considered to be closely linked and interdependent and so have been discussed in this submission concerning the proposed water Supply Areas for the Southern Downs Regional Council area. The items listed below were considered and the resolutions for each Item were

- Item 12.1 Water and Waste Water Service Standards January 2024 motion to adopt put and carried;
- Item 12.2 Water Service Areas January 2024 motion to adopt put and lost; further motion for the report to lay on the table until community consultation is undertaken was put and passed;
- Item 12.3 Rural Connection Policy.... motion to adopt put and carried.

Then on 15.03.24 Council issued a media release by the CEO entitled “Have your say on the proposed Southern Downs water supply areas” that was edited on 18.03.24, and that advised that consultation would close 05.04.24 most likely before the newly elected Council is sworn in. This media release contained access to additional reports (Items 12.1 and 12.3 above) as well as detailed plans of the proposed Urban and Rural water supply areas for Allora, Dalveen, Killarney, Leyburn, Pratten, Stanthorpe, Wallangarra, Warwick and Yangan localities.

It is considered to be unfortunate that this media release was issued the day immediately prior to the Local Government election date as it would have been “lost” in the pre-election media and community focus at that time. It is considered that it would have been more appropriate to have delayed any action on this matter including the media release until after the new Council was sworn in.

All items listed above raise issues of concern with respect to inconsistencies, service issues and apparently inaccurate information and as a result the Items 12.1 and 12.3 from the Council meeting of 17.01.24 should be revoked through Notices of Motion and reconsidered by the new Council following extensive community consultation that is extended in order to allow the new councillors time to consider the matters.

Each item listed above is analysed below and relevant comments and objections are listed.

It should be noted that I lodged a detailed objection to the CEO, Mayor and all Councillors of the previous Council on 15.01.24 to Items 12.2 and 12.3 and requesting that community consultation should take place PRIOR to these matters being further considered. This objection is attached for your information.

Another basic and defining factor that has not been mentioned or addressed in any of the agenda items noted above is the restricted/limited amount of stored water for reticulation supply that is held (and therefore available) for the region as a whole and for the Stanthorpe area in particular. This vital restriction is not addressed in any of the Council agenda reports and should have been taken into account in writing when considering rural water service areas in particular. Logic dictates that there

would NOT be any expansion of rural water service supply areas within the SDRC area and in particular within the Stanthorpe area.

Concern is strongly expressed at what appears to be a major error in the water service areas adjacent to Stanthorpe where a large area has been shown as Rural Water Service area but is obviously serviced by an Urban water service, and also an inexplicable inclusion of a eight (8) lot five (5) acre subdivision over 1km from the end of the water main in this same apparently incorrectly designated water supply area (see attached objection dated 15.01.24). As a result of this situation all other town water maps should be reassessed for accuracy.

Concern is also expressed about a marked discrepancy between a statement made in the media release dated 15.03.24 (updated 18.03.24) and the total absence of such a statement in any of the reports and policies approved by Council on 17.01.24. It is understood that this statement unless included as a fact within any approved policy is therefore non-binding on Council. The statement in the media release is “.....rural residents will not be forced to connect to the water mains.” Also noted is that nowhere in the documents is the issue of the payment of an access fee if a rural property is located within 100m of a water rural main addressed as is a requirement for properties within 100m of an urban supply main. These matters require an immediate response.

COUNCIL AGENDA 17.01.24

The agenda for the Council meeting on 17.03.24 contained three (3) vital reports concerning water related issues that will have a long lasting impact on ratepayers of Southern Downs Regional Council.

ITEM 12.1 WATER AND WASTEWATER SERVICE STANDARDS JANUARY 2024

MEDIA RELEASE.

On 08.12.23 then Mayor Vic Pennisi issued a media release inviting the community to provide feedback on a draft Water and Wastewater Customer Service Standard with the consultation closing on 29.12.23. The document was to inform ratepayers about “the service they can expect from Council and the obligations of customers in relation to their use of the water and wastewater systems.”

It is considered that the timing of the community consultation period (08.12.23 to 29.12.23) was totally inappropriate as it coincided with the commencement of school holidays and Christmas to New Year period when ratepayers would have been preoccupied and possibly away from the area.

It was therefore not surprising that no submissions were received by Council.

REPORT.

This matter was initially considered by Council on 22.11.23 and was approved to go out to community consultation. Following the period of consultation (08.12.23 to 29.12.23) the matter was again considered by Council on 17.01.24 with some minor changes.

Several clauses included are of interest including

- Defining the pressure to be supplied in a Rural Water Service Area in order to ensure that customers are aware and SDRC is not expected to upgrade the mains at considerable cost;
- If SDRC does not consistently achieve the defined pressure then capital upgrades may be required;
- Council should commit to this as supplying pressure below the approved level of service is considered to be poor service (industry accepted standard);
- Performance indicators and targets standards defined for water and wastewater services include unplanned interruptions, response times, quality complaints of drinking water, service complaints, minimum water pressures for Urban and Rural Water Supply Areas, etc;
- Customer consultation with respect to planned interruptions to water and wastewater services ;
- This revision allows the Rural Water Connection Policy to be approved.

Concern is expressed about the listed modes of the provision of notices to affected customers re planned interruptions to services. Communication means and timing is listed as

- Minimum of 48 hours notice via hand delivered notice or newspaper notice;

- An additional 3 days (total of 5 days) notice via other media (newspaper articles, Facebook, internet, radio for large scale planned interruptions, with verbal notification for “critical customers”.

There is a potential problem with these methods being used due to

- Local newspapers are only published weekly;
- Facebook and internet are not accessible to all ratepayers;
- Ratepayers who access radio are minimal.

All affected customers should be provided with written notices as a priority with additional notification being undertaken as listed.

ITEM 12.2 WATER SERVICE AREAS JANUARY 2024

REPORT.

This report was intended to approve new Water Service Areas to replace the current approved areas for each town that has an SDRC water supply. The towns involved are Allora, Dalveen, Killarney, Leyburn, Pratten, Stanthorpe, Wallangarra, Warwick and Yangan and the maps display Urban and Rural Water Service areas proposed for each town.

Also included in these plans are areas where there is potential for growth.

The report tabled at the Council meeting 17.01.24 indicates that extensive internal consultation took place concerning this matter (staff and Councillors) but that it was not intended to allow community consultation and input to take place. The SDRC website no longer permits access to Information Session agendas prior to January 2024 so a check of subjects discussed in open sessions of Information Sessions prior to that date so it was not possible to confirm if this subject was addressed in open discussion ... or if it was restricted to a closed session.

The reports include noted/recorded/documented restrictions for the existing rural water supply mains to provide reliable and consistent supply to existing connections and include warnings concerning the potential impact of allowing new/additional connections to the existing rural supply mains as they would impact on the existing connections. It is therefore considered to be illogical and unwise to infer that “areas where there is potential for growth” of rural water supply should be included on the town maps for approval. To do so implies that Council is able to provide that supply to properties within the proposed extended Rural supply area which is not the case as documented in the reports and Rural Water Supply Policy.

There are also documented existing water supply security issues for several towns.... in particular Stanthorpe which are subject to the Regional Water Assessment (RWA) report by the State Government. It is strongly recommended that the proposed Water Service Areas for these towns should reflect this restriction. It is considered that the most efficient and effective way to do this is for Council to endorse

- Existing Urban Water Service areas where existing urban supply mains exist retain existing service areas and include reasonable but restricted extensions of the existing service areas that would cater for possible future residential development for a period of five (5) years. This could be reviewed and revised as additional water sources become available (e.g. the Warwick to Stanthorpe/W2S pipeline, etc).
- Existing Rural Water Service areas where existing rural supply mains exist retain existing service areas but do not extend these areas nor propose new or additional Rural Water Service Areas in order to preserve the already inadequate and unreliable water main supply to existing connections. Also do not approve any additional or new connections to existing rural mains in order to not reduce the existing water supply to existing connections.
- Any new rural residential developments that are approved by Council should be totally reliant on tanks (roof collection), bores (with appropriate approval), etc.

TOWN MAPS ... PROPOSED URBAN AND RURAL WATER SUPPLY AREAS.

The accuracy of the maps must be checked and be ensured.

No expansion of the Urban Water Service areas should be indicated on any maps PRIOR to the community consultation of the Shaping Southern Downs Planning Scheme or it's approval by Council and endorsement by the State Government. Following the completion of this process the Water Service areas can be re considered and amended if required.

Concern is expressed about the apparent inaccuracy of information shown on the Stanthorpe map with respect to the type of water supply area in at least one major location. Unfortunately time did not permit further investigation of other areas with respect to their accuracy.

Rifle Range Road – Lees Mountain Road – Hale Haven Drive - Brunckhorst Avenue Area.

Properties that are located adjacent to these roads are shown on the Stanthorpe map to be located within a Rural Water Service Area. Discussions took place with several property owners in this area and they advised that they were on "town" or Urban water supply and had been for many years, and paid appropriate water rates. It was also their understanding that the water mains that serviced their respective properties was approx 100mm or more. This would indicate that they were serviced as an Urban Water Service area and NOT a Rural Water Supply area. The major water main extends along Brunckhorst Avenue to service Moss Court and terminates just west of Moss Court.

The Stanthorpe map should be altered to indicate that

- this area is an URBAN and not as a Rural water Supply area;
- the properties that are located more than 100m from the termination of the urban water main in Brunckhorst Avenue should be deleted from the Rural Water Supply area. This is because if they chose to connect to the main (as they are within 100m of it) would be considered to be part of the Urban Water Supply Area;
- the eight (8) lot subdivision in Whiskey Gully Road which is indicated on the map as a Rural Water Supply Area should be deleted as it has no access to any water main (Urban or Rural) and is approximately 1km from the termination of the Urban water main in Brunckhorst Avenue. The properties have been developed with water tanks when building approvals

were given. Property owners do not wish to be connected to, or have access to a reticulated water supply. ABSOLUTELY NO CONSULTATION HAS TAKEN PLACE CONCERNING THE INCLUSION OF THIS SUBDIVISION IN A RURAL WATER SUPPLY AREA.

- all other properties within this large area shown as Rural Water Supply should also be checked for accuracy.

All town maps should be checked for accuracy re their Urban and Rural Water Service Areas.

ITEM 12.3 RURAL CONNECTION POLICY

It is considered that the previous Council made a serious error in judgement in approving this policy immediately following its decision to defer the approval of Item 12.2 (Water Service Areas January 2024) until AFTER community consultation had taken place re this item as both Item 12.2 and Item 12.3 are closely linked.

REPORT.

The report states that internal Council consultation took place in the development of this policy but that NO external (community) consultation had taken place ... nor did it indicate that it was intended.

The report on this matter outlines the existing situation with Rural supply mains including

- a reduced main size, reduced water supply capacity, pressure, and reliability and that the supply does NOT meet industry requirements for fire fighting purposes;
- supply and pressure cannot be guaranteed to be continuous or consistent;
- customers are advised of the poor pressure and that they should not expect Council to upgrade the mains at considerable cost;
- the policy will ensure consistency and minimise the impact on existing customers;
- the policy will ensure that council does not approve more connections than the mains can handle that would result in a reduced service to existing customer and potentially forcing Council to upgrade the mains.

Under the proposed policy for a property to be approved for connection to the Rural water supply system a number of requirements are proposed including

- on-premises water storage (minimum capacity 20 kilolitres) must be provided if there is a dwelling;
- additional on-premises water storage (45 kilolitres) within 50m of the dwelling for fire fighting purposes;
- Rural Water Service supply will only be available for domestic potable purposes;
- The source of the water required to be stored for fire fighting purposes is not specified.

POLICY DOCUMENT.

The policy document states a number of conditions including

- It applies to Rural Water Service Areas (see comments re areas under Item 12.2);
- It applies to applications for connection to, alteration/modification of, or disconnection from a rural water source;
- All premises within a Rural Water Service Area where a principal place of residence or other registered dwelling place exists, are eligible for connection to a Rural Water Service;
- Supply and pressure from Council's water main will not be guaranteed to be continuous or consistent;
- On-premises water storage of minimum 20kilolitres if there is a dwelling;
- Additional on-premises water storage of 45kilolitres for fire fighting purposes if there is a dwelling;
- Rural Water Service is for domestic purposes only.

The policy does NOT address a number of vital issues that must be specifically included in the document such as

- The permissible source/sources of the water required to be stored on-premises for fire fighting purposes;
- That "rural residents will not be forced to connect to (rural) water mains" as stated in the media release dated 15.03.24 (updated 18.03.24);
- The rural residents who live within 100m of a rural water main and who chose not to connect or apply to connect to that main will not be charged a half access fee as applies to the urban water mains;
- As stated in the media release dated 15.03.24 (updated 18.03.24) that "the plan for rural areas only covers existing connections and does not allow for additional rural supply connections";
- As stated in the media release dated 15.03.24 (updated 18.03.24) that "Any properties outside the rural water supply area are assumed to not have access to water mains and therefore will not be charged" the half access fee.

AREAS COVERED BY THE PROPOSED RURAL WATER CONNECTION POLICY.

It is absolutely vital that the township maps attached to Item 12.2 (17.01.24) be thoroughly checked for accuracy in urban and rural water supply services and the location of and applicable urban or rural water mains.

The prime example of an apparent error is the inclusion of an eight (8) lot subdivision on Whiskey Gully Road Stanthorpe as a Rural Water Service area in isolation and totally without any consultation with the property owners. This area has been included on the maps (Item 12.2) and is located approximately 1km from an urban water main (incorrectly shown as a rural water supply area) and has no extension of water mains that service these eight (8) lots..... nor do the residents and ratepayers want to access this inadequate and dysfunctional service. See Item 12.2 above.

It is strongly recommended that further consideration and approval of this policy be deferred until after the community consultation, consideration and adoption of the new Shaping Southern Downs Town Planning Scheme as there are certain to be proposals in that document that will have a major impact on this policy.

The insecurity of town water supplies for many townships and in particular for Stanthorpe should automatically sound alarm bells with respect to adding any additional Rural Water Service areas to these towns and in particular surrounding Stanthorpe. It is strongly recommended that no additional Rural Water Service areas be approved around small townships and in particular Stanthorpe. Warwick has a more secure water supply but serious consideration should be given as to whether any expansion of this water service can be justified.

**MEDIA RELEASE 15.03.24 HAVE YOUR SAY ON THE PROPOSED
SOUTHERN DOWNS WATER SUPPLY AREAS.**

The timing of the issue of this media release and its content raises considerable concern for a number of reasons.

- The date of issue was the day immediately prior to the date of the Local Government election (16.03.24). It would have been highly likely that residents and ratepayers would have missed this release due to the surrounding circumstances. My discussions with numerous active and aware ratepayers indicated that they were totally unaware of the planned policies, changes, etc and the consultation period until I raised the issue with them.
- The stated consultation period was from 15.03.24 to 05.04.24. This chosen consultation period is considered to be inappropriate as
 - It is inclusive of the election period (see above);
 - Is included in the period of the determination of the new Council;
 - Is inclusive of the Easter public holiday period and school holiday period.
- Consideration of consultation feedback and associated policies to be considered by Council in April is considered to be totally inappropriate and rushed due to the fact that there will be a newly elected Council with many new and inexperienced councillors involved.
- The media release states that potential areas for expansion of urban supply have been added throughout the region. It is of great concern that this is prior to any consideration and approval of additional (if any) future urban areas associated with the townships through the new Shaping Southern Downs town planning scheme.
- It is stated that there is “expected to be minimal community impact from the proposed changes”. This is considered to be inaccurate considering the potential of the items outlined in this document.
- It is stated in the media release that low to minimal pressure and supply of water in “rural” mains means that the water supply is inadequate for residential or fire fighting use and therefore Council requires additional water tanks to be installed on properties serviced by “rural” mains, etc if connected. Such a statement surely indicates that rural water areas should not be increased, expanded or even exist under the current supply conditions.
- The media release also states that where a property is located within 100m of an urban water supply main the owner is charged a half access charge if the owner chooses not to connect to the urban water main. Notably there is not such statement covering a similar situation in a rural water supply area, but it is stated elsewhere in the media release that “rural residents will not be forced to connect to the (rural) mains due to the limited capacity, volume, pressure and reliability of the current rural supply to existing customers. If this is the case than why add additional areas to the Rural Water Supply area (e.g. Whiskey Gully Road, Stanthorpe see attached submission)?
- The previous Council approved the Rural Water Connection Supply policy on 17.01.24. This should NOT have been permitted to take place as the previous resolution was to go to community consultation re urban and rural water supply areas. The entire urban and rural water supply consideration, including the relevant policies, should have been deferred until after the community consultation.
- The media statement also states that “Any properties outside the rural water supply area are assumed to not have access to water mains and therefore will not be charged” referring to access charge. This vital statement is NOT included in the Rural Water Connection Policy document and it is considered to be an omission from that policy. It is considered that this clause is a requirement within the Policy and not left to interpretation by or a whim of Council.

RECOMMENDATIONS

COMMUNITY CONSULTATION.

The following items should be considered and adopted.

1. *Council should undertake respectful, considerate and genuine consultation with the ratepayers and community prior to it making a final decision on matters that are likely to impact or have an effect on the lifestyle, liveability, environment, economy, provision of services, etc of the ratepayers, residents, townships and villages of the Southern Downs region. These matters include but are not limited to*
 - *Changes to town planning schemes,*
 - *Water security matters,*
 - *Provision of services including urban and rural water supply, wastewater services, park maintenance and upgrades, garbage services, major road works, etc.*

This is not intended to impose restrictions on the operation of Council but rather to involve The community in working with Council and that Council is working with its community in the best interests of both parties. This will ensure that there are not unforeseen negative impacts on the community as a whole.
2. *Community consultation periods should be held for a minimum of four (4) weeks and at dates that exclude and do not coincide with*
 - *public holidays,*
 - *school holidays,*
 - *local festivals,*
 - *periods of local significance such as floods, bushfires, etc.*

This will ensure that ratepayers and residents are able to become aware of this consultation period and have the maximum opportunity to participate should they wish to do so.
3. *Media releases that announce a community consultation is to take place should be issued by Council no less than two (2) weeks prior to the commencement of the consultation period in order to ensure that the local weekly printed media are able to print the release. Advertising of the period of community consultation is not to be restricted to Council's webpage and/or Facebook in recognition of the local demographics.*
4. *Media releases must be accurate and truly reflect facts about the subject of the community consultation.*
5. *Council must consider all submissions received and the information contained in them with respect and due diligence. Council must also provide a written response to the content of each submission to each submitter within four (4) weeks of Council making its decision in the matter.*

WATER & WASTEWATER CUSTOMER SERVICE STANDARDS.

The following items should be considered and adopted.

1. *Community consultation (see above for all conditions) must be undertaken concerning any proposed changes being approved by Council.*

2. *Conditions of supply by Council must be made clear and easily understood for services that can and will be provided in writing by Council to any customer in an approved Urban and Rural Water Service Area as well as in a Wastewater Service Area.*
3. *Accurate and timely advice must be provided to all customers who are in receipt of a service by Council and consultation take place where required. It is considered that the following requirements be adopted by Council as a minimum for planned interruptions*
 - *Minimum of 48 hours notice via a hand delivered notice;*
 - *An additional three (3) days (total of 5 days) notice via other media (newspaper articles, Facebook, internet, email, radio, etc for large scale planned interruptions, with verbal notification for "critical customers".*

This is in recognition of a potential problem with the use of media based methods only being used due to local newspapers are only published weekly, Facebook and internet are not accessible to all ratepayers, ratepayers who access radio are minimal and local demographics.
4. *Council should consider that the period of community consultation for this Customer Service Standard was inappropriate and ill timed (08.12.23 to 29.12.23) as it coincided with school holidays and public holidays. Council should also consider re-advertising this service standard for community consultation and include the changes that were added and approved by Council on 17.01.24 but had not been included in the original document that was subject to community consultation in December 2023.*

WATER SERVICE AREAS.

The following items should be considered and adopted.

1. *Council acknowledges and accepts that securing and ensuring the security of water storage for supply to urban and industrial customers is vital in order to ensure the viability, survival and prosperity of the towns and villages throughout the region but was not itemised or recognised in the reports to Council n 17.01.24 or in the adopted related policies.*
2. *Council should defer further consideration of existing, extended and proposed new Water Service Areas until*
 - *the State Government Regional Water Assessment report is completed, tabled and it's recommendations considered and resolved concerning the availability of a sustainable and secure future water supply is identified..... in particular for Stanthorpe.*
 - *The State Government has approved the Shaping Southern Downs Planning Scheme which will identify approved future urban and industrial expansion areas in the region.*
3. *Council must ensure that the proposed Urban and Rural Water Service Areas January 2024 maps are an accurate reflection of the existing services in al identified towns and villages*

following the apparent errors in the designation of the Rifle Range Road - Hale Haven Drive - Brunckhorst Avenue, Stanthorpe area. (shown as Rural but reported to be Urban supply).

4. Council must recognise that there should not be any expansion of existing Rural Water Service Areas or more importantly the creation of new and currently un-serviced areas (e.g. the isolated 8 lot subdivision on Whiskey Gully Road Stanthorpe) being nominated as a Rural Water Service Area due to
 - Identified inability for Council to currently guarantee reliability of water supply and pressure in the existing Rural Water Service mains;
 - The stated inability of Council to ensure that a new/ connection of a customer to the existing rural mains will not negatively impact service to existing customers without excessive expenditure by Council to upgrade the existing rural mains;
 - Lack of a current secure and sustainable urban water supply for some towns, in particular for Stanthorpe.
5. Council recognise that any new rural or rural residential development that it approves is developed as such and is to be totally dependent on roof captured, tank held domestic water supply.
6. Council recognise that the media release advising of the community consultation for Water Service Areas was released at an inappropriate time (the day before the recent Local Government election) and as a result the community was unlikely to be aware of this matter and related issues including the Rural Water Connection Policy.

• **RURAL WATER CONNECTION POLICY.**

The following items should be considered and adopted.

1. Council accept that this policy was endorsed in error on 17.01.24 due
 - to the prior resolution at that meeting had deferred the adoption of the proposed Water Service Areas until this matter had been subject to community consultation;
 - the Rural Water Connection Policy had not been the subject of community consultation with internal Council consultation only;
 - this policy should be re-written and considered following the result of the community consultation concerning the Water Service Areas;
 - The media release advising of the community consultation for Water Service Areas was released at an inappropriate time (the day before the recent Local Government election) and as a result the community was unlikely to be aware of this matter and related issues including the Rural Water Connection Policy.

From: [REDACTED]
To: [Water Feedback](#)
Subject: Proposed changes to water supply areas
Date: Sunday, 31 March 2024 6:57:57 PM

I refer to your community consultation regarding the SDRC proposed changes to the approved water supply areas.

I note that you have included [REDACTED] in the proposed rural water supply area. I advise that I have been connected to the Stanthorpe Town water supply since taking ownership of this property in July 1981. Town water was connected to the property when it was purchased. I also have a SDRC water main and easement located on my property providing reticulated water to Lees Mountain Road.

I am not sure why Rifle Range Road, Hale Haven Drive, Brunckhorst Ave and Lees Mountain Road are being included in a proposed rural water supply area when they are currently connected to the Stanthorpe Town water supply with the water mains in the area recently being upgraded and a new pumping station installed at the Passmore Railway Crossing to provide and improved water service the areas mentioned above.

I trust that SDRC has no intention of disconnecting me from my current water connection or is expecting me to provided any additional infrasucture on my property.

Given the current water supply situation in Stanthorpe, any proposal to extend the current water mains or to add additional consumers outside the current serviced areas is nothing short of a lack of appreciation and understanding of Stanthorpe's water supply issues and will have a detrimental and negative impact on current properties connected to the Stanthorpe Town Reticulated Water Supply network.

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Water Feedback](#)
Subject: Rural water connection policy feedback
Date: Thursday, 4 April 2024 9:36:09 PM


Hello at SDRC ,
Regarding my address at [REDACTED] .

1. If council consider that having this policy change listed on the SDRC website as fulfilling your notification obligation, then it falls short of including those who need to know and give feedback. Don't be surprised if you receive little feedback and thus presume property owners don't have an opinion. My neighbour told me of the proposal with just 24 hours till close of feedback period. I have heard / read nothing directly from council. I also received no notification about garbage bin service when rolled out.
2. Over the last 3 years , I have replaced and refurbished my tanks, gutters , pumps and filters to harvest my own tank water with increased efficiency.
3. Over the last 3 years I have improved drainage into my dam and replaced the dam pump for water use in my garden.
4. My water storage in tanks and dam have never been better (past 30 years) as we have had good rain , my water infrastructure improvements and household numbers have decreased from 6 to 1 person
4. We have been previously canvassed to connect to this supply, of which we declined as per the reasons above.
5. This connection won't drought proof my property. The time when I may need extra water is when water restrictions will come into play.
6. I would need more information about water pressure and metered volume before I'd be happy to connect.
7. Can this SDRC water be metered and stored in my existing tanks?
8. Who pays for water connection from the main to my house ? My yard is full of rock and the house is approx 50 m from the main.
9. I need to have the ability to opt out of 50% levy as a water connection is of no benefit to me . I do not support paying more money for rates .
- 10 . If I subdivide blocks (4000m2) off my existing 6 acres in the future I will be made to connect to mains and not rely on tank water. Is this correct ?
11. What if I don't use my water allocation (as I have my tanks full) Do I then get a discount ?
12. I prefer the taste of tank water .
13. Basically, at this stage I am set up well for water and have no need to connect to mains water. If pushed , I will need much more information.
14. All my contact details are on your system , so there are no limitations in contacting me to share information about this project in the future.

Thanks.
[REDACTED]
Sent from my iPhone

12.2 Update to Water Infrastructure Policy

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Manager Water	ECM Function No/s:

Recommendation

THAT Council approve the updated Water Infrastructure Policy as attached to this report

REPORT

Background

The Water infrastructure Policy was adopted by Council 25 October 2023. A minor amendment is proposed and requires Council approval.

Report

This policy has been amended by adding in the new clause, now 5.2.2. This clause is highlighted for ease of reference. This new clause confirms that any property outside of a Water Supply Service Area is excluded from base access utility charges for water.

This clause is included as, by adopting the service areas, we are specifically excluding any properties outside of these areas from connecting to the reticulation, except by specific approval of Council.

Conclusion/Summary

This is a minor amendment adding the one additional clause as detailed above

FINANCIAL IMPLICATIONS

There may be some properties that are currently paying the base access charge that will no longer be required to do so.

RISK AND OPPORTUNITY

Risk

Nil

Opportunity

Nil

COMMUNITY ENGAGEMENT

Internal Consultation

This question has been raised in Council information sessions.

External Consultation

Nil

LEGAL / POLICY

Legislation / Local Law

Nil

Corporate Plan

Goal 2 Our Places

Outcome: 2.2 Public places, services and facilities are accessible, sustainable and cost effective.

Objective: 2.2.2 Develop and implement water security programs and strategies to ensure a sustainable and reliable water supply for all towns.

Policy / Strategy

Water Infrastructure Policy

ATTACHMENTS

1. PL-130 Water Infrastructure Policy - Draft - 02 May 2024 [↓](#)



Water Infrastructure Policy

Policy Number:	PL-130
ECM	3729949
Policy Type	Operational
Directorate:	Infrastructure Services
Section:	Water Department
Responsible Manager:	Manager Water
Date Adopted:	25 October 2023
CEO signature:	
Date to be Reviewed:	25 October 2025
Date Reviewed:	15 May 2024

REVISION RECORD

Date	Version	Revision description
25/10/2023	1.0	New policy drafted and approved
2/05/24	2.0	Clause 5.2.2 added to exclude properties outside of Water Supply areas from base access utility charges for water

Water Infrastructure Policy

Policy no: *Policy Number*

Updated: 25 October 2023

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DRAFT

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1 Policy Background

Council is committed to ensuring that connection, disconnection, and any alteration of an existing connection to its water infrastructure for its water services:

- a) result in quality water services and water infrastructure networks that are systematically managed, operated, and coordinated;
- b) don't hinder the performance of water infrastructure in delivering quality and reliable water services to customers;
- c) result in the integration of land use planning and planning for water infrastructure within the region;
- d) result in safe, efficient, and effective planning, coordination, delivery and operations of its water infrastructure and water services thereby protecting the health and safety of the public and the Council's employees; and
- e) minimise the environmental impact and seek sustainability in the management of its water services

Council is committed to ensuring connection, extensions or disconnection to the existing water infrastructure result in safeguarding the health and safety of the community, and also meeting the quality, safety and environmental requirements.

It is a legislative requirement (as per Water Supply (Safety and Reliability) Act 2008 (WSSR)) that a person must not, without the consent of Council:

- a) connect to, or disconnect from, Council's water infrastructure; or
- b) interfere with Council's water infrastructure, including by relocating or altering an existing connection; or
- c) build over, interfere with access to, increase or reduce the cover over, or change the surface of land in a way causing ponding of water over an access chamber for, Council water or other infrastructure.

2 Purpose

This policy provides a framework to guide development affecting new and existing potable and non-potable water infrastructure across Council's local government area. Specifically, this policy endeavours to deliver the following benefits:

- a) Increased consistency in planning, design and construction standards pertaining to water supply assets across Council's region;
- b) Maintaining standardisation to support the development planning; and
- c) Consistent customer service to Council's rate payers.

3 Applications

The scope of this policy is limited to:

- a) Water applications
- b) Water connections
- c) Water extensions
- d) Water disconnections
- e) Modification (e.g. relocation or modification of existing infrastructure)
- f) Water metering
- g) Design of water reticulation system
- h) Construction of water reticulation system
- i) Easements
- j) Maintenance
- k) Fire Services

4 Scope

The scope of this policy is to ensure that the following requirements are satisfied with reference to the Council's water infrastructure:

- a) the development near Council's water infrastructure does not:
 - (i) Adversely impact the function of the water service;
 - (ii) Place an additional load on the water service; or
 - (iii) Unduly increase future maintenance costs of; and
- b) Adequate access is provided to all Council water infrastructure for future maintenance.

All water supply connection requests are assessed against the capacity of the infrastructure, with a formal review for any development applications that create more than 4 new lots (5 in total) or result in a material change of use.

This policy takes effect from **15 May 2024** and overrides any prior procedures and/or decisions. Any properties that were deemed able to be connected to Council's water infrastructure prior to this date are understood to have been correct, based on the information and decisions available at the time.

5 Content

5.1 Water Applications

- 5.1.1 All applications are to be made in accordance with the *Plumbing & Drainage Act 2018*. Such an approval under this Act is deemed an approval under the WSSR Act.
- 5.1.2 All works involving building over or near Council's water supply infrastructure must comply with:
- a) the QDC MP1.4 made under the *Building Act 1975*; and
 - b) the *Building Act 1975*, the BCA and the QPWC.
- For this, also refer Council's Works near Council's Water, Sewer and/or Stormwater Infrastructure Policy.
- 5.1.3 All works on existing Council water infrastructure in relation to connections, relocation, renewal, maintenance and/or repair must be undertaken by Council or its approved contractors, unless otherwise approved in writing by Council.

5.2 Water Connections

- 5.2.1 If the property is within a (water) service area, an application for a water connection can be made. If the property is outside of a (water) service area then Council approval must first be obtained to amend the (water) service area.
- 5.2.2 Any property outside of a Water Supply Service Area is excluded from base access utility charges for water
- 5.2.3 Upon approval of an application and payment of the relevant Fees and Charges, Council will provide a property service that is a Standard Water Connection to the premises or premises group, however requests for non-Standard Water Connections will be considered by Council upon written request. The applicant is responsible for all costs in accordance with Council's adopted Fees and Charges.
- 5.2.4 Water meter
- a) All properties with a water connection are required to be connected with a Council approved water meter.
 - b) The meter will be installed at the Point of Connection, outside of the Property Boundary line, for accessibility and safety for Council personnel.

c) Council will install all meters unless Council provides express written permission for an external party to do so. Developers will install the property service line, terminated in an empty meter box.

d) All new or replacement meters will be a Honeywell Smart Meter.

5.2.5 Premises and premises groups

Existing lots will only be given one Standard Water Connection unless special application is made to Council for a non-Standard Water Connection (such as a larger diameter property service and/or additional meters). Further, all new premises group dwellings are to be separately metered as specified in section 5.5 of this policy and the QPWC Part B1.

5.2.6 Amalgamated lots

Where more than one lot are amalgamated into one lot, only one Standard Water Connection will be connected for the amalgamated lot unless special application is made to Council for a non-Standard Water Connection. Any additional services will be disconnected.

5.2.7 Only one connection to Council's water infrastructure is allowed per premises or premises group and will be charged at the fee prescribed in the Council Fee & Charges. If approved, any additional connections and meters will be charged as per a Private Works estimate to be provided by Council. Additional meters will only be approved under exceptional circumstances.

5.2.8 A water connection for a new lot created by subdivision of a lot will be charged on an approved Private Works estimate basis, except where the developer has installed the property service line and meter box, where a fixed charge is applicable.

5.2.9 Where a property owner is currently paying a water access utility charge for a premises which is not connected to a Council water service and their water connection application is denied for this premises, the property owner is entitled to a refund of all water access utility charges paid for this premises while they have owned the premises.

5.2.10 In the case where a property owner has opted out of paying access charges in the past, they will be required to pay a fee equivalent to the Headworks Charge for water, as well as the appropriate connection fee in accordance with Council's adopted fees and charges, if a water connection is approved.

5.2.11 Connections to Council's water mains, where the main is smaller than 100mm ID (inner diameter), will require approval of Council and are not a Standard Water Connection.

5.2.12 No new connections on trunk main infrastructure are permitted.

5.2.13 No new connections will be considered to the raw water pipelines.

5.3 Water Extensions

- 5.3.1 Where an extension of any water infrastructure to a property is required it is the responsibility of the property owner. Connections to Council water infrastructure can only occur with Council's written approval. If an applicant wishes to extend the potable drinking water infrastructure to a property, Council requires an application to be made under *Planning Act 2016*.
- 5.3.2 Council will only allow the extension of polyethylene (PE) property service lines if the premises or premises group to be serviced is within 20 meters of a Hydrant or the end of a reticulation water main. If the aforementioned criteria cannot be achieved, the applicant is to pay for the extension of the existing water main (minimum DN100 diameter where Hydrants exist on the water main) which includes all necessary associated infrastructure.
- 5.3.3 It will be at the discretion of Manager Water or delegate to give approval where:
- a) The construction of the extension might result in reticulation or treatment problems; or
 - b) The size of any extension is over DN150 diameter or the proposal may be in conflict with Council's planning for the area, except where the extension is a requirement of a sub-division DP approval, or any other approval issued as a result of a Council resolution.
- 5.3.4 Council may consider making a contribution towards work based on the following:
- a) For the extension of trunk infrastructure;
 - b) In the event of Council requiring a main greater than DN150 nominal diameter, Council may contribute an additional amount not exceeding the difference in material costs between the size of the main installed and a DN150 diameter main.

5.4 Water Disconnections

- 5.4.1 Applications must comply with sub-section 5.1.
- 5.4.2 Existing water services are to be maintained to all allotments which have a building structure on them, for fire protection, and general use for cleaning and health and sanitation purposes. Accordingly, no request to disconnect such water services will be approved (unless there is a proven alternate water supply to the property).
- 5.4.3 Existing water services to vacant allotments may be disconnected (temporarily/permanently) upon application by the owner and payment of the disconnection fee as per Council's Fees and Charges.
Subject to section 5.4.2,
- 5.4.4 Where an existing property service connection to the Council's water infrastructure is no longer required, the disconnection may be completed by one of the following pathways:
- a) Temporary disconnection shall be disconnected on the property side of the water meter by a licensed plumber;

- b) Permanent disconnections shall be disconnected at the Point of Connection to the Council water mains by Council;
- c) Both temporary and permanent disconnections require an application to the Council for approval;
- d) Under no circumstances is the owner or an agent of the owner to remove the Council water meter, unless expressly approved in writing by Council.

5.4.5 Note – base access utility charges for water may still apply to premises disconnected from Council’s water infrastructure, in accordance with Council’s adopted Revenue Statement.

5.5 Metering of meterable premises as defined in QPWC for new developments

- 5.5.1 A meter is to be installed external to the Property Boundary of each premises or premises group connected to Council’s water infrastructure. For a premises group, the meter will be a Master Meter. In addition to the Master Meter for a premises group, Council will supply and maintain sub-meters to premises within the premises group. The applicant is responsible for all costs in accordance with Council’s Fees and Charges.
- 5.5.2 The common property of a premises group in meterable premises must be metered separately.
- 5.5.3 All sub-metering installations shall be undertaken in accordance with WSSA’s Sub-Metering Code of Practice 10-2011 – Council Sub-Metering Guidelines and Specifications.
- 5.5.4 Individual meters are to be read by Council and rate notices for water utility charges sent to the owners.
- 5.5.5 If water supplied to each lot and the common property of a premises group is not separately metered then each lot within the premises group is liable for a proportion (based on their contribution schedule lot entitlements) for the total water consumption utility charges for water consumed at the premises group land as measured by the Master Meter, irrespective of any sub-meters installed for individual premises, unless the body corporate for the premises group takes on liability for all water consumption utility charges for the water utility service provided to the premises group under a formal written arrangement with Council (Refer *Body Corporate Community Management Act 1997*, sections 195 and 196).
- 5.5.6 An Authorised Person has the power to enter a Property to read, check maintain or replace a meter at any reasonable time (Refer WSSR Act section 37).

5.6 Relocation of Service Connections

- 5.6.1 Where proposed Property Crossings conflict with existing water connections, the water connection is to be relocated at the applicant’s expense.

5.7 Design of Water Reticulation Systems

5.7.1 Design of water reticulation systems shall be in accordance with the current:

- a) WSAA Codes (1-5); and
- b) Council addendum for WSAA Water Supply Code WSA 03.

5.8 Construction of Water Reticulation Systems

5.8.1 Construction of water reticulation systems shall be in accordance with the current:

- a) WSAA Codes (1-5); and
- b) Council addendum for WSAA Water Supply Code WSA 03.

5.8.2 On-maintenance inspections and maintenance period

- a) The purpose of 'on-maintenance inspections' is to ensure the works have been constructed in compliance with the approved plans and specifications.
- b) On-maintenance inspections will be carried out for all new water infrastructure by Council or a Council approved contractor, at the developer's cost. Works approved for 'On-maintenance' will be placed 'On-maintenance' for a minimum period of 12 months, or as otherwise advised by Council, from the date of formal notification by Council (***maintenance period***).
- c) During this period, responsibility and liability for rectification of defects and for any damage that may occur, regardless of the cause, lies with the developer, not Council. Steps must be taken by the developer to prevent damage occurring during the maintenance period including damage likely to be caused during on-site construction. Maintenance includes vegetation control and soil erosion control.

5.8.3 Council Off-maintenance inspections

- a) The purpose of the Off-maintenance inspections is to ensure that the constructed works have performed satisfactorily during the maintenance period. Any further defects identified during the Off-maintenance inspections are to be rectified at the developer's cost before works are certified as being 'Off-maintenance'.
- b) Also, refer the Council's website for 'On/Off-maintenance' Process.

5.9 Easements

5.9.1 Council water infrastructure must have easements granted in favour of Council where they traverse private property.

- 5.9.2** Engineering drawings pertaining to the design/construction of 'water reticulation' shall include the required information which include – water reticulation plan, pipe size/type/class, water main alignments, valves, hydrants and other fittings locations, longitudinal sections, water supply pump station details, reservoir details, live connection requirements and associated details, water meter information, conduits, property services and location of the Point of Connection and the property service connection point to the water reticulation mains, including easement location.
- 5.9.3** The easement instrument must:
- a) reserve the right for Council and its employees, agents and contractors to enter the easement area at any time without notice, with plant and equipment, for the purpose of inspecting, constructing, extending, maintaining/replacing, controlling and managing Council water infrastructure within the easement area; and
 - b) not permit buildings or other structures to be situated within the Easement area, except with the written approval of Council; and
 - c) prohibit earthworks or landscaping works involving large tree/shrub plantings with extensive root systems (e.g., rubber trees, umbrella trees) within the Easement area.
- 5.9.4** All buildings or other structures shall remain clear of Easement areas.
- 5.9.5** An easement in favour of the Council shall be obtained by the developer from the property owner for the following situations:
- a) Over all existing and proposed water supply mains within the development property owned by the developer, including residential lots, private parks and reserves, industrial and commercial sites, and within premises group developments;
 - b) Over all proposed water supply mains to be constructed within properties not owned by the developer, for the connection of the developer's site to Council's water infrastructure;
 - c) For the future location of trunk water mains within property, as identified in Water and Sewerage Infrastructure Plan – Local Government Infrastructure Plan (LGIP), or as directed by the Council

5.10 Fire Services

5.10.1 New Fire Services

- a) Applications for installation of new special fire systems must comply with the guideline outlined in sub-section 5.1.
- b) For the installation/design of new internal firefighting systems, the system must be designed based on minimum standards and code requirements, unless it can be demonstrated that the cost of such system is too onerous for the developer. In such cases, a pressure and flow test can be used as a guide for such system design,

acknowledging that Council holds the right to modify system pressures. No single point tests shall be allowed.

- c) Where new fire services are required the following conditions apply:
 - (i) Fire services for internal hydrants and/or sprinkler systems where no fire hose reel off-takes are required shall be run as separate unmetered fire service water connection;
 - (ii) Where only fire hose reels are required a single fire service sub-meter shall be installed at outlet flange of the firefighting system water supply pipe;
 - (iii) Where internal Hydrants and/or sprinkler systems and fire hose reels are required; a single fire service water connection shall be provided with a check valve and metered bypass located prior to the Property Boundary;
 - (iv) Diameters of fire services (including the diameter of metered bypasses for fire hose reels) shall be determined and certified for each project by an approved Certifier (i.e. as outlined in the *Queensland Department of Housing and Local Government Register of Fire Systems Certifiers as per the Queensland Government Building Act, 1975 and Building Regulation, 2006*);
 - (v) Fire hose reels shall not be sealed by Council;
 - (vi) Direct Booster pump connections from the Council water supply network are not allowed;
 - (vii) All new buildings classified from Class 2 to 9 (refer to BCA for the definition of the building classes) must ensure that adequate fire protection is available as per the BCA. It is the legal responsibility of a building developer/owner to ensure that their buildings meet the fire safety standards.

5.10.2 Existing Fire Services

- a) Where unmetered fire services exist, the following procedures shall apply:
 - (i) Where a single fire service exists, which serves hydrant points and/or a sprinkler system in addition to fire hose reels the service shall remain unmetered.
- b) Where an existing fire service provides water only to fire hose reels, each of the fire service water connection and the property service for domestic water services shall be metered.
- c) Connected fire service meters on a fire service water connection are charged as a 20mm water access utility charge.

5.10.3 Meter Reading

Fire services meters shall be read half yearly by Council's Water Metering Section or remotely in the case of Smart Meters.

5.10.4 Water consumption adjustment for firefighting

Where water is consumed for firefighting purposes the following procedures shall apply:

- a) The consumer shall contact Council within seven days of a fire incident to notify that fire hose reels have been used for firefighting;
- b) Council shall arrange for the water meter to be read as soon as possible after being notified of such use during fire incident;
- c) No charge shall be levied for the water consumed between the last meter reading date and the meter reading after “fire notification”.

5.11 Maintenance

5.11.1 The property owner is responsible for maintenance of on-premises water supply pipes from the fitting immediately after the meter adaptor fitting (outlet Nut and Tail).

5.11.2 Once installed, Council is responsible for the ongoing operation and maintenance of Council water infrastructure, up to and including the primary (master) meter at the Property Boundary. However, Council is not responsible for infrastructure between the primary (master) and any sub-meters or any private meters.

5.12 Testing of Water Meters

For the purpose of this Policy, the “prescribed standard” for informally determining the accuracy of a water meter is as follows:

- a) An Authorised Person must ensure the occupier of the property does not consume water during the duration of the test.
- b) The Authorised Person must then take a reading of the water meter being tested (the “property meter”).
- c) The Authorised Person must then connect a water meter (the “test meter”) known to meet the manufacturer’s standard to a convenient tap and record the meter reading.
- d) The Authorised Person must then run one hundred litres of water as registered in the test meter through the tap which the test meter is connect to.
- e) The property meter should then be read again and if the readings from the property meter are within 5% of 100 litres, the property meter is taken to be registering accurately

This test will be carried out by field staff when investigating a high water reading/potential property water leak. If the property owner is not satisfied with the outcome of this test they can request a formal meter test and pay the required fee.

5.12.1 Formal Testing Procedure

All water meters must be installed by appropriately qualified and licensed plumbers as per the *Plumbing and Drainage Act 2018*.

All Water meter testing will be carried out in accordance with the WSAA’s Compliance Testing of In-Service Water Meters Code of Practice, WSA 11 -2012’.

An owner or occupier may request Council to test a water meter. A request must be made in the Council approved form and be accompanied by the prescribed fees as per Council's Fees and Charges.

Council may at any reasonable time, disconnect any water meter for the purpose of testing the water meter. However, Council will install a replacement water meter during the testing period to ensure continuous metered water supply.

Before Council changes the water meter for testing, Council will provide the occupier of the property at least 48 hours written notice of its intention to shut off the water supply, advising of the reasons for shutting it off, and for how long it will be shut off, and re-connect the water supply by installation of an accurate water meter.

Where a person who has made a request for water meter testing is also the occupier of the property, Council may disconnect the water supply for the purpose of testing a water meter without giving that person at least 48 hours written notice if that person waives the notice requirement.

A water meter to be tested will be replaced by Council and the meter to be tested will be forwarded to an external accredited laboratory for accuracy testing as per prescribed standards at the applicant's expense.

5.12.2 Water Meter not Registering Accurately

Where Council determines pursuant to section 5.12.1 that a water meter is not registering accurately (within 5%), Council will refund the water meter testing fee and will install a water meter which is registering accurately as per prescribed standards.

5.12.3 Charge When Water Meter is not Registering Accurately

If any water meter in use ceases to register or is determined by Council to be not registering accurately, Council may:

- a) Estimate the period during which such water meter was not in good working order; and
- b) Calculate the deemed water consumption using all reasonable information available to Council.

The process for calculating the actual charge for water consumption where the water meter ceased to register, or the water meter was not registering accurately, is as follows:

The following conditions are where the meter is still registering a quantity of water at normal flow rates:

- a) If the error in registration established by test is within 5% of the actual quantity of water passing through the meter at normal flow during the test, then the consumption as recorded will be deemed to be the quantity of water consumed;

- b) If the error in registration established by test reveals that the quantity of water recorded is within 5% in excess or 5% less than the actual quantity of water passing through the meter at normal flow during the test, then the consumption as recorded will be deemed to be the quantity of water consumed;
- c) If the error in registration established by test reveals that the quantity of water recorded is greater than 5% in excess of, or 5% less than the actual quantity of water passing through the meter at normal flow during the test, then the consumption for billing purposes may be determined by Council by any of the methods listed in section 5.12.4 below.

5.12.4 Deemed water consumption

Where the ratepayer was the owner of the relevant property for the whole of the three half yearly water billing periods immediately preceding the consumption period in which the water meter error occurred, the deemed water consumption is the number of days in the consumption period in which the water meter error occurred multiplied by the average daily consumption for the previous three half yearly water billing periods.

Where the ratepayer has owned the relevant property for less than three half yearly billing periods immediately preceding the consumption period in which the water meter error occurred, the deemed water consumption is the number of days in the consumption period in which the water meter error occurred multiplied by the average daily consumption for the period of ownership.

Where the ratepayer acquired the relevant property during the consumption period in which the water meter error occurred, the deemed water consumption is the first tier consumption limit.

5.12.5 Council may temporarily shut off the water supply, without notice, if there is:

- a) A serious risk to public health; or
- b) A likelihood of serious injury to person or damage to property; or
- c) Another emergency,

however, Council must give anyone likely to be affected by the action:

- d) notice of the action; and
- e) the reasons for the action; and
- f) if the action is continuing when the notice is given, notice about how long the action will continue.

(Refer WSSR Act section 44(3)(and(4)).

6 Relevant Laws/Guidelines

- *Water Act 2000*
- *Water Supply (Safety & Reliability) Act 2008*

- *Plumbing & Drainage Act 2018*
- *Planning Act 2016*
- *Building Act 1975*
- Queensland Development Code, including Queensland Development Code Mandatory Policy 1.4 (**QDC MP1.4**)
- WSSA Sub-Metering Code of Practice WSA 10-2011
- WSAA Codes (1-5)
- Water and Sewerage Infrastructure Plan – Local Government Infrastructure Plan (LGIP)
- Firefighting target standards
- Building Code of Australia (**BCA**)
- WSAA's Compliance Testing of In-Service Water Meters Code of Practice, WSA 11 -2012

7 Related policies/documents

- Works near Council's Water, Sewer and/or Stormwater Infrastructure Policy
- Council Sub-Metering Guidelines and Specifications
- Council addendum for WSAA Water Supply Code 03 including associated annexures
- Council On/Off-maintenance Process
- Council Works near Council infrastructure application form
- Council's Revenue Statement
- Council's Register of Fees and Charges

8 Definitions


Term	Meaning
Applicant	The person named in an application form as the applicant and is therefore responsible for completing the application form and supplying the required documentation with the application. An applicant could be the property owner, developer, consultant or contractor.
Authorised Person	A person appointed by Council under section 45 of WSSR Act.
BCA	Building Code of Australia (Refer Building Act 1975 section 12).

Council	Southern Downs Regional Council
Contractor	An individual, corporation or legal entity including sub-contractors that is accountable for the delivery of works under a specified contract or development agreement. For example, the person engaged (or proposed to be engaged) under a works contract to construct the infrastructure works on behalf of the developer.
Developer	A person carrying out development on a property.
Development Permit (DP)	Has the meaning provided in in the <i>Planning Act 2016</i>
Easement	A right held by one party to make use of the land of another for certain purposes, such as for access and installation of infrastructure, which right is registered against the title of the burdened land.
Headworks Charge	An infrastructure charge levied by Council pursuant to an infrastructure charges notice to cover the cost of providing, maintaining and extending trunk infrastructure such as reservoirs, treatment plants and reticulation.
Hydrant	A fitting installed in a water pipeline with a valved outlet to enable a controlled supply of water to be drawn from the pipeline for firefighting.
Local Government Infrastructure Plan (LGIP)	Has the meaning provided in in the <i>Planning Act 2016</i>
Master Meter	The meter at the Point of Connection for a premises group located at the intersection between the property service and the on-premises water supply pipe and is upstream of all sub-meters. The master meter is used to register the total water consumption on the premises group land.
Person	Includes an individual and a corporation.
Premises	a) A lot as defined under the <i>Planning Act 2016</i> , schedule 2; or b) For a lot under the <i>Body Corporate and Community Management Act 1997</i> or the <i>Building Units and Group Titles Act 1980</i> —the common property for the lot.
Point of Connection	The point where the on-premises water supply pipe connects to the property service.
Private Works estimate	An estimate provided by Council in accordance with the Private Works Policy
Property Boundary	The boundary of a premises or premises group with a road reserve or adjoining premises or premises group.
Property Crossing	This is the entrance to premises or a premises group from a road, usually where the driveway is located.
Property Service	The pipes and fittings installed for connecting premises or a premises group from the reticulation water main to the on-premises water supply pipe.
QDC MP1.4	Queensland Development Code Mandatory Policy 1.4.
QPWC	Queensland Plumbing and Wastewater Code made under the <i>Plumbing and Drainage Act 2018</i> .

Service Area	Areas within Council's local government area declared by Council to be areas within which a reticulated water service is provided by Council or a Council entity. (Refer WSSR Act, section 161.)
Smart Meter	A smart meter is a meter that automatically tracks and records the amount of water used in premises or a premises group.
Standard Water Connection	A DN20 (20mm ID) metered property service provided at the prescribed fee in the Fees and Charges.
WSAA	Water Services Association of Australia.
WSSR Act	<i>Water Supply (Safety and Reliability) Act 2008</i> (Qld).

12.3 Stanthorpe Irrigators Recycled Water Agreement 2024

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Manager Water	ECM Function No/s:

Recommendation

THAT Council:-

Resolve that under S235(b) of the Local Government Regulation, because of the specialised nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders, and that this contract will only be offered to the current irrigators as listed in the attached Recycled Water Agreement for the following reasons:

- The locality of the scheme would make it unlikely that further irrigators could sign up; and
- Both the current irrigators and Council have undertaken significant prior expenditure to establish this scheme; and
- Additional irrigators would likely find it difficult to comply with the stringent requirements to use the treated water; and
- Previous history in attempts to add further irrigators was met with a court action that forced Council to only contract with the current irrigators; and
- The very significant risk for Council in not being able to successfully dispose of the treated water.

THAT Council:

1. Enter into Recycled Water Agreements with the irrigators as listed in the attached Recycled Water Agreement; and
2. Delegate the Chief Executive Officer to finalise the Stanthorpe Irrigators Recycled Water Agreements 2024.

REPORT

Background

Southern Downs Regional Council (SDRC) owns and operates the Stanthorpe Wastewater Treatment Plant (WWTP) at New England Highway in Stanthorpe, Queensland. The Stanthorpe WWTP produces only Class A recycled water wherein the major portion is supplied to rural irrigators and a minor portion is supplied to urban community groups.

For Stanthorpe irrigators, the current Agreement expired on 31 March 2024. There have been ongoing negotiations with irrigators and an amended copy of the Model Recycled Water User Agreement, developed by the Queensland Government, was provided as the industry standard for Queensland.

After several iterations we have produced a document acceptable to both Council and the irrigators and is attached to this report.

Report

Council used the Model Recycled Water User Agreement provided by the State Government to produce a draft Agreement, that was sent to the Stanthorpe irrigators for comment. In late December 2023, correspondence was received from Catanzaro Solicitors on behalf of Stanthorpe irrigators advising that the terms of the proposed draft Agreement were not suitable to their clients. The correspondence sought opportunity to negotiate with SDRC.

A meeting was held with the irrigators and the points of difference were discussed and outcomes agreed. The irrigator's solicitor then provided an update to the contract reflecting their position.

Council updated the draft contract incorporating the irrigator's solicitor's comments and provided the updated draft to them for further review. We received four points of concern and these were addressed in the final draft of the agreement, attached to this report.

It is essential to note that Council are extremely dependent on these irrigators taking the recycled water. If they did not accept the recycled water we would be forced to discharge this to the creek in contravention of the Environmental Authority for this treatment plant.

Under s235(b) of the Local Government Regulation this contract should only be offered to the current irrigators for the following reasons:

- The locality of the scheme would make it unlikely that further irrigators could sign up; and
- Both the current irrigators and Council have significant expenditure under this project; and
- Additional irrigators would likely find it difficult to comply with the requirements to use the treated water; and
- Previous history in attempts to add further irrigators was met with a court action that forced Council to only contract with the current irrigators; and
- The bigger risk for Council is not being able to successfully dispose of the treated water.

Conclusion/Summary

SDRC needs to ensure it has the capacity to meet its license conditions for the Stanthorpe WWTP discharge parameters and thus needs supply agreements that facilitate the management of recycled water and discharge. This contract is suitable for Council to discharge its obligations.

FINANCIAL IMPLICATIONS

The irrigators will be charged and managed in accordance with the conditions set out in the Agreement.

RISK AND OPPORTUNITY

Risk

The existing Agreement expired at the end of March 2024. Should Council not approve this new Agreement we could end up in disputes with the current irrigators.

Opportunity

This report and final Agreement allows the relationship of the Stanthorpe irrigators and SDRC to continue in a more equitable manner, allowing SDRC more control over this collaboration than was allowed under the previous agreement.

COMMUNITY ENGAGEMENT

Internal Consultation

Water & Wastewater Treatment Coordinator
Finance Business Improvement Officer
Council Information Session 15 November 2023

External Consultation

The Agreement was sent to each of the irrigators for feedback.
The Agreement was reviewed by SDRC's solicitors.

LEGAL / POLICY

Legislation / Local Law

Recycled water is managed under *Chapter 3 of the Water Supply (Safety & Reliability) Act 2008*.

Corporate Plan

Goal:	3	Our Prosperity
Outcome:	3.2	Businesses thrive and grow
Objective:	3.2.3	Advocate for improved water availability and security for the agricultural industry.
Performance Indicator:		Improved water security

Policy / Strategy

Nil

ATTACHMENTS

1. Recycled Water Agreement - Irrigators and SDRC - 30-04-2024[📄](#)



Recycled Water Agreement

Southern Downs Regional Council (Council)

_____ (Irrigator)

[To be inserted, if necessary] (Owners)

Recycled Water Agreement

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Schedule **34**

Annexure A MapsError! Bookmark not defined.

Annexure B Water Quality SpecificationError! Bookmark not defined.

Annexure C Farm Management PlanError! Bookmark not defined.

Recycled Water Agreement

Details

Date

Parties

Name	Southern Downs Regional Council	
ABN	59 786 792 651	
Description	Council	
Notice Details	Address	64 Fitzroy Street, Warwick 4380
	Postal address	PO Box 26
		WARWICK QLD 4370
	Email	mail@sdrc.qld.gov.au
	Attention	

Name	<hr/>	
Description	Irrigator	
Notice Details	Address	<hr/>
		<hr/>
	Postal address	<hr/>
		<hr/>
	Email	<hr/>
Attention	<hr/>	

Recycled Water Agreement

Background

- A. The Council holds the EA for the operation of the environmentally relevant activity of sewage treatment pursuant to the EP Act. The Council's recycled water scheme is contained in its Recycled Water Management Plan, approved by the Department of Regional Development, Manufacturing and Water.
- B. The Council owns and operates the Treatment Plant, which is part of the Recycled Water Scheme.
- C. The Irrigator occupies, or is entitled to occupy, the Land.
- D. The Irrigator has requested that the Council supply Recycled Water for the Irrigator's use on the Land for the Permitted Use.
- E. The Council has agreed to supply, and the Irrigator has agreed to take, Recycled Water for the Irrigator's use on the Land for the Permitted Use in accordance with this Agreement.
- F. The Owner owns the Land and consents to the supply and use of the Recycled Water in accordance with the Agreement.

1. Definitions and Interpretation

1.1 Definitions

In this document the following words and expressions have the meaning shown unless the context requires otherwise:

Agreement	This document and all Schedules and Annexures to it.
Annualised Capital Cost	The Book Value of the scheme assets less original government grant allowance of 50% x Weighted Average Cost of Capital to Council / Average Useful Life of the scheme assets.
Annual Renewals Annuity	Annual depreciation of the scheme assets at 30 June for the financial year immediately before the review date which forms part of Southern Downs Regional Councils audited financial statements less original government grant allowance of 50%
Authorised Representatives	Each of the parties appointed by the Current Irrigators to represent each of Current Irrigators at meetings held between the Council and the Current Irrigators and are as at the Commencement Date the parties whose details appear at Item 17 of the Schedule.
Authority	Any federal, state, local government, semi-government, statutory or legislative authority, court, instrumentality or body with jurisdiction over any part of the Land.

Recycled Water Agreement

Average Useful Life	Average estimated number of years the scheme assets will continue to contribute positive economic value in their current state at 30 June for the financial year immediately before the review date which forms part of Southern Downs Regional Councils audited financial statements.
Bank Bill Yield Rate, for a day	The monthly average yield of 90-day (three month) Bank Accepted Bills/Negotiable Certificates of Deposit for the month of March immediately before the review date as published by the Reserve Bank of Australia accessed on the Reserve Bank of Australia's website.
Book Value	Replacement value of the scheme assets less accumulated depreciation at 30 June for the financial year immediately before the review date which forms part of Southern Downs Regional Councils audited financial statements.
Business Day	Any day other than a Saturday, Sunday, or a bank holiday or a public holiday in Queensland and a reference to a date which does not fall on a Business Day is to be construed as a reference to the next Business Day.
Business Hours	9 am to 5 pm inclusive on any Business Day.
Commencement Date	The date upon the last party to sign this Agreement signs this Agreement.
Discount Rate	the sum of— (a) the bank bill yield rate for the day, rounded to 2 decimal places; and (b) 3%.
Council's Infrastructure	All of the plant, equipment and meters necessary to supply Recycled Water to the Supply Point.
Current Irrigators	Those parties whose details appear at Item 18 of the Schedule.
CPI	The Brisbane Consumer Price Index (All Groups) published by the Commonwealth Statistician, or any similar index which replaces it.
DES	Department of Environment and Science.
EA	Environmental Authority EPR00558813 held by the Council.
EP Act	<i>Environmental Protection Act 1994</i> (Qld).
Expiry Date	The date specified in Item 6 of the Schedule.

Recycled Water Agreement

Farm Management Plan	Means the Irrigation Farm Management Plan, Occupation Health & Safety Plan and a description of the Irrigator's Property contained in Annexure D.
Fee	The fee specified in Item 10 of the Schedule.
Force Majeure	Any event or circumstance not within the control of the party claiming Force Majeure, and which, by exercise of reasonable diligence, that party was and is not reasonably able to prevent or overcome, including: <ul style="list-style-type: none"> (a) war, whether declared or undeclared, revolution or act of public enemies; (b) riot or civil commotion; (c) strike, stoppage, ban, limitation on work or restraint of labour; (d) act of God; (e) fire, flood, storm, tempest or washaway; (f) act or restraint of any Authority; (g) failure of the electricity supply caused by events beyond the control of the Council or the Irrigator; or (h) a change in any law or requirement of any Authority which makes it unlawful to supply or use the Recycled Water in accordance with this Agreement.
Guidelines	The Environmental Protection Agency (Qld) <i>Queensland Water Recycling Guidelines</i> , December 2005.
Irrigator's Allocation	The Allocation identified in Item 8 of the Schedule, as determined by reference to Items 8(A), 8(B) and 8(C).
Irrigator's Infrastructure	The infrastructure identified in Item 3 of the Schedule.
Irrigation Rotation	The rotation identified in Item 11 of the Schedule.
Land	The land identified in Item 1 of the Schedule.
Levels of Service	The delivery pressure, rate of delivery, or restrictions on service availability for the supply of Recycled Water specified in Item 9 of the Schedule.
Nominal Annual Allocation	The allocation identified in Item 8(B) of the Schedule.

Recycled Water Agreement

Owner	The owner of the Land identified in Item 1 of the Schedule.
Potable	Suitable for drinking.
Permitted Use	The use specified in Item 7 of the Schedule.
Proportion	The proportion identified in Item 8(A) of the Schedule.
Public Liability Insurance Amount	The amount specified in Item 12 of the Schedule.
Recycled Water	The treated effluent produced by the Treatment Plant and supplied to the Irrigator pursuant to this Agreement.
Recycled Water Scheme	The recycled water scheme operated by the Council, having Scheme Reference Number SRN004.
Recycled water management plan	The plan for the safe generation and supply of Recycled water.
Supply Point	The point identified at Item 2 of the Schedule.
Term	The term of this Agreement in accordance with clause 2.1, including any Holdover Period under clause 2.2.
Treatment Plant	The Council's effluent treatment plant identified at Item 4 of the Schedule.
Water Quality Specification	The table contained in Annexure B.
Weighted Average Cost of Capital	Discount rate x (Useful Life – 1)

1.2 Interpretation

In the interpretation and application of this document, unless the context otherwise requires:

- (a) any reference to the background, or any schedule, attachment or exhibit, is a reference to that thing which is part of this document;
- (b) in calculating any period of time commencing from a particular day, the period commences on the following day and the following day counts as part of that period;
- (c) where an expression, word or phrase is given a particular meaning, then other parts of speech based on that expression, word or phrase and other grammatical forms of that expression, word or phrase, have corresponding meanings;

Recycled Water Agreement

- (d) the rule of interpretation which sometimes requires that a document be interpreted to the disadvantage of the party which put the document forward, does not apply;
- (e) a reference to this document or any other agreement, arrangement or document, includes any variation, novation, supplementation or replacement of them;
- (f) where an expression is defined anywhere in this document, it has the same meaning throughout;
- (g) a reference to any gender includes all genders;
- (h) headings are for convenience of reference only and do not affect interpretation;
- (i) a mention of anything after include, includes or including, does not limit what else might be included;
- (j) if an example is given of anything, including an example of a right, obligation or concept, the example does not limit the scope of that thing;
- (k) a reference to any legislation or legislative provision includes any statutory modification or re-enactment of, or legislative provision substituted for, and also any subordinate legislation issued under, that legislation or legislative provision;
- (l) a reference to dollars or \$ is to an amount in Australian currency;
- (m) the singular includes the plural and vice versa;
- (n) a reference to any party to this document or to any other document or arrangement, includes that party's legal personal representatives, substitutes (including, without limitation, any person taking by novation), successors and permitted assigns;
- (o) a reference to a person includes a body corporate, partnership, joint venture, incorporated or unincorporated association, authority, state, government, or government or quasi-government body; and
- (p) an agreement, undertaking, representation or warranty by or in favour of two or more persons, binds or is for the benefit of all of them jointly and each of them individually.

2. Term

2.1 Term

- a) This Agreement commences on the Commencement Date and expires on the Expiry Date (or the sooner determination of this Agreement in accordance with clause 16), subject to any extension of this Agreement under clause 2.1(b).
- b) The Irrigator shall have the right to exercise three (3) successive options of renewal of this Agreement for successive periods, each 5-year period being herein referred to as the "option period".

Recycled Water Agreement

- c) The Council must give the Irrigator notice at least eight (8) calendar months and not more than ten (10) calendar months prior to the expiry date of the then current Agreement that the Irrigator is entitled to exercise the option to renew the Agreement for the option period. When the Council provides this notice, it must at the same time:
- (i) advise whether or not it believes there is to be a change to the fee structure as set out in clause 5.1 and if a change is proposed, the nature of those changes and the proposed new fee structure;
 - (i) advise whether as a result of any upgrades to the Treatment Plant from where the Recycled Water is sourced, this will require changes to any processes including Farm Management Plans and advise the nature of such changes;
 - (ii) advise whether there is a requirement due to a legislative obligation imposed on the Council which requires it to make changes to either the amount of water which it is able to supply or the quality of water which it is able to supply and advise the nature of such changes.
- d) Upon receipt of the Notice from the Council, the Irrigator may exercise the option to renew the Agreement for the option period by giving to the Council within three (3) calendar months that the Irrigator is desirous of renewing the Agreement for the option period whereupon the Agreement will be renewed for the option period on the same terms and conditions as this Agreement subject to the terms of clause 2.1(c). Should the Council fail to give Notice within the time frame referred to in Clause 2.1(c) hereof, then the Irrigator has until the expiry of three (3) calendar months on and from the receipt of such Notice from the Council within which to exercise the option to renew the Agreement. It is agreed that in the event that the Council fails to give Notice referred to in Clause 2.1(c) hereof prior to the expiry of the Agreement, then the Irrigator shall be deemed to be holding over under the terms of the current Agreement until such Notice is given by the Council whereupon the Irrigator shall have until the expiry of three (3) calendar months on and from the receipt of such Notice from the Council within which to exercise the option to renew the Agreement.
- e) Should at the time for the Council to give notice to the Irrigator pursuant to clause 2.1(c) hereof, the Irrigator has failed within a reasonable time to remedy a breach of the then current Agreement, notice of which has been given by the Council, or should during the term of the current Agreement, the Irrigator has consistently breached the Agreement and failed to satisfactorily remedy such breaches, then the Council must during the time stipulated in sub-clause 2.1(c) in lieu of the Notice stated in that sub-clause, give the Irrigator notice that it does not consider the Irrigator is entitled to exercise the option to renew the then current Agreement and that the Agreement will determine on the expiry date thereof.
- f) The parties acknowledge that the intent of this clause is that upon the exercise of all three successive options of renewal, the total term of this Agreement will be twenty (20) years ("the total term").
- g)
- (i) When the Council provides the notice set out in clause 2.1(c) and in the notice there are no changes as set out in clauses 2.1(c)(i), 2.1(c)(ii) and

Recycled Water Agreement

- 2.1(c)(iii), and the Irrigator exercises the option, then the Agreement will be renewed on the same terms as conditions as are set out herein.
- (ii) When the Council provides the notice set out in clause 2.1(c) and included in the notice are any changes as set out in clauses 2.1(c)(i), 2.1(c)(ii) and 2.1(c)(iii),
- (A) the Council and the Irrigator shall meet within the timeframes set out in clause 17.1 and negotiate in good faith to reach agreement on the proposed changes. The parties may by agreement extend the time for negotiation.
- (B) If the parties are unable to reach agreement, then the parties agree to refer the proposed changes for determination to an independent person appointed by agreement between the parties, or in the absence of agreement, at the instance of either party by the president for the time being of the Queensland Law Society Incorporated. Where an independent person is appointed, the time for exercising the option shall be extended until twenty-one (21) days after the handing down of a determination by the independent person. In the meantime, the Agreement shall continue to apply.
- (C) The costs of such appointment of an independent person are to be borne by the parties equally.
- (D) If the Council and the Irrigator reach agreement, and the Irrigator exercises the option, then the Irrigator is deemed to have agreed to the changes as agreed or as determined and the terms of the new Agreement will be changed to reflect the changes as agreed or as determined.
- h) Any notice given by the Council to the Irrigator must be the same as and consistent in its terms with (save and except for quantities and any obvious differences required pursuant to this Agreement) any notices given to the remaining Current Irrigators.
- i) The Irrigator acknowledges and agrees with the Council that:-
- (i) One or more of the Current Irrigators may choose to agree with the Council without the need to proceed to a determination by an independent person and may agree with the Council even though there are one or more of the Current Irrigators who do not agree with the Council.
- Any of the Current Irrigators, including the Irrigator, are at liberty to proceed to a determination by an independent person and where any such determination results in an outcome different from that set out in the notice, there is no obligation on the part of the Council to amend any agreements already in place with any of the Current Irrigators, including the Irrigator.
- j) Upon the expiry of any the total term, the Council must not enter into a new Agreement with another person or entity for the supply of Recycled Water to replace this Agreement without first offering to enter into a new Agreement with the Irrigator

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on terms no less favourable than those upon which the Council is prepared to enter into with that person or entity, which offer shall remain open for acceptance by the Irrigator in writing within 28 days of the Irrigator having received the same.

For the avoidance of any doubt, the Council acknowledges and agrees that it cannot enter into any agreement with any other party on terms which are more favourable than that which was the subject of the offer to the Irrigator hereunder.

2.2 Holdover

- (a) If, after the Expiry Date, the Council continues to supply Recycled Water to the Irrigator, this Agreement will continue in force until the date which is two months after the Expiry Date (**Holdover Period**). The Holdover Period will be extended in circumstances to which the provisions of clause 2.1 might apply.
- (b) During the Holdover Period, provided that:
 - (i) the Irrigator wishes to continue to receive Recycled Water from the Council; and
 - (ii) the Council wishes to continue to supply Recycled Water to the Irrigator,the parties agree to attempt to negotiate a new Agreement in good faith before the expiry of the Holdover Period.

3. Infrastructure

3.1 Council's Infrastructure

- (a) The Council agrees to:
 - (i) install the Council Infrastructure (where it has not already done so pursuant to the provisions of a prior agreement between the Irrigator and the Council) by the Commencement Date; and
 - (ii) maintain the Council Infrastructure in good repair and condition during the Term (fair wear and tear and damage due to circumstances beyond the control of the Council excepted).
- (b) The Irrigator:
 - (i) acknowledges that, as at the Commencement Date, the Council infrastructure had been installed;
 - (ii) acknowledges that it has no claim against the Council in relation to the supply, maintenance and construction of the Council Infrastructure.

3.2 Irrigator's Infrastructure

- (a) The Irrigator must, at the Irrigator's cost:

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- (i) install the Irrigator's Infrastructure (where it has not already done so pursuant to the provisions of a prior agreement between the Irrigator and the Council) by the Commencement Date;
 - (ii) maintain the Irrigator's Infrastructure in good repair and condition, to the Council's satisfaction acting reasonably; and
 - (iii) obtain and keep current any approvals, authorisations or permits required to operate the Irrigator's Infrastructure.
- (b) The Council acknowledges that, at the Commencement Date, the Irrigator's Infrastructure had been installed.

4. Supply

4.1 Supply to Supply Point

- (a) In consideration for payment of the Fee by the Irrigator and subject to the availability of Recycled Water, the Council will act reasonably to supply Recycled Water to the Supply Point from the Commencement Date for the Term of this Agreement on the basis that:
- (i) the Recycled Water supplied to the Irrigator in each Irrigation Rotation is to be equal to the Irrigator's Proportion of the total Recycled Water available for supply during that Irrigation Rotation.
 - (ii) the Council may, at its sole discretion, and provided that notice in writing is given to the Irrigator as soon as reasonably practicable:
 - (A) increase the Irrigator's Nominal Annual Allocation in accordance with the Irrigator's Proportion and the availability of Recycled Water (depending on sewage inflow) and subject to the availability of capacity on the Irrigator's property, it being acknowledged that the capacity of the Irrigator's Infrastructure is as at the Commencement Date, sufficient to receive the Irrigator's Nominal Annual Allocation); and
 - (B) decrease the Irrigator's Nominal Annual Allocation in accordance with the Irrigator's Proportion and the availability of Recycled Water (depending only on sewage inflow).
- (b) The Irrigator must:
- (i) maximise the quantity of Recycled Water stored in the Irrigator's Infrastructure; and
 - (ii) only close the manually operated valve at the Supply Point in the case of an emergency and notify the Council of the emergency and the Irrigator's intention to close the manually operated valve at the Supply Point as soon as reasonably practicable.

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- (c) The Council will use its best endeavours to notify the Irrigator where there will be extra Recycled Water to be supplied during wet periods which is additional to the Irrigator's Nominal Annual Allocation so as to enable the Irrigator to plan its use of Recycled Water more effectively so as to maximise the quantity of Recycled Water that can be received into the Irrigator's Infrastructure during such wet periods.

4.2 Levels of Service

- (a) The Council must take reasonable steps to ensure the supply of Recycled Water in accordance with the Levels of Service:
- (b) The Council may vary or amend the Levels of Service in its discretion acting reasonably and with notice to the Irrigator.
- (c) The Irrigator acknowledges that:
 - (i) the Council provides no warranty that the Recycled Water in accordance with the Levels of Service is suitable for use for the Permitted Use (or for any other purpose) on the Land;
 - (ii) it has made its own investigations about the suitability of the supply of Recycled Water in accordance with the Levels of Service for the Permitted Use on the Land;
 - (iii) whilst the Council will take reasonable steps to provide the Recycled Water in the Irrigator's Annual Allocation and otherwise in accordance with the Levels of Service, the Council makes no warranty about the supply of Recycled Water in the Irrigator's Annual Allocation or otherwise in accordance with the Levels of Service;
 - (iv) it will have no claim against the Council in respect of any failure to provide the Recycled Water in the Irrigator's Annual Allocation or otherwise in accordance with the Levels of Service;
 - (v) the Council may vary or amend the Levels of Service in its sole discretion (acting reasonably) and that the Irrigator may make no claim against the Council in respect of any action taken by the Council pursuant to clause 4.2(b); and
 - (vi) it will have no claim against the Council in respect of any damage, injury or loss to any person, property or stock arising from the supply by the Council of the Recycled Water in accordance with the Levels of Service. Or use of the Recycled Water by the Irrigator (or any person to whom the Irrigator provides the Recycled Water).

4.3 Passing of property

Subject to the provisions of this Agreement, ownership of, and risk associated with, Recycled Water supplied pursuant to this Agreement passes to the Irrigator at the Supply Point.

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4.4 Meetings

The parties agree to meet on a regular basis to discuss the operation of the Scheme and the supply of Recycled Water to the Irrigator (**Meetings**). The Council will organise the Meetings, and may invite such other persons as it considers necessary (including but not limited to other persons to whom the Council supplies Recycled Water in accordance with the Scheme).

5. Fee

5.1 Fee structure

- (a) The Irrigator acknowledges and agrees that:
 - (i) the Fee comprises:
 - (A) the Fixed Yearly Charge; and
 - (B) the Consumption Charge;
 - (ii) the Fixed Yearly Charge has been set by the Council to be sufficient to cover:
 - (A) 40% of the Annualised Capital Cost to Council of the Scheme; and
 - (B) the Annual Renewals Annuity of the Scheme.
- (b) The parties acknowledge and agree that:
 - (i) the capital cost of the Scheme may vary, including but not limited to, the acquisition of new assets for the delivery of the Scheme, upgrades to existing scheme assets or changes to construction costs; and
 - (ii) in the event that capital costs of the scheme vary after construction or an asset revaluation process, then the Fixed Yearly Charge may be varied at the Council's discretion (acting reasonably) as required to ensure that the Fixed Charge remains 40% of the Annualised Capital Cost to Council of the Scheme, provided that:
 - (A) the Council gives written notice to the Irrigator of the variation to the Fixed Yearly Charge;
 - (B) any increase to the Fixed Yearly Charge due to a change in Annualised Capital Costs, does not exceed an increase of 15% of the Fixed Yearly Charge payable during the immediately preceding year accounting for any change to the Irrigators allocated proportion;
 - (iii) If the Irrigators allocated proportion changes, the Fixed Yearly Charge will adjust from 1 April following the change.
- (c) The Council agrees that prior to making any changes to the Fixed Yearly Charge it will meet with the Irrigator (and the Current Irrigators) and provide full disclosure

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of the basis on which it has varied the capital costs which results in a change to the Fixed Yearly Charge in order to enable the Irrigator (and the Current Irrigators) to accept that in making changes the Council is acting reasonably and in accordance with the normal methodology used for schemes of this nature.

5.2 Payment of Fee

- (a) The Irrigator must pay the Fee to the Council within 30 days of the Council giving the Irrigator an invoice for the Fee.
- (b) The Council may invoice the Irrigator in arrears for Recycled Water supplied to the Supply Point in any manner the Council wishes, provided that the invoice issued by the Council specifies:
 - (i) the period to which the invoice applies;
 - (ii) the quantity of Recycled Water supplied to the Supply Point during the period; and
 - (iii) the Fee payable by the Irrigator.
- (c) The Irrigator must pay the Fee to the Council in the way prescribed by the invoice promptly and without delay.

6. Meter

6.1 Reading

The Council is responsible for reading the meter on a quarterly basis.

6.2 Maintenance of the meter

The parties acknowledge and agree that the meter forms part of Council's Infrastructure and is to be maintained by the Council.

6.3 Testing

- (a) Not more than once per calendar year, the Irrigator may request in writing to the Council that the Council test the meter for accuracy.
- (b) The Council must test the meter for accuracy within 20 Business Days of the date upon which the Council receives a request from the Irrigator in accordance with clause 6.3(a).
- (c) The Council must give the results of the test to the Irrigator within a reasonable time.
- (d) If the test indicates that the meter is measuring a volume accurately, then the Irrigator must pay the Council's reasonable expenses of conducting the test to the Council within 10 Business Days of the date upon which the Council gives the Irrigator the results of the test.

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- (e) If the test indicates that the meter is not measuring volume accurately or if at any time the meter fails to record the Irrigator's use of Recycled Water then the Council, acting reasonably, must estimate the Irrigator's usage of Recycled Water from the Supply Point. The Irrigator must provide any information regarding the Irrigator's use of Recycled Water to the Council which is reasonably required by the Council to make an estimate of the Irrigator's usage.

7. Recycled water quality

7.1 Water quality specification

The Council must take reasonable steps to supply the Recycled Water in accordance with the Water Quality Specification.

7.2 Supply management plan

The Council must take reasonable steps to comply with the Recycled water supply management plan.

7.3 Monitoring

The Council may monitor water quality in any manner, location and at any time it considers reasonably necessary to ensure that the Recycled Water is consistent with the requirements of the Recycled Water Scheme or the Water Quality Specification.

7.4 Acknowledgement

The Irrigator acknowledges and agrees that:

- (a) it has made its own investigations into whether or not Recycled Water supplied pursuant to the Recycled Water Scheme that meets the Water Quality Specification is suitable for use for the Permitted Use on the Land.
- (b) the Recycled Water is not Potable and is not fit for general human contact, including contact by swimming, immersion or washing.
- (c) the Council may not vary, amend or revoke, without the consent of the Irrigator in a manner which is inconsistent with this Agreement unless during the term of this Agreement there is legislative change which prescribes the making of such variation, amendment or revocation of this Agreement:
 - (i) the Recycled Water Scheme (including the class of water supplied pursuant to the Recycled Water Scheme)
 - (ii) the Recycled water supply management plan; or
 - (iii) the Water Quality Specification to:
 - (A) address any amendments to the EP Act or any other relevant legislation which specifically prescribes the requirement for any variation or amendment to this Agreement; or
 - (B) address any changes to the Council's EA in circumstances where such changes have not been at the instance of the Council.

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- (C) address any public health concern that can be reasonably addressed by the variation or amendment of the Water Quality Specification.
 - (D) However, where the amendment to the Water Quality Specification results in a Water Quality Specification which is better than the Water Quality Specification set out in Annexure B then the Council may vary or amend the Water Quality Specification but must provide notice of the amendment to the Irrigator as soon as reasonably practicable.
- (d) The Council acknowledges that the Irrigator has agreed to enter into this Agreement on the basis of the Water Quality Specification being of a standard that is at least equal to that set out in Annexure B and that it is an essential element of the agreement between the Irrigator and the Council. On that basis, it is an essential element of the agreement and the Council agrees that it must take all reasonable steps to provide the Recycled Water in accordance with the Scheme and the Water Quality Specification.
- (e) it will have no claim against the Council in respect of any failure to provide the Recycled Water in accordance with the Scheme and the Water Quality Specification except to the extent that such actions, claims, suits, losses, damages or expenses arise from the wilful unlawful act or omission or negligence of the Council or the Council's employees, contractors, agents or invitees.
- (f) it will have no claim against the Council in respect of any damage, injury or loss to any person, property or stock arising from the supply by the Council of the Recycled Water or use of the Recycled Water by the Irrigator (or any person to whom the Irrigator provides the Recycled Water).
- (g) Where the Council becomes aware that the Recycled Water to be supplied in accordance with the Scheme does not meet the Water Quality Specification, it must take all reasonable steps to stop supply or alternatively ensure that the Irrigator is notified as soon as practicable so as to prevent contamination of the Irrigator's Property.

8. Use of Recycled Water

8.1 Use

- (a) The Irrigator must only use Recycled Water supplied to the Supply Point:
- (i) on the Land; and
 - (ii) for the Permitted Use,
- unless the Council approves otherwise in writing. The Council may withhold its approval or impose conditions on its approval but must act reasonably.
- (b) The Irrigator must take the quantity of Recycled Water supplied to the Supply Point in accordance with the terms of this Agreement.

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- (c) The Irrigator must notify the Council immediately if any Recycled Water leaves the boundaries of the Land, or enters a waterway, drainage channel, roadside gutter or stormwater drainage.

8.2 Farm Management Plan

- (a) The Irrigator must:
 - (i) develop a Farm Management Plan in respect of the Land;
 - (ii) provide a copy of the Farm Management Plan to the Council (where it has not already done so) prior to the Commencement Date for the Council's approval (not to be unreasonably withheld);
 - (iii) comply with the Farm Management Plan (as approved by the Council) at all times; and
 - (iv) review the Farm Management Plan (at the Irrigator's sole cost and with the assistance of an appropriately qualified consultant, if required, to be paid for by the Irrigator at its sole cost):
 - (A) at least every two years;
 - (B) if the Irrigator proposes to use Recycled Water pursuant to this Agreement on land which does not already form part of the Land; and
 - (C) if the Irrigator intends to change the operations carried out on the Land (to the extent that Recycled Water is used for the purpose of those operations),and provide a copy of the reviewed Farm Management Plan to the Council for the Council's approval (not to be unreasonably withheld);
 - (v) provide a copy of the Farm Management Plan to the Council on an annual basis for the purpose of an inspection by the Council of the Land to confirm the Irrigator's compliance with the Farm Management Plan;
 - (vi) the Irrigator consents to the Council entering the Land annually for the purposes of clause 8.2(a)(v), provided that the Council gives notice in writing to the Irrigator of the proposed date and time of the inspection not less than three Business Days prior to the inspection.
- (b) The Farm Management Plan must set out:
 - (i) a wet weather storage plan specifying the operational methods and practices the Irrigator will adopt to effectively manage the Irrigator's Infrastructure during periods of wet weather;
 - (ii) the environmental protection methods to be adopted by the Irrigator to protect the local catchment; and

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- (iii) a maintenance programme for tail drains to ensure that there is no direct discharge of Recycled Water into the local catchment.

8.3 Resale

The Irrigator must not sell, donate, assign or provide the Recycled water to any other person without the consent in writing of the Council. However, the Irrigator may sell, donate, assign or provide the Recycled Water to one of the Current Irrigators utilising existing Council Infrastructure provided that reasonable notice is given to the Council by the Irrigator and that Council infrastructure has the capacity to allow this. Irrespective of whether or not the Irrigator does sell, donate, assign or provide the Recycled Water to one of the Current Irrigators, the Irrigator remains liable for all payments for all Recycled Water which would have been supplied to the Irrigator pursuant to this Agreement unless the Council otherwise agrees.

8.4 Access

- (a) The Council or its agents may enter the Land with necessary materials to:
 - (i) take soil or water samples and undertake environmental monitoring at the Land in accordance with the Farm Management Plan or the Recycled water supply management plan;
 - (ii) read, inspect and test the meter; and
 - (iii) inspect and test the Irrigator's Infrastructure.
- (b) The Council will take reasonable steps to arrange times to access the Land under this clause which are convenient to the Irrigator within 5 days unless in the event of a non-compliance or emergency.

9. Reduction, interruption or discontinuance of supply

9.1 Reduction, interruption or discontinuance

- (a) The Council may, only reduce, interrupt or discontinue the supply of Recycled Water, including but not limited to circumstances where:
 - (i) the Recycled Water fails to meet any water quality requirements or guidelines prescribed by any relevant Authority;
 - (ii) any component of the Treatment Plant or the Council's Infrastructure is damaged or breaks down;
 - (iii) the Council is required to carry out maintenance or repairs to any component of the Treatment Plant or the Council's Infrastructure;
 - (iv) the Council, the Irrigator or the Owner receive a direction under the EP Act that the Recycled Water not be supplied to the Land;
 - (v) the Council, the Irrigator or the Owner cease to hold any approval, authorisation, consent, licence, permit or permission necessary for the

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lawful operation of the Treatment Plant, Council's Infrastructure, Irrigator's Infrastructure or the use of the Recycled Water by the Irrigator;

- (vi) the Irrigator's use of the Recycled Water is inconsistent with the requirements of any Authority (including but not limited to the Farm Management Plan or the Recycled water management plan); or
 - (vii) there is insufficient sewage inflow; or
 - (viii) Force Majeure.
- (b) Where the supply of Recycled Water has been suspended pursuant to this clause for a period of more than six (6) months, then the Irrigator's obligation to make payment of the Fixed Yearly Charge shall be suspended proportionally for a similar period of time.
- (c) The Irrigator acknowledges and agrees that it will have no claim against the Council for any reduction, interruption or discontinuance to the supply of Recycled Water, except to the extent that such reduction, interruption or discontinuance arises from a wilful or negligent act or omission of the Council.

9.2 Notice

Other than in an emergency, the Council will give the Irrigator 24 hours notice of any intended reduction, interruption or cessation of the supply of Recycled Water, where it is reasonably practicable for it to do so.

9.3 Timing

Where it is reasonably practicable for it to do so, the Council will take reasonable steps to ensure that any reduction, interruption or cessation of the supply of Recycled Water for the purposes of carrying out maintenance or repairs to the Treatment Plant or the Council's Infrastructure, takes place at a time that causes minimal disturbance to the Irrigator and other irrigators who receive Recycled Water from the Council.

10. Owner's consent

10.1 Warranty

The Owner warrants that it has satisfied itself that the Recycled Water which is in accordance with the Water Quality Specification is suitable for the Permitted Use on the Land.

10.2 Consent Owner

The Owner consents to the supply to, and use of, the Recycled Water which is in accordance with the Water Quality Specification on the Land and the placement of Council equipment on the Land in accordance with this Agreement.

10.3 Future Land

Where, during the term of this Agreement, additional Land is acquired for use by the Irrigator and such Land is owned by an entity or person who is not a party to this Agreement and has not otherwise previously provided consent, then before the Irrigator shall use the Recycled

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Water on such Land, the Irrigator will provide the consent of the owner of such Land in terms similar to the provisions of clause 10.1 and 10.2 in favour of the Council. In addition, the Irrigator must ensure that any such additional Land is incorporated into its Farm Management Plan.

11. Compliance with laws

The Irrigator and the Council must comply with:

- (a) any law applicable to any matter or thing the subject of or pertaining to this Agreement including section 319 (general environmental duty) and section 320 (duty to notify environmental harm) of the *Environmental Protection Act 1994*; and
- (b) the Guidelines.

Save and except where to do so would be in breach of the terms of this Agreement and such law or Guideline permits such a provision which is inconsistent to remain.

12. Insurance

12.1 Irrigator's insurances

The Irrigator must:

- (a) obtain and maintain during the term of this Agreement public liability insurance for the Public Liability Insurance Amount for each accident, claim or event arising from the use of the Recycled Water;
- (b) give the Council evidence of currency and details of its insurance:
 - (i) before drawing Recycled Water for the first time under this Agreement; and
 - (ii) upon reasonable request by the Council, provided that such request is made not more than once per calendar year.

12.2 Council's insurances

The Council must obtain and maintain during the term of this Agreement public liability insurance for the Public Liability Insurance Amount for each accident, claim or event arising from the supply of the Recycled water.

13. Assignment

13.1 Assignment by Irrigator prohibited

The parties acknowledge and agree that the Irrigator may not deal with its rights under this Agreement (whether by assignment or otherwise) other than by transferring its rights under this Agreement to any transferee of the Land, provided that the Irrigator complies with 13.2.

13.2 Application for consent

Before any transfer of the Land, the Irrigator must:

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- (a) give written notice to the Council of its intention to transfer the Land and seek the Council's consent to the assignment of this Agreement. The Irrigator must give the Council whatever information the Council reasonably requires concerning the identity, experience and financial standing of the proposed transferee for the Council to consider the provision of credit terms to such proposed transferee under this Agreement on the same basis as any other party would require to provide to obtain credit terms from the Council in the same manner envisaged under this Agreement; and
- (b) procure from the proposed transferee of the Land a signed deed of covenant (in a form supplied by the Council under) which the proposed transferee agrees to comply with the Irrigator's obligations under this Agreement arising on and from the date of the transfer of the Land to the proposed transferee.

13.3 Withholding consent

The Council must consent to an assignment of this Agreement to a proposed transferee who will own or occupy the Land from the date of assignment unless:

- (a) the proposed transferee proposes to change the use of the Land to a use which is not able to make use of the Recycled Water; or
- (b) the Irrigator is in default of this Agreement; or
- (c) the proposed transferee has inadequate experience or financial standing.

13.4 Conditions on consent

The Council may impose conditions on its consent including requirements that:

- (a) the Farm Management Plan be amended;
- (b) the proposed transferee provides reasonable security for the performance of the proposed transferee's obligations under this Agreement which is satisfactory to the Council in its discretion; and
- (c) the Irrigator pay the Council's reasonable costs in relation to giving its consent.

13.5 Assignment by Council

The Council may assign all or any of its rights and obligations under this Agreement only if the Council obtains from the assignee a deed in favour of the Irrigator to be bound by the rights and obligations assigned as if the assignee were an original party in place of the Council.

14. Indemnity

The Irrigator indemnifies the Council from and against all actions, claims, suits, losses, damages and expenses arising from or relating to:

- (a) the Supply of Recycled Water by the Council to the Irrigator and the storage and use of Recycled Water by the Irrigator;
- (b) failure by the Irrigator to observe, fulfil and comply with the requirements of this Agreement; and

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- (c) a negligent act or default on the part of the Irrigator,

except to the extent that such actions, claims, suits, losses, damages or expenses arise from the wilful unlawful act or omission or negligence of the Council or the Council's employees, contractors, agents or invitees.

15. Force Majeure

- (a) Where either the Council or the Irrigator is unable, by reason of Force Majeure, to carry out wholly or in part their obligations under this Agreement (other than an obligation to make any payment), they must immediately give to the other party notice setting out the details of such Force Majeure. The obligations of that party, so far as they are affected by the Force Majeure, will be suspended during, but not longer than the continuance of, the Force Majeure.
- (b) The party giving the notice must take all steps and use all reasonable diligence to remove the Force Majeure as quickly as practicable but this does not require the party to settle any strike, or other labour difficulty on terms not reasonably acceptable to them.

16. Termination

16.1 Irrigator's breach

- (a) If the Irrigator:
- (i) breaches any clause of this Agreement and fails to remedy the breach within a reasonable time (which shall not be less than 20 Business Days) after being given notice of the breach by the Council;
 - (ii) refuses or fails to take the Recycled Water supplied to the Supply Point, without reasonable cause;
 - (iii) uses the Recycled Water for purposes other than the Permitted Use without the Council's prior written consent;
 - (iv) diverts the Recycled Water to land other than the Land, or as otherwise permitted hereunder this Agreement, without the Council's prior written consent;
 - (v) uses the Recycled Water in a way which is inconsistent with the requirements of any Authority (including but not limited to the Farm Management Plan or the Recycled water management plan);
 - (vi) enters into an arrangement or compromise with its creditors;
 - (vii) has a receiver appointed for all or any part of its assets;
 - (viii) has an application made or order filed for the Irrigator's administration, voluntary or compulsory liquidation, winding up, dissolution or bankruptcy; or

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- (ix) fails to meet or comply with any court order or any law in a material respect,

the Irrigator will be in breach of this Agreement.

- (b) Where the Irrigator is in breach of this Agreement the Council may:
 - (i) exercise any right it has at law;
 - (ii) take action to remedy the default and recover the cost from the Irrigator as a civil debt; and
 - (iii) terminate this Agreement by notice in writing to the Irrigator, with immediate effect.

16.2 Council's breach

If the Council breaches any clause of this Agreement and fails to remedy the breach within a reasonable time (which shall not be less than 20 business days) after written notice from the Irrigator, the Council will be in breach of this Agreement and the Irrigator may exercise any right it has at law.

16.3 Termination for extreme hardship

- (a) In this clause 16.3, "extreme hardship" means:
 - (i) the death or total and permanent incapacity (due to illness or injury) of the Irrigator (or where the Irrigator is not a natural person, any director of the Irrigator); or
 - (ii) any change to the requirements of any Authority that would require the Irrigator to spend an amount on the Irrigator's Infrastructure that would render the Irrigator's continued use of the Recycled Water for the Permitted Use not commercially viable.
- (b) The Irrigator may, in the event of extreme hardship, terminate this Agreement upon the giving of three months written notice to the Council.
- (c) If this Agreement is terminated in accordance with clause 16.3(b):
 - (i) the Irrigator must pay the Consumption Charge up to the termination date; and
 - (ii) the Council may retain the full amount of the Fixed Yearly Charge at its sole discretion.

17. Disputes

17.1 Negotiation

If a dispute arises between the parties arising out of or in connection with this Agreement then within 10 Business Days (or such other period as the parties may agree) after a party provides

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written notices describing the nature of the dispute to the other party, the parties must meet and attempt to resolve the dispute.

17.2 Mediation

- (a) Any dispute arising out of or in connection with this Agreement, which cannot be settled by negotiation may be referred to a mediator agreed upon by the parties.
- (b) If the parties cannot agree upon the mediator within 10 Business Days (or such other period as the parties may agree) after the date of written notice from one party to the other requiring the appointment of a mediator, then the dispute must be referred to a single mediator appointed by the President of the Institute of Arbitrators and Mediators Australia.
- (c) The mediation will be in accordance with Mediation and Conciliation Rules of the Institute of Arbitrators and Mediators Australia.

18. Trustee warranties

18.1 Trustee

Each of the parties represents and warrants to the others that if it is a trustee:

- (a) it has the power and lawful authority to enter into and perform this document as trustee of the relevant trust and this document constitutes a valid, legal and binding agreement on the trustee and the trust enforceable in accordance with its terms;
- (b) it enters into this document as part of the proper administration of the trust and for the benefit of the beneficiaries of the trust;
- (c) it is the sole trustee of the trust referred to in this document; and
- (d) entering into this document does not constitute a conflict of interest or duty on the part of the trustee nor a breach of trust.

19. GST

19.1 Definitions

In this document, in addition to other defined terms:

- (a) Amount of the Consideration means
 - (i) the amount of any payment in connection with a supply, and
 - (ii) in relation to non-monetary consideration in connection with a supply, the GST exclusive market value of that consideration as reasonably determined by the supplier;
- (b) **GST** means any goods and services tax payable under the GST Law.

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- (c) **GST Law** means the *A New Tax System (Goods and Services Tax) Act 1999* and any associated Commonwealth legislation, regulations and publicly available rulings; and
- (d) words or expressions used in this document which are defined in the GST Law have the same meaning in this document.

19.2 Consideration does not Include GST

The consideration specified in this document does not include any amount for GST.

19.3 Recovery of GST

If a supply under this document is subject to GST, the recipient must pay to the supplier an additional amount equal to the Amount of the Consideration multiplied by the applicable GST rate.

19.4 Time of Payment

The additional amount is payable at the same time as the consideration for the supply is payable or is to be provided. However, the additional amount need not be paid until the supplier gives the recipient a tax invoice.

19.5 Adjustment of Additional Amount

If the additional amount differs from the amount of GST payable by the supplier, the parties must adjust the additional amount.

19.6 Reimbursement

If a party is entitled to be reimbursed or indemnified under this document, the amount to be reimbursed or indemnified does not include any amount for GST for which the party is entitled to an input tax credit.

20. General

20.1 No right in land or allocation

This Agreement is a personal agreement between the Council and the Irrigator and does not create:

- (a) a water entitlement or any other right or interest under the *Water Act 2000*; or
- (b) any right or interest which attaches to the Land.

20.2 No Exclusivity

- (a) The Parties acknowledge that as at the Commencement Date, the Council supplies Recycled Water to a number of not-for-profit organisations which have generally been referred to as "Town Users" and the balance of Recycled Water is supplied to the Current Irrigators.
- (b) The right to supply Recycled Water over and above that supplied to the Town Users is exclusive to the Current Irrigators.

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- (c) Where the Council forms the opinion that there is additional capacity of Recycled Water able to be supplied, it must first offer that Recycled Water to the Current Irrigators. Where there is more than one Current Irrigator who wishes to take the additional Recycled Water, it must be offered in the same proportion as each Current Irrigators current Nominal Annual Allocation bears to the total Nominal Annual Allocation of the Current Irrigators who elect to take additional Recycled Water.
- (d) Such offer must be on the same terms as is set out in this Agreement. Further, such offer must be in writing and must allow the Irrigator a total of twenty (20) business days to either accept or reject the offer.
- (e) Where the Current Irrigators do not accept all of the available additional supply of Recycled Water from the Treatment Plant, then the Council shall be at liberty to enter into agreements with other parties for the supply of such of the additional supply of Recycled Water that has not been taken up by the Current Irrigators. However, any such agreements may not be on terms that were better than offered to the Irrigator (and the Current Irrigators).

20.3 Attorneys

Where this document is signed on behalf of a party by an attorney, the attorney by signing declares that the attorney has no notice of the revocation of the power of attorney under the authority of which the attorney signs this document on behalf of that party.

20.4 Blanks and Errors

The Council may complete any blanks, and correct any obvious errors, in this document or any counterpart of this document that remain after signing by the Irrigator, including dating all counterparts with a date not earlier than the date on which a signed counterpart from the Irrigator is delivered to the Council.

20.5 Consents

A party may give, delay or withhold any consent or approval requested from that party for the purposes of this document, or may give any such consent or approval subject to conditions to be met or observed by the requesting party if the consent or approval is acted or relied upon by the requesting party, as the party whose consent or approval is sought sees fit in its discretion acting reasonably, notwithstanding any provision to the contrary herein.

20.6 Costs and Stamp Duty

- (a) Each party must bear its own costs including legal costs in connection with the preparation and signing of this document.
- (b) The Irrigator must pay any stamp duty in respect of this document.

20.7 Counterparts

This document may be signed in any number of counterparts and each of those counterparts taken together constitute one and the same document. A party may rely on an electronically produced copy of this document or a counterpart, and the signatures and other marks in it, as

Recycled Water Agreement

though it is an original. This document is binding on each signatory despite any other signatory not having signed it.

20.8 Entire Agreement

This document contains the entire agreement between the parties about its subject matter and supersedes all prior discussions, representations, agreements and understandings between the parties in connection with the subject matter. However, the Council neither waives nor releases any accrued rights in respect of periods up to the date of the signing of this document.

20.9 Exercise of a Right

If a party has a right stated to be exercisable at its absolute discretion (or stated with words to that effect) then that party may exercise that right:

- (a) as it sees fit in its sole and absolute discretion acting solely in its own interests and for any reason or purpose,
- (b) without and irrespective of, any assessment, investigation, consultation, process, consideration or other step; and
- (c) without giving any reason.

Its decision to exercise that right:

- (a) is final and conclusive (although it does not fetter the party itself);
- (b) must not be regarded as a representation by the party, of anything else apart from the fact that the right has been exercised.

There is no basis on which its decision to exercise that right, or the manner in which it has arrived at that decision, can be questioned or challenged.

The exercise of the right is not a waiver or admission and the other rights of the party do not merge in the exercise of the right.

Rights to which this applies include but are not limited to any right that is in substance or form - a right of termination, a right of variation, a right to exercise an option, a right of expulsion, a right to make a determination, or a right (whether or not stated as a right) to give or withhold any consent or approval.

This does not limit any:

- (c) express requirement or restriction that is stated in this document in relation to the exercise of that right, such as a requirement regarding the manner in which notice of the exercise of the right must be given (but there is no such other requirement or restriction except as may be stated), or
- (d) statutory obligation or requirement in relation to or limiting the exercise of that right, to the extent that it is not permissible or possible to exclude or limit the statutory obligation or requirement.

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20.10 Further Steps

Each party agrees to do all things and sign all agreements, instruments, transfers and other documents necessary or desirable to give full effect to the provisions of this document and any transactions contemplated by it.

20.11 Governing Law

This document is governed by and is to be interpreted according to the laws in force in Queensland. The parties submit to the non-exclusive jurisdiction of the courts operating in Queensland.

20.12 Negative Promises

Where a party has promised in this document that it will not do a particular thing, then that party also promises that neither it nor any of its officers or employees will procure or assist in the doing of that thing by anyone else nor have any direct or indirect interest in any other business which involves doing that thing.

20.13 Notices

Any notice given under this document:

- (a) must be in writing, addressed to the intended recipient at the address shown in this document, or if the intended recipient has previously given the sender notice of a change of address for the purpose of notices then the notice must be addressed to the intended recipient at the address last duly notified by the intended recipient to the sender;
- (b) must be signed by a person duly authorised by the sender (or in the case of a body corporate, by any of its directors or solicitors); and
- (c) is taken to be received:
 - (i) in the case of a delivery in person, when delivered; and
 - (ii) in the case of a posted letter, on the third Business Day after posting (if posted to an address in the same country) or seventh Business Day (if posted to an address in another country).

20.14 Notices by email

- (a) Despite any other provision of this document, any notice under this document may also be given by email subject to the following provisions.
- (b) A notice by email to be effective must:
 - (i) be sent to the intended recipient at the email address shown in this document, or if the intended recipient has previously given the sender notice of a change of email address for the purpose of notices under this document, then to the address last duly notified by the intended recipient to the sender.

Recycled Water Agreement

- (c) Subject to clause 20.14(d), any notice otherwise duly given by email under this document is taken to be received and becomes effective four hours after sending (as reported by the sender's email server).
- (d) A notice by email:
 - (i) is not effective if the sender receives an automated notice to the effect that the email could not be or has not been delivered; and
 - (ii) if otherwise taken to be received outside Business Hours, is only effective from 9am on the next Business Day after the day of sending.

20.15 Operation of Indemnities

- (a) References to **indemnify** and **indemnifying any person against any circumstance**, include indemnifying from all actions and claims from time to time made against or concerning that person, and all liabilities, loss, damage and all payments, costs and expenses made or incurred by that person, as a consequence of or which would not have arisen but for that circumstance.
- (b) Each indemnity in this document is a continuing obligation, separate and independent from the other obligations of the parties under this document and continues after the expiry or termination of this document.
- (c) It is not necessary for a party to incur an expense or make a payment before enforcing a right of indemnity conferred by this document.
- (d) Nothing in this document restricts a party from claiming against another party for breach of warranty or breach of contract and under any indemnity, or concurrently for both breach of warranty or breach of contract and for indemnity.
- (e) A party may exercise and exhaust all remedies against another party for breach of warranty or breach of contract and for indemnity, without being required to elect between rights and remedies.

20.16 Other Rights

The rights, powers, remedies and privileges provided in this document are cumulative, and are not exclusive of any other rights, powers, remedies and privileges provided by law, except as may be expressly stated otherwise in this document.

20.17 Payments

Except where expressly provided otherwise, all payments under this document must be made by delivering an unendorsed bank cheque, or by direct transfer of immediately available funds and without set off, counterclaim or withholding.

20.18 Prior Investigations

No provision of this document is in any way modified, discharged or prejudiced by reason of any investigation made, or information acquired, by or on behalf of the Council, whether prior to or after the date of this document.

Recycled Water Agreement

20.19 Waiver

No failure, delay, relaxation or indulgence on the part of a party in exercising any right, power, privilege or remedy in connection with this document, operates as a waiver of that right, power, privilege or remedy nor does any single or partial exercise of any right, power, privilege or remedy preclude any other or further exercise of that or any other right, power, privilege or remedy. A waiver is not valid or binding on the party granting that waiver unless in writing and duly signed on behalf of that party.

20.20 Warranty of authority

Each person signing this document on behalf of a party, warrants to the other parties that on the date of signing, that person has full authority to sign this document on behalf of that party.

Recycled Water Agreement

Signing page

Signed by each party as a deed

Signed on behalf of
**Southern Downs
Regional Council**

_____	_____
sign (authorised person)	sign (witness)
the signatory represents that they are duly authorised	the witness states that he or she is not a party and was present when the authorised person signed
_____	_____
title (authorised person)	full name (witness)
_____	_____
full name (authorised person)	address (witness)

Irrigator

Signed by

In the presence of

_____	_____
sign	sign (witness)
_____	_____
full name	full name (witness)

Recycled Water Agreement

Schedule

Item		
1.	Land	<p>The land(s) specified in the Farm Management Plan.</p> <p>Any other land in which the Irrigator, an entity controlled by the Irrigator or the Irrigator's spouse acquires an interest during the Term of this Agreement which included in the Farm Management Plan approved by the Council.</p>
2.	Supply Point	<p>The area on the boundary of the Land shown on Annexure A, having co-ordinates [to be included].</p>
3.	Irrigator's Infrastructure	<p>Any infrastructure constructed or installed by the Irrigator on the Land for the purpose of:</p> <div><div>(a) conveying Recycled Water from the Supply Point for use on the Land shown in in Annexure A; and</div><div>(b) storing Recycled Water supplied to the Supply Point,</div></div> <p>which must include (but is not limited to);</p> <div><div>(c) a dedicated storage pond having a capacity of not less than [] ML (Storage Pond), which the Irrigator must ensure is isolated from local catchment inflows;</div><div>(d) additional storage pond(s) having a capacity of not less than the Storage Pond for the purposes of storing any additional Recycled Water supplied to the Irrigator on the terms of the Agreement (Additional Storage Pond), which the Irrigator must ensure is isolated from local catchment inflows; and</div><div>(e) a pipeline to convey the Recycled Water from the Supply Point to the Storage Pond and Additional Storage Pond.</div></div>
4.	Treatment Plant	<p>Stanthorpe Waste Water Treatment Plant, located at the New England Highway (adjacent to Quart Pot Creek) and more particularly described as Lot 1 on SP16085.</p>
5.	Commencement Date	<p>[] April 2024</p>
6.	Expiry Date	<p>[] March 2029</p>
7.	Permitted Use	<p>Irrigation</p>
8.	Irrigator's Allocation	<div><div>(A) Proportion (%)</div><div>(B) Nominal Annual Allocation (ML)</div></div> <div><div>39.73 – Eastern Colours</div><div>119.6 – Eastern Colours</div><div>3.65 - DAF</div><div>11.0 - DAF</div><div>17.81 - Sunrise</div><div>53.6 - Sunrise</div></div>

Recycled Water Agreement

		15.15 - Pinata	45.6 - Pinata
		14.82 - Taylor	44.6 - Taylor
		8.84 - Wallaroo	26.6 - Wallaroo
9.	Levels of Service	Supply flow rate 6.0L/s	Supply pressure 100kPa
10.	Fee (excluding GST)	<p>Fixed Yearly Charge (\$)</p> <p>\$80,920.25 x Proportion (as at the Commencement Date), to be reviewed and adjusted if required on 1 April each year during the Term rounded to the nearest \$.</p> <p>The Fixed Yearly Charge is calculated as follows:</p> <p>$40\% \times (\text{Annualised Capital Cost} + \text{Annual Renewals Annuity}) \times \text{Allocation Proportion}$</p> <p>$40\% \times (143,697.65 + 58,602.98) \times \text{Proportion}$</p> <p>$\\$80,920.25 \times \text{Proportion}$</p> <p>Where:</p> <p>$\text{Discount rate} = 3.64\% + 3\% = 6.64\%$</p> <p>$\text{Weighted average cost of capital} = 6.64\% \times (50-1) = 3.2536$</p> <p>$\text{Annualised capital cost} = \\$4,416,574 \times 50\% \times 3.2536 / 50 = \\$143,697.65$</p> <p>$\text{Annual Renewal Annuity} = \\$117,205.95 \times 50\% = \\$58,602.98$</p>	<p>Consumption Charge (\$/ML)</p> <p>\$215.90/ML (as at the Commencement Date), to be adjusted by the March Quarter Brisbane CPI index number on 1 April each year during the Term rounded to the nearest \$.</p>
11.	Book Value	\$4,416,574 (as per Councils asset register as at 30 June 2023)	
12.	Bank Bill Yield Rate	3.64% (as per Reserve Bank website as at 31 March 2023)	
13.	Annual Depreciation	117,205.95 (as per Councils asset register as at 30 June 2023)	
14.	Average Useful Life	50 years (as per Councils asset register as at 30 June 2023)	
15.	Irrigation Rotation	7 days	

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16.

Public Liability Insurance Amount

\$20,000,000
17.

Authorised Representatives

Nathan John Baronio on behalf of Antonio Giovanni Baronio

Rick Hendriksen on behalf of Pieter Wilhelm Hendriksen and Laura Adele Hendriksen

Raymond John Taylor on behalf of William John Taylor

Gavin Scurr

John Michael Patane

The person or persons appointed by the Department of Agriculture and Fisheries from time to time.
18.

Current Irrigators
(for the purpose of offering Recycled Water)

Antonio Giovanni Baronio

Pieter Wilhelm Hendriksen and Laura Adele Hendriksen

Raymond John Taylor on behalf of William John Taylor

Scurr Investments Pty Ltd CAN 096 422 794

John Michael Patane

Department of Agriculture and Fisheries

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Annexure A Maps

Map A - Council's Infrastructure

Map B - Supply Point

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Annexure B Water Quality Specification

Class of recycled water ('Class')

Class A

Class B

Water quality characteristics table ('Table')

Parameter	Units	Range	Limit type
<i>Escherichia coli</i> (<i>E. coli</i>)	MPN/100ml	<10 (for Class A uses as approved in FMP) org/100mL. org = CFU or MPN	At least 95% of samples in the last 12 months
<i>Escherichia coli</i> (<i>E. coli</i>)	MPN/100ml	<100 (for Class B uses as approved in FMP) org/100mL. org = CFU or MPN	At least 95% of samples in the last 12 months
Total Dissolved Solids (TDS)	mg/L	<1200	80 th Percentile
Total Suspended Solids (TSS)	mg/L	<100	Maximum
BOD	mg/L	30	Maximum
Acidity	pH units	6.5 to 8.5	Range
Total Nitrogen	mg/L	<125	Maximum
Total Phosphorus	mg/L	<20	Maximum
Sodium Adsorption Ratio	-	<10	Maximum
Boron	mg/L	<2	Maximum
Chloride	mg/L	<250	Maximum

If there is any inconsistency between the criteria for the Class and the criteria in the Table, the criteria in the Table prevail to the extent of any inconsistency.


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Annexure C Farm Management Plan

13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

13.1 Request to Reduce Security Bond for Removal Dwelling - PID36615

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 15 May 2024
	Building Services Coordinator Manager Planning and Development	ECM Function No/s:

Recommendation

THAT Council reduce the security bond associated with the Erection of a Removal Dwelling at 33 Rose Street, Warwick, to \$26,000 and Condition 3 of the associated Referral Agency response be amended as follows:

- A bond for the amount of ~~\$30,000~~ **\$26,000** in the form of either a cash bond, bank cheque or irrevocable bank guarantee with no expiry date or time limit, is to be lodged with Council prior to the building being re-located. An inspection by a Council Building Officer will be required before any security bond monies are refunded. Any building inspection carried out by a Council Building Officer for the partial release of the bond, or for the final release of the bond where building work is not completed within 12 months of the building approval, will be subject to payment of a fee in accordance with Council's Schedule of General Fees and Charges. The current fee (valid until 30 June 2024) is \$225. Please note 50% of the bond will be retained until the final certificate is issued and all items noted in this letter are fully completed.

REPORT

Background

Council received on 4 April 2024, with subsequent information received on 3 May 2024, a request from the landowner of 33 Rose Street, Warwick to consider reducing or removing the security bond held for a removal dwelling when located in an urban or rural residential area.

Report

A building application, including referral, to Resite a removal house re stump and associated works was submitted to Council on 20 February 2024, and properly made on 7 March 2024. Council's referral agency response was issued on 21 March 2024. The referral relates to Council's role as a Referral Agency, as outlined in the following excerpt from the *Planning Regulation 2017*.

Table 7—Building work for removal or rebuilding	
Column 1	Column 2
1 Development application requiring referral	Development application for building work that is assessable development under section 1 , if the building work is, or relates to— (a) the removal of a building or other structure, whether or not for rebuilding at another site; or (b) the rebuilding of a building or other structure removed from another site
2 Referral agency	The local government
3 Limitations on referral agency's powers	—
4 Matters referral agency's assessment must be against	(a) Whether the local government should require security, of no more than the value of the building work, for the performance of the work (b) If security is required, the amount and form of security that is appropriate for the development
5 Matters referral agency's assessment must have regard to	—
6 Matters referral agency's assessment may be against	—
7 Matters referral agency's assessment may have regard to	—

In accordance with the *Planning Regulation 2017*, Council can hold a security bond that is appropriate for the development. The security bond can be in the form of a cash bond, bank cheque or irrevocable bank guarantee.

A proportion of the security bond may be refunded progressively at the discretion of Council's Building Certifier, depending on the amount of building/construction work completed, and shall be totally refunded following satisfactory completion of all conditions of approval. An inspection fee is applicable when partial monies are refunded or when a total refund is requested outside of the 12 month permit. Once the form associated with the return of the security bond is completed by the landowner, the security bond is returned within one to two weeks, pending the accounting cycle.

In accordance with Council's Schedule of General Fees and Charges 2023/2024, the security bond associated with a Removal dwelling being resited in an urban or rural residential area is \$30,000.

A set security bond was implemented by Council to provide certainty to customers, enabling an informed decision and Council's fees and charges to be transparent. Previously the security bond associated with each individual application was calculated based on the works required to be undertaken, following submission of the application to Council. In the majority of circumstances, the calculated bond far exceeded the set security bond which now exists.

A bond calculation has been undertaken for this removal dwelling, which is outlined as follows:

SUGGESTED BOND BREAKDOWN FOR REMOVAL HOME A & A	
33 Rose St, Warwick	G R Henderson
Septic system	0
New roof covering	5,000
Exterior painting	3,000
Making good to demolished fireplace/rebuilding of chimney	0
Battening	2,000
Fascia, guttering/downpipes	0
Tie Downs	2,000
Additional racking bracing	0
Roof insulation	1,500
New steps/landing/balustrade	2,500
Stumps	6,000
Additional bearer	0

Repairs as required	2,000
Contingency for repairs to road	2,000
Total	\$26,000

A copy of the bond reduction request, building report prepared by an RPEQ, plans, and associated information has been provided to Councillors only.

It is likely that the cost of the works will exceed \$26,000, however this security bond amount is considered reasonable, taking into consideration the details of the removal house provided.

The security bond is taken by Council for the works required will be undertaken. Section 92 of the *Building Act 1975* outlines that Council may take the action it considers necessary to complete the building work, using all or part of the security given for carrying out the work, if conditions have not been completed.

Therefore it is considered appropriate that the security bond associated with this removal house be set at \$26,000.

Condition 3 of Council's referral agency response states as follows:

3. A bond for the amount of \$30,000 in the form of either a cash bond, bank cheque or irrevocable bank guarantee with no expiry date or time limit, is to be lodged with Council prior to the building being re-located. An inspection by a Council Building Officer will be required before any security bond monies are refunded. Any building inspection carried out by a Council Building Officer for the partial release of the bond, or for the final release of the bond where building work is not completed within 12 months of the building approval, will be subject to payment of a fee in accordance with Council's Schedule of General Fees and Charges. The current fee (valid until 30 June 2024) is \$225. Please note 50% of the bond will be retained until the final certificate is issued and all items noted in this letter are fully completed.

Therefore, Council's referral agency response should be amended, such that Condition 3 is amended as follows:

3. A bond for the amount of ~~\$30,000~~ \$26,000 in the form of either a cash bond, bank cheque or irrevocable bank guarantee with no expiry date or time limit, is to be lodged with Council prior to the building being re-located. An inspection by a Council Building Officer will be required before any security bond monies are refunded. Any building inspection carried out by a Council Building Officer for the partial release of the bond, or for the final release of the bond where building work is not completed within 12 months of the building approval, will be subject to payment of a fee in accordance with Council's Schedule of General Fees and Charges. The current fee (valid until 30 June 2024) is \$225. Please note 50% of the bond will be retained until the final certificate is issued and all items noted in this letter are fully completed.

A plumbing and drainage application was lodged with Council on 20 February 2024 and approved by Council on 22 February 2024.

Conclusion/Summary

The security bond associated with the Erection of a Removal Dwelling at 33 Rose Street, Warwick, be reduced to \$26,000, in alignment with the suggested bond breakdown.

Subsequently, Condition 3 of the associated Referral Agency response should be amended also.

FINANCIAL IMPLICATIONS

If the request is approved there will be reduction in the security bond being held for the completion of the works associated with the removal house.

RISK AND OPPORTUNITY

Risk

The risk associated with approving such a security bond reduction request is that other applicants could make similar requests to Council.

Opportunity

To ensure the security bond aligns with the cost to complete the works.

COMMUNITY ENGAGEMENT

Internal Consultation

Nil

External Consultation

Nil

LEGAL / POLICY

Legislation / Local Law

Planning Act 2016

Planning Regulation 2017

Corporate Plan

Goal 3 Our Prosperity

Outcome: 3.3 The Southern Downs is a destination of choice for business and visitors.

Objective: 3.3.1 Establish a reputation for working collaboratively with developers to deliver mutually beneficial outcomes.

Policy / Strategy

Council's Schedule of General Fees and Charges 2023-2024.

ATTACHMENTS

1. Request for Reduction or Removal of Removal House Security Bond (Confidential - Provided to Councillors only)

14. REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES

Nil

15. NOTICES OF MOTION

Nil

16. GENERAL BUSINESS

17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

Nil