

Ordinary Meeting Agenda

To be held at McKinlay Shire Council, Boardroom
29 Burke Street, Julia Creek, Queensland 4823

Tuesday 16 August 2022, 9:00am

Notice is hereby given that an Ordinary Meeting will be held at the Council Chambers,
Civic Centre, Julia Creek on 16 August 2022 at 9:00am.

ORDER OF BUSINESS

1. Opening	2
2. Attendance	2
2.1 Appointment	2
3. Declaration of Conflict of Interest	2
4.1 Confirmation of minutes of Ordinary Meeting on 19 July 2022	3
<u>5. ENGINEERING REPORT</u>	
5.1 Engineering Services Monthly Report	27
<u>6. ENVIRONMENTAL & REGULATORY SERVICES REPORT</u>	
6.1 Environmental and Regulatory Services Monthly Report	34
6.2 Development Application 2022-23	44
6.2.1 Planning Report	47
6.2.2 Draft Decision Notice	60
6.2.3 Plans	65
<u>7. COMMUNITY SERVICES REPORT</u>	
7.1 Community Services Monthly Report	75
7.2 Arts & Cultural Policy Report	81
7.2.1 Arts & Cultural Policy v3.0	82
7.2 Bush Dinner Policy	84
7.3.1 Bush Dinner Policy v2.0	85
7.4 Julia Creek Combined Sporting Association – Community Sponsorship Request	87
<u>8. CORPORATE SERVICES REPORT</u>	
8.1 Corporate Services	89
8.2 Anti-Discrimination, Bullying, Sexual Harassment & Equal employment Opportunity Policy Review	93
8.2.1 Anti-Discrimination, Bullying, Sexual Harassment & Equal employment Opportunity Policy	94
8.3 Closed Circuit Television (CCTV) Policy Review	100
8.3.1 Closed Circuit Television (CCTV) Policy	101
8.4 Information Privacy Policy Review	105
8.4.1 Information Privacy Policy	106
8.5 Employee Code of Conduct Review	113
8.5.1 Employee Code of Conduct	114
8.6 Human Rights Report	135
8.6.1 Human Rights Policy	136
8.7 Investigation Policy – Councillors Conduct	144
8.7.1 Investigation Policy – Councillors Conduct	145
<u>9. CHIEF EXECUTIVE OFFICERS REPORT</u>	
9.1 Chief Executive Officer's Report	151
<u>10. WORKPLACE HEALTH AND SAFETY</u>	
10.1 WHS Report	156
<u>11. CLOSE</u>	158

1. OPENING BUSINESS

All Councillors having signed the Attendance Book, the Mayor declared the meeting open.

2. ATTENDANCE

Mayor: Cr. P Curr

Members: Cr. J Fegan (Teleconference), Cr. S Royes, Cr. T Pratt, Cr. J Lynch

Staff:

Chief Executive Officer, Mr. Trevor Williams

Director of Corporate and Community Services, Ms. Tenneil Cody

Director of Engineering, Environment and Regulatory Services, Mr. Cameron Scott

Team Leader, Environmental and Regulatory Services, Ms. Megan Pellow

Executive Assistant, Melissa Mussig

Other people in attendance:

Apologies:

2.1 APPOINTMENT

Debbie Godier at 10:30am. 35 years Service Award presentation.

3. DECLARATION OF CONFLICT OF INTEREST

4. CONFIRMATION OF MINUTES

4.1 That the Minutes of the Ordinary Meeting 19 July 2022 be confirmed.



MCKINLAY SHIRE COUNCIL

UNCONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARDROOM, CIVIC CENTRE
JULIA CREEK

19 July 2022

ORDER OF BUSINESS

1. Opening
2. Attendance
3. Declaration of Conflict of Interest
- 4.0 Confirmation of minutes
- 4.1 Confirmation of minutes of Ordinary Meeting on 21 June 2022
- 4.2 Business Arising out of minutes of previous Meeting

5. ENGINEERING REPORT

- 5.1 Engineering Works Monthly Report

6. ENVIRONMENTAL & REGULATORY SERVICES REPORT

- 6.1 Environmental and Regulatory Services Monthly Report

7. COMMUNITY SERVICES REPORT

- 7.1 Community Services Monthly Report
- 7.2 Regional Arts Development Fund – Quick Response Application McKinlay Crafty Old School House
- 7.3 Community Donation Request – Scripture Union Queensland
- 7.4 2023 Julia Creek Dirt & Dust Festival Support

8. CORPORATE SERVICES REPORT

- 8.1 Corporate Services and Acting CEO Monthly Report
- 8.2 Debt Policy Review 2022/2023
- 8.3 Investment Policy Report
- 8.4 Procurement Policy Report
- 8.5 Fees and Charges Report
- 8.6 Revenue Statement Report
- 8.7 Budget and Rating Report
- 8.8 Operational Plan Report

9. CHIEF EXECUTIVE OFFICERS REPORT

10. WORKPLACE HEALTH AND SAFETY

- 10.1 Workplace Health and Safety

1. OPENING BUSINESS

All Councillors having signed the Attendance Book, Mayor Philip Curr declared the meeting open at 09:02am.

2. ATTENDANCE

Mayor: Cr. P Curr

Members: Cr. J Fegan, Cr. S Royes, Cr. T Pratt, Cr. J Lynch (Teleconference)

Staff:

Acting Chief Executive Officer and Director of Corporate & Community Services, Ms. Tenneil Cody
 Director of Engineering, Environment and Regulatory Services, Mr. Cameron Scott
 Executive Assistant, Melissa Mussig

Apologies:

Chief Executive Officer, Mr. Trevor Williams
 Environmental Regulatory Services, Team Leader, Ms. Megan Pellow

3. DECLARATION OF CONFLICT OF INTEREST

Declaration of Conflict of Interest for item 7.4

I, Tim Pratt, declare that I have a conflict of interest with respect to agenda item **7.4 2023 Julia Creek Dirt & Dust Festival Support** pursuant to the *Local Government Act 2009*, section 175D) as follows: -

- My wife, Sheree Pratt holds the Vice President position for the Julia Creek Dirt & Dust committee.

I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

4. CONFIRMATION OF MINUTES

4.1 Confirmation of Minutes

Confirmation of Minutes of the Ordinary Meeting of Council held on 21 June 2022.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 21 June 2022.

Resolution No. 001/2223

That the Minutes of the Ordinary Meeting of Council held on 21 June 2022 be confirmed.

Moved Cr. J Fegan

Seconded Cr. T Pratt

CARRIED 5/0

4.3 BUSINESS ARISING FROM PREVIOUS MINUTES

5. ENGINEERING SERVICES

5.1 Engineering Works Report

This report outlines the general activities for the Engineering Department for the month of June 2022.

RECOMMENDATION

That Council receives the Engineering Services monthly report for June 2022.

Resolution No. 002/2223

That Council receives the Engineering Services monthly report for June 2022.

Moved Cr. T Pratt

Seconded Cr. J Lynch

CARRIED 5/0

6. ENVIRONMENTAL AND REGULATORY SERVICES

6.1 Environmental and Regulatory Services Report

This report outlines the general activities, revenue and expenditure for the department for the period June 2022.

RECOMMENDATION

That Council receives the June 2022 Environmental and Regulatory Services Report.

Resolution No. 003/2223

Council receives the June 2022 Environmental and Regulatory Services Report.

Moved Cr. J Fegan

Seconded Cr. P Curr

CARRIED 5/0

7. COMMUNITY SERVICES

7.1 Community Services Monthly Report

Council is presented with the monthly Community Services report, which provides an overview of the operations for the month of June 2022.

RECOMMENDATION

That Council receives the Community Services monthly report for June 2022.

Resolution No. 004/2223

That Council receives the Community Services monthly report for June 2022.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

7.2 Regional Arts Development Fund – Quick Response Application McKinlay Crafty Old School House

Following Council's RADF Committee Meeting held Friday July 8, an application was received from McKinlay Crafty Old School House to host a 'Paint & Sip' workshop in August. The funding requested for the activity was \$1,500 and presented to the committee who approved the application.

RECOMMENDATION

That Council resolves to support the recommendations made by the RADF Committee to support: McKinlay Crafty Old School House Paint and Sip - \$1,500.

Resolution No. 005/2223

That Council support the recommendations made by the RADF Committee to support: McKinlay Crafty Old School House Paint and Sip - \$1,500.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 5/0

7.3 Community Donation Request – Scripture Union Queensland

Council has received a Community Donation Request from Scripture Union Queensland – Julia Creek State School Chaplaincy for the value of \$5,000. The School Chaplaincy Program provides a range of supporting programs to families in the community. The donation will assist the continuation of the program by contributing to the purchase of resources, equipment, materials, events and crisis support over the course of the next financial year.

RECOMMENDATION

Council resolves to approve the Community Donation Request for the Julia Creek State School Chaplaincy for \$5,000.

Resolution No. 006/2223

Council approve the Community Donation Request for the Julia Creek State School Chaplaincy for \$5,000.

Moved Cr. S Royes

Seconded Cr. T Pratt

CARRIED 5/0

Attendance – Having declared a Conflict of Interest in item 7.4, Cr. Tim Pratt left the meeting room at 9:45am.

7.4 2023 Julia Creek Dirt & Dust Festival Support

Following a meeting with Executive Committee Members from the Julia Creek Dirt and Dust Festival in May, Council has received a formal request from the organisation to allocate the same amount of financial and in-kind support provided in 2022 to assist their 2023 event. Council is presented with the request for consideration.

RECOMMENDATION

Council resolves to approve support to the 2023 Dirt & Dust Festival with \$10,000 cash and \$15,000 in-kind support in principle provided the following information is presented to Council:

1. Audited Financial Statements for the 2021/22 Financial Year.
2. A detailed 2022 Event Report including attendance numbers, revenue, sponsorship, and general overview.
3. A copy of the proposed event budget for 2023.
4. Confirmation of Committee Members for 2022/23.

Resolution No. 007/2223

Council approve support to the 2023 Dirt & Dust Festival with \$10,000 cash and \$15,000 in-kind support in principle provided the following information is presented to Council:

1. Audited Financial Statements for the 2021/22 Financial Year.
2. A detailed 2022 Event Report including attendance numbers, revenue, sponsorship, and general overview.
3. A copy of the proposed event budget for 2023.
4. Confirmation of Committee Members for 2022/23.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 4/0

Attendance – Cr. Tim Pratt re-entered the meeting room at 9:52am.

8. CORPORATE SERVICES

8.1 Corporate Services Report and Acting CEO Monthly Report

The Corporate Services Report as of June 2022 which summarises the financial performance and position is presented to Council.

RECOMMENDATION

That Council receives the monthly Corporate Services Report for the period ending June 2022.

Resolution No. 008/2223

That Council receives the monthly Corporate Services Report for the period ending June 2022.

Moved Cr. J Lynch

Seconded Cr. T Pratt

CARRIED 5/0

8.2 Debt Policy Review 2022/2023

In accordance with *Section 192 of the Local Government Regulations 2012*, Council must prepare a Debt Policy for each financial year.

The 2022/23 Debt Policy Version 1 has been prepared in accordance with relevant legislation and Council's current debt position and is presented for Councils consideration.

RECOMMENDATION

That Council adopt the 2022/23 Debt Policy Version 1 as presented.

Resolution No. 009/2223

That Council adopt the 2022/23 Debt Policy Version 1.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

8.3 Investment Policy Review 2021/2022

In accordance with *Section 191 of the Local Government Regulations 2012*, Council must prepare and adopt an investment policy.

The 2022/2023 Investment Policy Version 1 has been prepared in accordance with relevant legislation and is presented for Councils consideration.

RECOMMENDATION

That Council adopt the 2022/23 Investment Policy Version 1 as presented.

Resolution No. 010/2223

That Council adopt the 2022/23 Investment Policy Version 1.

Moved Cr. J Fegan

Seconded Cr. T Pratt

CARRIED 5/0

8.4 Procurement Policy Review 2022-2023

In accordance with Section 198 of the Local Government Regulations 2012, Council must prepare and adopt a procurement policy.

The 2022/2023 Procurement Policy Version 1 has been prepared in accordance with relevant legislation and is presented for Councils consideration.

RECOMMENDATION

That Council adopt the 2022/2023 Procurement Policy Version 1 as presented.

Resolution No. 011/2223

That Council adopt the 2022/2023 Procurement Policy Version 1.

Moved Cr. P Curr

Seconded Cr. T Pratt

CARRIED 5/0

8.5 Fees and Charges Schedule 2022-2023

Presenting to Council the proposed Fees and Charges Schedule for the financial year 2022/23.

The schedule contains fees and charges relating to all other services provided by Council.

RECOMMENDATION

That Council adopts the proposed Fees and Charges Schedule 2022/23 Version 1 as presented

Resolution No. 012/2223

That Council adopts the proposed Fees and Charges Schedule 2022/23 Version 1.

Moved Cr. T Pratt

Seconded Cr. J Lynch

CARRIED 5/0

8.6 Revenue Statement Review 2022/2023

In accordance with *Section 172 of the Local Government Regulations 2012*, Council must prepare a revenue statement for each financial year.

The 2022/23 Revenue Statement Version 1 has been prepared in accordance with relevant legislation and is presented for Councils consideration.

RECOMMENDATION

That Council adopt the 2022/23 Revenue Statement Version 1 as presented.

Resolution No. 013/2223

That Council adopt the 2022/23 Revenue Statement Version 1.

Moved Cr. J Fegan

Seconded Cr. T Pratt

CARRIED 5/0

8.7 2022/2023 Budget and Rating

A local government is required to adopt its budget for a financial year after 31 May in the year before the financial year but before 1 August in the financial year. Councillors and Operational staff have met and discussed the budget at budget workshops over the past two months for the purpose of preparing a budget for the 2022/2023 financial year.

8.7.1 Differential General Rates

RECOMMENDATION

a) Pursuant to section 81 of the *Local Government Regulation 2012*, the categories in to which rateable land is categorised, the description of those categories and, pursuant to sections 81(4) and 81(5) of the *Local Government Regulation 2012*, the method by which land is to be identified and included in its appropriate category is as follows:

Differential Rate Category	Description	Identification
1. Residential – Julia Creek < 2 ha	Land, located within the town of Julia Creek, having an area of less than 2 hectares, which is used, or intended to be used, for residential purposes.	As determined by the CEO
2. Residential – Other < 2 ha	Land, located within the towns of McKinlay, Kynuna and Nelia, having an area of less than 2 hectares, which is used, or intended to be used, for residential purposes.	As determined by the CEO
3. Residential – Julia Creek > 2 ha	Land, located within the town of Julia Creek, having an area of 2 hectares or more, which is used, or intended to be used, for residential purposes.	As determined by the CEO
4. Residential – Other > 2 ha	Land, located in the towns of McKinlay, Kynuna and Nelia, having an area of 2 hectares or more, which is used, or intended to be used, for residential purposes.	As determined by the CEO
5. Commercial/Industrial – Julia Creek	Land, located within the town of Julia Creek, which is used, or intended to be used, for commercial and/or industrial purposes.	As determined by the CEO
6. Commercial/Industrial - Other	Land, located within the towns of McKinlay, Kynuna and Nelia, which is used, or intended to be used, for commercial and/or industrial purposes.	As determined by the CEO
7. Rural	Land used, or intended to be used, for rural purposes.	As determined by the CEO
8. Special Uses / Community Purposes	Land which is used for community purposes.	As determined by the CEO
9. Open Space & Recreation	Land which is used for recreation	As determined by the CEO
10. Mine – Not in Production	Land which is a mining lease held under the <i>Mineral Resources Act</i> , which forms part of a mine which is not operational.	As determined by the CEO
11. Mine – In Production	Land which is a mining lease held under the <i>Mineral Resources Act</i> , which forms part of a mine which is operational.	As determined by the CEO
12. Residential – Other – 0-50 units	Land located within an urban area and set aside for residential development irrespective of size, configured to	As determined by the CEO

	accommodate workers (a workers village) off site of specific projects which would otherwise impact the liveability of workers.	
13. Residential – Other – 51 -100 units	Land located within an urban area and set aside for residential development irrespective of size, configured to accommodate workers (a workers village) off site of specific projects which would otherwise impact the liveability of workers.	As determined by the CEO
14. Residential – Other	Land located within an urban area and set aside for residential development irrespective of size, configured to accommodate workers (a workers village) off site of specific projects which would otherwise impact the liveability of workers.	As determined by the CEO

- b) Council delegates to the Chief Executive Officer the power, pursuant to sections 81(4) and 81(5) of the *Local Government Regulation 2012*, to identify the rating category to which each parcel of rateable land belongs.
- c) Pursuant to section 94 of the *Local Government Act 2009* and section 80 of the *Local Government Regulation 2012*, the differential general rate to be made and levied for each differential general rate category and, pursuant to section 77 of the *Local Government Regulation 2012*, the minimum general rate to be made and levied for each differential general rate category, is as follows:

Category	Rate in \$ (Cents) per levy	Minimum (\$)
1. Residential – Julia Creek < 2 ha	3.273¢	178.98
2. Residential – Other < 2 ha	3.590¢	209.74
3. Residential – Julia Creek > 2 ha	1.943¢	178.98
4. Residential – Other > 2ha	6.651¢	209.74
5. Commercial/Industrial – Julia Creek	2.54¢	178.98
6. Commercial/Industrial - Other	0.496¢	201.21
7. Rural	0.465¢	178.98
8. Special Uses / Community Purposes	2.819¢	178.98
9. Open Space & Recreation	5.353¢	178.98
10. Mine – Not in Production	10.663¢	198.12
11. Mine – In Production	28.29¢	205.61
12. Residential – Other – Workers Accommodation 0-50 units	7.77¢	9739.29
13. Residential – Other – Workers Accommodation 51-100 units	11.568¢	14500.73
14. Residential – Other – Workers Accommodation > 100 units	16.827¢	21093.15

Resolution No. 014/2223

- a) Pursuant to section 81 of the *Local Government Regulation 2012*, the categories in to which rateable land is categorised, the description of those categories and, pursuant to sections 81(4) and 81(5) of the *Local Government Regulation 2012*, the method by which land is to be identified and included in its appropriate category is as follows:

Differential Rate Category	Description	Identification
1. Residential – Julia Creek < 2 ha	Land, located within the town of Julia Creek, having an area of less than 2 hectares, which is used, or intended to be used, for residential purposes.	As determined by the CEO
2. Residential – Other < 2 ha	Land, located within the towns of McKinlay, Kynuna and Nella, having an area of less than 2 hectares, which is used, or intended to be used, for residential purposes.	As determined by the CEO
3. Residential – Julia Creek > 2 ha	Land, located within the town of Julia Creek, having an area of 2 hectares or more, which is used, or intended to be used, for residential purposes.	As determined by the CEO
4. Residential – Other > 2 ha	Land, located in the towns of McKinlay, Kynuna and Nella, having an area of 2 hectares or more, which is used, or intended to be used, for residential purposes.	As determined by the CEO
5. Commercial/Industrial – Julia Creek	Land, located within the town of Julia Creek, which is used, or intended to be used, for commercial and/or industrial purposes.	As determined by the CEO
6. Commercial/Industrial - Other	Land, located within the towns of McKinlay, Kynuna and Nella, which is used, or intended to be used, for commercial and/or industrial purposes.	As determined by the CEO
7. Rural	Land used, or intended to be used, for rural purposes.	As determined by the CEO
8. Special Uses / Community Purposes	Land which is used for community purposes.	As determined by the CEO
9. Open Space & Recreation	Land which is used for recreation	As determined by the CEO
10. Mine – Not in Production	Land which is a mining lease held under the <i>Mineral Resources Act</i> , which forms part of a mine which is not operational.	As determined by the CEO
11. Mine – In Production	Land which is a mining lease held under the <i>Mineral Resources Act</i> , which forms part of a mine which is operational.	As determined by the CEO
12. Residential – Other – 0-50 units	Land located within an urban area and set aside for residential development irrespective of size, configured to accommodate workers (a workers village) off site of specific projects which would otherwise impact the liveability of workers.	As determined by the CEO
13. Residential – Other – 51 -100 units	Land located within an urban area and set aside for residential development irrespective of size, configured to accommodate workers (a workers village) off site of specific projects which would otherwise impact the liveability of workers.	As determined by the CEO
14. Residential – Other	Land located within an urban area and set aside for residential development irrespective of size, configured to accommodate workers (a workers village) off site of specific projects which would otherwise impact the liveability of workers.	As determined by the CEO

- b) Council delegates to the Chief Executive Officer the power, pursuant to sections 81(4) and 81(5) of the Local Government Regulation 2012, to identify the rating category to which each parcel of rateable land belongs.
- c) Pursuant to section 94 of the Local Government Act 2009 and section 80 of the Local Government Regulation 2012, the differential general rate to be made and levied for each differential general rate category and, pursuant to section 77 of the Local Government Regulation 2012, the minimum general rate to be made and levied for each differential general rate category, is as follows:

Category	Rate in \$ (Cents) per levy	Minimum (\$)
1. Residential – Julia Creek < 2 ha	3.273c	178.98
2. Residential – Other < 2 ha	3.590c	209.74
3. Residential – Julia Creek > 2 ha	1.943c	178.98
4. Residential – Other > 2 ha	6.651c	209.74
5. Commercial/Industrial – Julia Creek	2.54c	178.98
6. Commercial/Industrial - Other	0.496c	201.21
7. Rural	0.465c	178.98
8. Special Uses / Community Purposes	2.819c	178.98
9. Open Space & Recreation	5.353c	178.98
10. Mine – Not in Production	10.663c	198.12
11. Mine – In Production	28.29c	205.61
12. Residential – Other – Workers Accommodation 0-50 units	7.77c	9739.29
13. Residential – Other – Workers Accommodation 51-100 units	11.568c	14500.73
14. Residential – Other – Workers Accommodation > 100 units	16.827c	21093.15

Moved Cr. P Curr

Seconded Cr. J Lynch

CARRIED 5/0

8.7.2 Special Charge

- a) Pursuant to section 94 of the *Local Government Act 2009* and section 94 of the *Local Government Regulation 2012*, Council make and levy a special charge (to be known as the “Pest Animal Control Levy”) of \$0.0154 per hectare per annum or \$0.0077 per hectare per levy, on all rateable land included in differential rate category 7 – rural which exceeds 1,000 hectares in area for the provision of pest control services to certain rural properties in the Shire.
- b) The overall plan for the Pest Animal Control Levy Special Charge is as follows:
 - i. The service, facility or activity is provision of pest control services to certain properties in rural parts of the Shire. These pest control services serve to assist with the control of wild dogs which can reduce the threat to livestock.
 - ii. The rateable land to which the special rate shall apply all rateable land in differential rate category 7 – rural which exceeds 1,000 hectares in area.

Resolution No. 015/2223

- a) Pursuant to section 94 of the *Local Government Act 2009* and section 94 of the *Local Government Regulation 2012*, Council make and levy a special charge (to be known as the “Pest Animal Control Levy”) of \$0.0154 per hectare per annum or \$0.0077 per hectare per levy, on all rateable land included in differential rate category 7 – rural which exceeds 1,000 hectares in area for the provision of pest control services to certain rural properties in the Shire.
- b) The overall plan for the Pest Animal Control Levy Special Charge is as follows:
 - i. The service, facility or activity is provision of pest control services to certain properties in rural parts of the Shire. These pest control services serve to assist with the control of wild dogs which can reduce the threat to livestock.
 - ii. The rateable land to which the special rate shall apply all rateable land in differential rate category 7 – rural which exceeds 1,000 hectares in area.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

8.7.3 Sewerage Utility Charges

RECOMMENDATION

- (a) Pursuant to section 94 of the *Local Government Act 2009* and section 99 of the *Local Government Regulation 2012*, Council make and levy sewerage utility charges, for the supply of sewerage services by the Council, as follows:

Sewerage Charges		
	Per Half Yearly Levy Charge (\$)	Annual Charge (\$)
First Pedestal	\$255.00	\$510.00
Additional Pedestal	\$160.51	\$321.02

- (b) The above levied sewerage utility charges be applied as further detailed in section 5.2 of the 2022-2023 Revenue Statement.

Resolution No. 016/2223

- (a) Pursuant to section 94 of the *Local Government Act 2009* and section 99 of the *Local Government Regulation 2012*, Council make and levy sewerage utility charges, for the supply of sewerage services by the Council, as follows:

Sewerage Charges		
	Per Half Yearly Levy Charge (\$)	Annual Charge (\$)
First Pedestal	\$255.00	\$510.00
Additional Pedestal	\$160.51	\$321.02

- (b) The above levied sewerage utility charges be applied as further detailed in section 5.2 of the 2022-2023 Revenue Statement.

Moved Cr. J Lynch

Seconded Cr. P Curr

CARRIED 5/0

8.7.4 Water Utility Charges

RECOMMENDATION

- (a) Pursuant to section 94 of the *Local Government Act 2009* and sections 99 and 101 of the *Local Government Regulation 2012*, Council make and levy water utility charges, for the supply of water services by the Council, as follows:

Access Charge		
	Per Half Yearly Levy Charge (\$)	Annual Charge (\$)
Julia Creek	\$124.41	\$248.82
Kynuna and McKinlay	\$42.99	\$85.98
Nelia	\$22.51	\$45.02
Gilliat	\$23.26	\$46.52

Consumption Charge		
	Per Half Yearly Levy Charge per Unit (\$)	Annual Charge per Unit (\$)
Julia Creek	\$17.65	\$35.30
Kynuna and McKinlay	\$21.50	\$43.00
Nelia	\$11.25	\$22.50
Gilliat	\$11.63	\$23.26
Extra Water (for specifically identified assessments)	\$1.63	\$3.26

(b) The above levied water utility charges be applied as further detailed in section 5.1 of the 2022-2023 Revenue Statement.

Resolution No. 017/2223

(a) Pursuant to section 94 of the Local Government Act 2009 and sections 99 and 101 of the Local Government Regulation 2012, Council make and levy water utility charges, for the supply of water services by the Council, as follows:

Access Charge		
	Per Half Yearly Levy Charge (\$)	Annual Charge (\$)
Julia Creek	\$124.41	\$248.82
Kynuna and McKinlay	\$42.99	\$85.98
Nelia	\$22.51	\$45.02
Gilliat	\$23.26	\$46.52

Consumption Charge		
	Per Half Yearly Levy Charge per Unit (\$)	Annual Charge per Unit (\$)
Julia Creek	\$17.65	\$35.30
Kynuna and McKinlay	\$21.50	\$43.00
Nelia	\$11.25	\$22.50
Gilliat	\$11.63	\$23.26
Extra Water (for specifically identified assessments)	\$1.63	\$3.26

(b) The above levied water utility charges be applied as further detailed in section 5.1 of the 2022-2023 Revenue Statement.

Moved Cr. J Lynch

Seconded Cr. P Curr

CARRIED 5/0

8.7.5 Waste Management Utility Charges

RECOMMENDATION

Pursuant to section 94 of the *Local Government Act 2009* and section 99 of the *Local Government Regulation 2012*, Council make and levy waste management utility charges, for the supply of waste management services by the Council, as follows:

Council provides waste management services to properties in the towns of Julia Creek, Kynuna, McKinlay and Nelia. For properties in Julia Creek, the Council provides landfill services and a kerbside refuse collection service. For properties in the other towns a landfill service is provided only.

For the financial year, Council resolves to levy:-

- a utility charge for the provision of landfill facilities on all assessments within Julia Creek, Kynuna, McKinlay and Nelia ("**the Waste Facilities Charge**"); and
- a utility charge for the provision of a kerbside refuse collection service on all assessments in Julia Creek, irrespective of whether the service is actually used by the ratepayer ("**the Waste Collection Charge**").

For the financial year, Council resolves that the charges shall be as follows:

Waste Facilities Charge		
	Per Half Yearly Levy Charge (\$)	Annual Charge (\$)
Julia Creek	\$73.37	\$146.74
Kynuna, McKinlay and Nelia	\$18.80	\$37.60

Waste Collection Charge		
	Per Half Yearly Levy Charge (\$)	Annual Charge (\$)
First 240-litre wheelie bin service	\$91.98	\$183.96
Each additional 240-litre wheelie bin service	\$110.88	\$221.76

Resolution No. 018/2223

Pursuant to section 94 of the *Local Government Act 2009* and section 99 of the *Local Government Regulation 2012*, Council make and levy waste management utility charges, for the supply of waste management services by the Council, as follows:

Council provides waste management services to properties in the towns of Julia Creek, Kynuna, McKinlay and Nelia. For properties in Julia Creek, the Council provides landfill services and a kerbside refuse collection service. For properties in the other towns a landfill service is provided only.

For the financial year, Council resolves to levy:-

- a utility charge for the provision of landfill facilities on all assessments within Julia Creek, Kynuna, McKinlay and Nelia ("**the Waste Facilities Charge**"); and
- a utility charge for the provision of a kerbside refuse collection service on all assessments in Julia Creek, irrespective of whether the service is actually used by the ratepayer ("**the Waste Collection Charge**").

For the financial year, Council resolves that the charges shall be as follows:

Waste Facilities Charge		
	Per Half Yearly Levy Charge (\$)	Annual Charge (\$)
Julia Creek	\$73.37	\$146.74
Kynuna, McKinlay and Nelia	\$18.80	\$37.60

Waste Collection Charge		
	Per Half Yearly Levy Charge (\$)	Annual Charge (\$)
First 240-litre wheelie bin service	\$91.98	\$183.96
Each additional 240-litre wheelie bin service	\$110.88	\$221.76

Moved Cr. P Curr

Seconded Cr. J Lynch

CARRIED 5/0

8.7.6 Discount

RECOMMENDATION

Pursuant to section 130 of the *Local Government Regulation 2012*, the differential general rates/sewerage utility charges/water utility charges/waste management utility charges made and levied shall be subject to a discount of 10% if paid within the discount period of 30 clear days of the date of issue of the rate notice provided that:

- a) all of the aforementioned rates and charges are paid within 30 clear days of the date of issue of the rate notice;
- b) all other rates and charges appearing on the rate notice (that are not subject to a discount) are paid within 30 clear days after the date of issue of the rate notice; and
- c) all other overdue rates and charges relating to the rateable assessment are paid within 30 clear days of the date of issue of the rate notice.

Resolution No. 019/2223

Pursuant to section 130 of the *Local Government Regulation 2012*, the differential general rates/sewerage utility charges/water utility charges/waste management utility charges made and levied shall be subject to a discount of 10% if paid within the discount period of 30 clear days of the date of issue of the rate notice provided that:

- a) all of the aforementioned rates and charges are paid within 30 clear days of the date of issue of the rate notice;
- b) all other rates and charges appearing on the rate notice (that are not subject to a discount) are paid within 30 clear days after the date of issue of the rate notice; and
- c) all other overdue rates and charges relating to the rateable assessment are paid within 30 clear days of the date of issue of the rate notice.

Moved Cr. J Fegan

Seconded Cr. T Pratt

CARRIED 5/0

8.7.7 Interest**RECOMMENDATION**

Pursuant to section 133 of the *Local Government Regulation 2012*, compound interest on daily rests at the rate of eight percent (8.0%) per annum is to be charged on all overdue rates or charges.

Resolution No. 020/2223

Pursuant to section 133 of the *Local Government Regulation 2012*, compound interest on daily rests at the rate of eight percent (8.0%) per annum is to be charged on all overdue rates or charges.

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 5/0

8.7.8 Levy and Payment**RECOMMENDATION**

a) Pursuant to section 107 of the *Local Government Regulation 2012* and section 114 of the *Fire and Emergency Services Act 1990*, Council's rates and charges, and the State Government's *Emergency Management, Fire and Rescue Levy* be levied:

- for half year 1 July 2022 to 31 December 2022 – in August/September 2022; and
- for the half year 1 January 2023 to 30 June 2023 – in February/March 2023.

b) Pursuant to section 118 of the *Local Government Regulation 2012*, that Council's rates and charges, and the State Government's *Emergency Management, Fire and Rescue Levy*, be paid within 30 clear days of the date of the issue of the rate notice.

Resolution No. 021/2223

a) Pursuant to section 107 of the *Local Government Regulation 2012* and section 114 of the *Fire and Emergency Services Act 1990*, Council's rates and charges, and the State Government's *Emergency Management, Fire and Rescue Levy* be levied:

- for half year 1 July 2022 to 31 December 2022 – in August/September 2022; and
- for the half year 1 January 2023 to 30 June 2023 – in February/March 2023.

b) Pursuant to section 118 of the *Local Government Regulation 2012*, that Council's rates and charges, and the State Government's *Emergency Management, Fire and Rescue Levy*, be paid within 30 clear days of the date of the issue of the rate notice.

Moved Cr. T Pratt

Seconded Cr. J Lynch

CARRIED 5/0

8.7.9 Paying Rates or Charges by Instalments**RECOMMENDATION**

Pursuant to section 129 of the *Local Government Regulation 2012*, all rates and charges are payable by four equal instalments on 1 August 2022, 1 November 2022, 1 February 2023 and 1 May 2023. Interest will not be charged on the overdue rates or charges if the instalments are paid when due.

Resolution No. 022/2223

Pursuant to section 129 of the *Local Government Regulation 2012*, all rates and charges are payable by four equal instalments on 1 August 2022, 1 November 2022, 1 February 2023 and 1 May 2023. Interest will not be charged on the overdue rates or charges if the instalments are paid when due.

Moved Cr. T Pratt

Seconded Cr. P Curr

CARRIED 5/0

8.7.10 Rates Concessions**RECOMMENDATION**

Pursuant to sections 120, 121 and 122 of the *Local Government Regulation 2012*, a rebate of the differential general rate categories 1, 2 and 3 where the owner of land qualifies for the State Government Pensioner Rate Remission Scheme be granted a concession equal to 55% of the total rates and charges payable.

Resolution No. 023/2223

Pursuant to sections 120, 121 and 122 of the *Local Government Regulation 2012*, a rebate of the differential general rate categories 1, 2 and 3 where the owner of land qualifies for the State Government Pensioner Rate Remission Scheme be granted a concession equal to 55% of the total rates and charges payable.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

8.7.11 Statement of Estimated Financial Position**RECOMMENDATION**

Pursuant to section 205 of the *Local Government Regulation 2012*, the statement of the financial operations and financial position of the Council in respect of the previous financial year ("the Statement of Estimated Financial Position") be received and its contents noted.

Resolution No. 024/2223

Pursuant to section 205 of the *Local Government Regulation 2012*, the statement of the financial operations and financial position of the Council in respect of the previous financial year ("the Statement of Estimated Financial Position") be received and its contents noted.

Moved Cr. P Curr

Seconded Cr. T Pratt

CARRIED 5/0

8.7.12 Adoption of Budget**RECOMMENDATION**

Pursuant to section 94 of the *Local Government Act 2009* and sections 169 and 170 of the *Local Government Regulation 2012*, Council's Budget for the 2022/2023 financial year, incorporating:

- i. The statements of financial position;
- ii. The statements of cash flow;
- iii. The statements of income and expenditure;
- iv. The statements of changes in equity;
- v. The long-term financial forecast;
- vi. The revenue statement
- vii. The revenue policy (adopted by Council resolution on 21 June 2022);
- viii. The relevant measures of financial sustainability; and
- ix. The total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget
- x. Capital Works Program for 2022/2023 financial year.

as tabled, be adopted.

Resolution No. 025/2223

Pursuant to section 94 of the *Local Government Act 2009* and sections 169 and 170 of the *Local Government Regulation 2012*, Council's Budget for the 2022/2023 financial year, incorporating:

- i. The statements of financial position;
- ii. The statements of cash flow;
- iii. The statements of income and expenditure;
- iv. The statements of changes in equity;
- v. The long-term financial forecast;
- vi. The revenue statement
- vii. The revenue policy (adopted by Council resolution on 21 June 2022);
- viii. The relevant measures of financial sustainability; and
- ix. The total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget
- x. Capital Works Program for 2022/2023 financial year.

as tabled, be adopted.

Moved Cr. S Royes

Seconded Cr. J Lynch

CARRIED 5/0

8.8 Operational Plan 2022/2023

In accordance with *Section 174 of the Local Government Regulations 2012*, Council must prepare and adopt an annual operational plan for each financial year.

The annual Operational Plan 2022/2023 is reflective of the proposed budget and associated programs.

RECOMMENDATION

That Council adopts the 2022/2023 Operational Plan version 1 as presented.

Resolution No. 026/2223

That Council adopts the 2022/2023 Operational Plan version 1 as presented.

Moved Cr. S Royes

Seconded Cr. J Lynch

CARRIED 5/0

10. WORKPLACE HEALTH AND SAFETY ▲**10.1 Workplace Health and Safety**

This report outlines the general status of Work Health and Safety at McKinlay Shire Council for the period of June 2022.

RECOMMENDATION

That Council receives the June 2022 WHS Report.

Resolution No. 027/2223

That Council receives the June 2022 WHS Report.

Moved Cr. T Pratt

Seconded Cr. J Lynch

CARRIED 5/0

General Business – Councillor Requests**Cr S Royes**

- Asked for an update on the cameras at the creeks crossing. Cameron Scott commented and said there is no further update to report on when the camera will be fixed/ replaced, currently looking for alternate providers.

Cr J Fegan

- Stated had been in contact with the ABC News Health reporter, the reporter would like to cover a story about Health Issues in the area. Cr. Fegan will follow up to organise an interview.

Cr J Lynch

- Raised concerns that the grids along the Kynuna Rd had not been fixed.
- Requested that TMR work on the shoulders on Beef Rd, heading into Julia Creek.

Cr T Pratt

- Raised concerns about McKinlay/ Gilliat Rd - Gidgee Bug Byway, a number of Mining Trucks using that byway and a number of cattle have been hit recently.

11. CLOSURE OF MEETING

The Chair of the meeting Mayor Philip Curr declared the meeting closed at 11:15am.



5.0 ENGINEERING SERVICES



Ordinary Meeting of Council Tuesday 16 August 2022

5.1 Subject: Engineering Services Monthly Report July 2022
Attachments: Nil
Author: Engineering Services Department
Date: 8 August 2022

Executive Summary:

This report outlines the general activities for the Engineering Department for the month of July 2022.

Recommendation:

That Council receives the Engineering Services monthly report for July 2022.

Background:

This report outlines the general activities of the department for the month of July 2022 and provides an update on projects.

RMPC

	Actual	Budget YTD	Budget
1610 RMPC Works	\$51,881	\$125,050	\$1,500,600

- The 4 RMPC roads, normal maintenance, patching, guidepost, and signage works completed.
- Removal of dead animals
- Collected all litter on all 4 RMPC roads
- Edge repair and pothole patching 14D, 14E, 5807 and 78A
- 4300m³ of gravel stockpiled at Byrimine pit ready for shoulder resheeting from Spoonbill to Cloncurry River on 78A.

Cannington Road

	Actual	Budget YTD	Budget
1630 Cannington Road Works	\$9,677	\$37,083	\$445,000

- Routine maintenance
- Removal of dead animals.
- Pothole patching.
- Guideposts
- Rehab completed from Zinc trailer roller Cannington end

Roads Maintenance

	Actual	Budget YTD	Budget
1100 Repairs & Maintenance Shire Roads	\$117,886	\$124,750	\$1,300,000



Ordinary Meeting of Council Tuesday 16 August 2022

- Regrade Millungera to boundary wheel tracks to make safe
- Regrade Punchbowl to Exley - Bunda boundary wheel tracks to make safe
- 5000m³ of gravel stockpiled at Byrimine pit for 4km of gravel sheet and seal TIDS/R2R
- 7-person camp set up at the Byrimine pit profiling of subgrade for TIDS/R2R started
- Emergency works, punch bowl, Gilliat – McKinlay and Nelia – Bunda RD washouts and Culverts
- Replaced water pump at Oorindi Toilets
- Pumped out grids on Yorkshire Road.
- 2 available Graders are to be allocated to Byramine/78A RMPC project for remainder of August. September they are anticipated to be allocated to Shire Maintenance/5807 RMPC Shoulder works.

Water and Sewerage

	Actual	Budget YTD	Budget
1800 Operational Costs – Julia Creek Water	\$14,171	\$24,583	\$295,000

- Monthly water sampling in line with Councils DWQMP
- Daily checks on all bores
- Repaired tap and waste in supper room at Civic Centre
- Backfilled Byrne Street Garden bed from previous water leak
- Repaired water pipe in ceiling at Fr Bill Centre

	Actual	Budget YTD	Budget
1810 Operational Costs – McKinlay Water	\$785	\$2,500	\$30,000

- Monthly water sampling in line with Councils DWQMP
- Monthly checks on bore/storage tanks
- Fix mains water service

	Actual	Budget YTD	Budget
1820 Operational Costs – Kynuna Water	\$138	\$6,166	\$70,000

- Monthly water sampling in line with Councils DWQMP
- Monthly cleaning of filters in Kynuna

	Actual	Budget YTD	Budget
1830 Operational costs – Nelia Water	\$702	\$791	\$9,500

- Monthly water sampling in line with Councils DWQMP
- Capped off, line to the park in Nelia due to water leak

	Actual	Budget YTD	Budget
1900 Operational Costs – Julia Creek Sewerage	\$4,333	\$15,000	\$180,000

- Routine monitoring



Ordinary Meeting of Council Tuesday 16 August 2022

- Replaced wastes in amenities block at Caravan Park
- Private Works Job to clear blocked sewer at Mathews Street
- Pump out Grader Camp’s sewerage
- Private Works Job to pump out septic at Walkabout Creek Hotel

Workshop

	Actual	Budget YTD	Budget
1510 Repairs and Maintenance - Plant & Vehicles	\$84,625	\$95,833	\$1,150,000

- Ongoing repairs and maintenance to Council vehicles plant equipment.
- Julia creek Work camp has provided the workshop with 1 staff member for 2 weeks of each month, helping with any duties required.
- #251 CAT Grader, Hastings has updated the parts arrival to be the 25th of August. Hasting Deering fitter to be on site the 26th of August for repairs to the Grader
- Update on new rubbish truck, Bucher Municipal looking at October delivery and training for the new unit.
- Hastings Deering Grant Sampson has advised possible delivery in September of the new 150 M Grader(currently getting final fitout in Toowoomba)

Parks and Gardens

	Actual	Budget YTD	Budget
2700 Parks & Gardens and Amenities – Operations	\$24,821	\$54,166	\$650,000

- Mowing and whipper snipping parks, oval, and town streets.
- Mow & maintained airport road
- Mowing swimming pool weekly
- Cleaning of public toilets and park amenities
- Collection of rubbish
- Cleaning of Oorindi toilets weekly
- Mowing at Nelia and Oorindi fortnightly
- Mow and maintain cemetery
- Mowed and maintain council houses
- Weekly dripper line checks
- mow and maintain Nelia
- Gather and chop firewood for caravan park
- Weed control/spraying
- Water and Sewerage Officer pumped out Lions Park Septic a few times. A new pump was fitted and it appears to have fixed the problem.
- Weed spraying
- Fertilized all public grass areas
- Repair/replace reticulation
- Slash roadside and open space areas within the township boundaries



Airport

	Actual	Budget YTD	Budget
1300 Airport Operational Costs	\$13,191	\$16,583	\$199,000

- Serviceability Inspections of the facility are undertaken 3 days per week as required for RPT services.
- The technical report has been received from Aerodrome Design Services. The inspector was impressed with the aerodrome and found it to be in very good condition and commended airport staff for maintaining detailed documentation with all requested records being readily available.
No non-compliance items were identified only minor recommendations / considerations were noted to assist management and ongoing operations as noted below.

Operating Procedures / Planning

1. Submit a copy of this report to CASA within 30 days of receipt.
2. Consider updates to the Aerodrome Manual as per Section 16 and send a copy to CASA within 30 days of update.
3. Continue to monitor MET tower proposal to ensure CASA recommendations are acted on.
4. Apron - develop a costed design report ready for submission when government funding becomes available.
5. Begin planning to reseal Runway 10/28, 3 years estimated, subject to funding / increase in cracking / loss of stone etc.
6. Consideration - Consider installing an AWIS to remove the need for lighting at the secondary IWI's.

Facilities

1. Conduct shape correction / repairs to:
 - a) Runway 10 blast zone
 - b) Surface break up, south side central runway turn pad
 - c) Erosion, north side Runway 10 turn pad
2. Review broken electrical transformer pit in the taxiway strip.
3. Continue with removal of loose stone from GA Apron, especially around aircraft parking positions / tie down cables.

Electrical

1. Review standby generator diesel backflow valve.

A copy of the report is to be submitted to CASA within 30 days of receipt.



Ordinary Meeting of Council Tuesday 16 August 2022

Projects

DRFA 2022 Events

Infield assessment completed first week of this month with a good result for Council.
Submitted Works packages:

- WP01 (Ardrin Road, Isabel Downs Road, Proa Road, Yorkshire Nelia Road, Minamere Nelia Road and Yorkshire Road)
- WP02 (Arizona/Braeside Road, Dancers Valley Road, McKinlay/Nulgara Road, Middleton/Kynuna Road, Toorack/Coolreagh Road, Eulolo/McKinlay Road)

These packages are ready to be released for pricing DERS will verbally update on proposed process.

Dalgonally/Millungera Floodways (QRRRF)

Sidetrack complete. Demolition works commence by end of the month.

Building our Regions Funding Round 6

Awaiting notification.

TMR CN-17698 78A Culvert Replacement

Batters poured culverts backfilled awaiting pavement.

Building Better Regions Funding Round 6 Planning Projects Applications Water and Sewerage

Funding agreement returned to state for their approval. Documents for procuring relevant consultant are prepared and ready to issue pending approval.

Burke St Kerb and Footpath upgrade

Kerb and Footpath and asphaltting complete. Covercrete finish anticipated by end of this month.

Julia St Footpath works

Tender closes 18th August, a number of inquiries have been fielded indicating good interest in the works.



Ordinary Meeting of Council Tuesday 16 August 2022

Expression of Interest QRRRF 2022 Program

Council's application was unsuccessful.

Legal Implications:

Nil

Policy Implications:

Nil.

Financial and Resource Implications:

As provided in the report.

InfoXpert Document ID: 123466



6.0 ENVIRONMENTAL & REGULATORY SERVICES



Ordinary Meeting of Council Tuesday 16 August 2022

6.1 Subject: Environmental and Regulatory Services Report – July 2022

Attachments: None

Date: 8 August 2022

Executive Summary:

This report outlines the general activities, revenue and expenditure for the department for the period July 2022.

Recommendation:

That Council receives the July 2022 Environmental and Regulatory Services Report.

Background:

This report outlines the general activities of the department for the month of July 2022.

Detailed below are the general matters of interest that relate to the day-to-day activities of the department throughout the month.

Consultation: (internal/External)

Environmental & Regulatory Services Team Leader, Local Laws Officer, Water and Sewerage Officer, Ranger and Finance Officer.

Legal Implications:

Nil

Policy Implications:

Nil

Financial and Resource Implications:

As provided in the report.

InfoXpert Document ID: 123464



1 – Refuse Collection and Disposal

1.1 - Budget

		Actual	Budget YTD	Budget
ENVIRO1.1	3100 - Refuse Collection Revenue	\$0	\$7,481	\$89,776

		Actual	Budget YTD	Budget
ENVIRO1.2	3100 - Kerbside Rubbish Collection Expenditure	\$2,353	\$4,167	\$50,000

		Actual	Budget YTD	Budget
ENVIRO1.3	3110 - Refuse Disposal Revenue	\$0	\$3,913	\$46,953

		Actual	Budget YTD	Budget
ENVIRO1.4	3110 - Refuse Disposal Operational Costs	\$2,814	\$8,750	\$105,000

1.2 - Report

Julia Creek Waste Facility

The following works continued during the month;

- Pushed up general waste area
- Picked up wind blown rubbish around facility
- Contractor engaged to push the dump in the absence of Local Laws Officer

Department of Environment & Science (DES) has scheduled a compliance inspection on the landfill facility for the 5 August 2022.

2 – Environmental Health Services

2.1 – Budget

		Actual	Budget YTD	Budget
ENVIRO2.1	3000 - Environmental Licence Fees (Revenue)	\$0	\$275	\$3,300

		Actual	Budget YTD	Budget
ENVIRO2.2	3000 - Environmental Health Services	\$6,038	\$29,833	\$358,000

2.2 – Report

Water and Sewage Monitoring

E.coli was not detected in sampling undertaken in July.

The fluoride levels in Julia Creek for the month of July were;

- Amberly Drive 3.08mg/L
- Coyne Street Depot 3.13mg/L

Council's website has been updated advising the community of the excessive levels of fluoride over 3mg/L as per DWQMP requirements.



Council has been issued with an Information Requirement Notice from the Water Supply Regulator in relation to the Drinking Water Quality Management Plan Amendment Application submitted on the 12 April 2022. There are nine (9) requests that have been requested. Council is to provide the information by 16 September 2022.

Food Safety

There were two (2) food recalls received in July with one (1) being forwarded onto food businesses within the Shire.

There was a complaint received regarding the cleanliness of one food business within the Shire. Staff are currently investigating the matter.

3 – Local Law Administration

3.1 – Budget

		Actual	Budget YTD	Budget
ENVIRO3.1	3210 - Animal Registration Fees	\$6,113	\$425	\$5,100

		Actual	Budget YTD	Budget
ENVIRO3.2	3210 - Fines & Penalties – Animal Control	\$170	\$83	\$1,000

		Actual	Budget YTD	Budget
ENVIRO3.3	3210 - Animal Boarding	\$587	\$1,250	\$15,000

		Actual	Budget YTD	Budget
ENVIRO3.4	3210 - Local Law Administration	\$4,213	\$10,000	\$135,000

3.2 - Report

General information of activities for Local Law/Animal Control matters is outlined the table below.

Table 1 - Local Law & Animal Control Summary

Activity	Number/Details
Impounding and infringement notices	One (1)
Euthanized/Destroyed/Rehomed	*One (1) dog euthanised by request of owner *One (1) dog rehomed *Four (4) dogs euthanised for failure to comply with a Compliance Notice
Verbal/Written/Official warning	One (1) verbal warning regarding dog at large
Complaints	Nil
Dog Boarding	Nine (9) dogs
Removal of Dead Animals	A total of 133 dead animals were removed during the month; 124 x dead fish removed from Julia Creek due to cold weather



Ordinary Meeting of Council Tuesday 16 August 2022

	4 x cats 5 x dogs (dogs that were euthanised)
Trapping Locations & Results	Near Julia Creek Motel – 7 cats and 1 dog trapped. Dog was returned to owner as it was the 1 st impoundment.
Compliance Notices (Untidy Allotments) issued	Nil
SPER Infringement Fines issued	Nil
Commercial Use of Roads Permit issued	Nil
Comments / Actions:	
<p>*Local Laws Officer assisted Saxby Roundup with watering for their event. *Dog Registration Notices were issued. *Preston Law attended Julia Creek and conducted Local Laws Training for three (3) staff members. The training was very informative.</p>	

4 – Noxious Weeds and Pest Control

4.1 – Budget

		Actual	Budget YTD	Budget
ENVIRO4.1	3220 - Pest Plant & Animal Control Funding	\$0	\$0	\$0
ENVIRO4.2	3220 - Truck Washdown Bay Revenue	\$1,877	\$2,083	\$25,000
ENVIRO4.3	3220 - Dingo Baits (Revenue)	\$0	\$417	\$2,000
ENVIRO4.4	3220 - Feral Pig Baits (Revenue)	\$0	\$0	\$0
ENVIRO4.5	3220 - Pest Animal Rural Land Owners Fees	\$0	\$4,891	\$58,686
ENVIRO4.5	3220 - Pest Plant Control Program Exp	\$446	\$12,500	\$150,000
ENVIRO4.6	3230 - Pest Animal Control Program Exp	\$709	\$7,500	\$90,000



4.2 – Report

Pest Animal Control

There were no factory baits or dingo scalps presented in July.

Pest Plant Control

No spraying occurred during the month.

Washdown Bay

The pump seized due to build up of dirt. Cleaned out the pit. This will need to be continually monitored.

5 – Livestock Operations

5.1 – Budget

		Actual	Budget YTD	Budget
ENVIRO5.1	3235 - Livestock Weighing Revenue	\$3,428	\$3,750	\$45,000

		Actual	Budget YTD	Budget
ENVIRO5.2	3235 - Livestock Cattle Train Loading Revenue	\$0	\$2,083	\$25,000

		Actual	Budget YTD	Budget
ENVIRO5.3	3235 - Livestock Operational Costs	\$4,050	\$7,292	\$87,500

5.2 - Report

Julia Creek Livestock Facility

There was a total of 1536 head of cattle weighed and/or scanned at the facility in July 2022.

6 – Stock Routes and Reserves

6.1 – Budget

		Actual	Budget YTD	Budget
ENVIRO6.3	3300 - Stock Route – Permit/Water Fees	\$0	\$667	\$8,000
		Actual	Budget YTD	Budget
ENVIRO6.2	3300 - Stock Route Recoverable Works (Revenue)	\$0	\$55,254	\$663,050
		Actual	Budget YTD	Budget
ENVIRO6.4	3300 - Trustee Lease Fees (Revenue)	\$19,729	\$16,667	\$200,000
		Actual	Budget YTD	Budget
ENVIRO6.5	3300 - Reserves Agistment Fees (Revenue)	\$425	\$1,667	\$20,000
		Actual	Budget YTD	Budget
ENVIRO6.6	3300 - Precept Expenses (Revenue)	\$0	\$1,458	\$17,500



Ordinary Meeting of Council Tuesday 16 August 2022

		Actual	Budget YTD	Budget
ENVIRO6.7	3300 - Stock Route Maintenance (Expenditure)	\$6,539	\$62,858	\$754,300
		Actual	Budget YTD	Budget
ENVIRO6.8	3300 - Reserves Expenses (Expenditure)	\$0	\$3,750	\$45,000

6.2 - Report

Reserves

Capital Works Project – McKinlay Reserve and Oorindi Common

Fencing has commenced at Oorindi and is expected to be completed early August. Banks were pushed down so the fencing can be completed at McKinlay.

Stock Routes

Turkeys nest busted out at Longford. It needs to dry out before it can be repaired.

The float on the trough at Mimong was renewed.

Stock Routes still have not advised whether the Capital Works Program has been approved.

6.3 - Cemeteries

6.3.1 – Budget

		Actual	Budget YTD	Budget
ENVIRO6.9	3400 - Cemeteries	\$370	\$4,583	\$55,000

6.3.2 - Report

There were two (2) enquiries for grave locations during the month.

7 – Work Program (Workcamp)

7.1 - Budget

		Actual	Budget YTD	Budget
ENVIRO7.1	3600 - Work Program	\$5,522	\$2,625	\$31,500

7.2 – Report

The job list for July was unavailable. This will be updated in next months report.

8 – Housing, FRB and Community Centre

8.1 – Budget

		Actual	Budget YTD	Budget
--	--	--------	------------	--------



Ordinary Meeting of Council Tuesday 16 August 2022

ENVIRO9.1	3810-1300	3810 - Council Property / Staff Housing Program Rev	\$8,425	\$8,333	\$100,000
ENVIRO9.2	3810-1301	3810 - Council Property / Subdivision Blocks Rent	\$400	\$75	\$900
	3810-1302	3810-Council Property / Subdivision Blocks outgoings	\$0		\$0
ENVIRO9.3	3810-2300	3810 - Council Property / Staff Housing Program Exp	\$3,522	\$26,667	\$320,000
ENVIRO9.4	3810-2300	3810 - Council Property / Sub Division Expense	\$0	\$500	\$6,000

8.2 - Report

Council Property / Staff Housing

Council Property / Staff Housing activities for the month are detailed in Table below.

Activity	Number
Properties Available for use	*3 Coyne Street *Unit B, 4 Shaw Street *7 Coyne Street *33 Byrne Street
New Tenancies	*10 Shaw Street – Works Supervisor *71 Coyne Street – Executive Assistant
Finalised Tenancies	Nil
Remedy Breach	Nil
Notice to Leave	Nil
Notes/Repairs	*Purchase and install electrical components for hot water system at 8 Byrne Street. A concrete slab and water piping to unit is still to be conducted *Install rangehood and minor electrical repairs at Racecourse Residence *New fridge purchased for 10 Shaw Street *Repair lights and heat lamps in Doctors Unit *New clothesline purchased and installed by the Work Camp for Doctors Unit. The unit did not have a clothes line previously *Regular mowing/watering at vacant Council properties by local contractor



Old Senior/Aged Care Housing

Old Senior/Aged Care Housing activities for the month are detailed in Table Below:

Activity	Number
Properties Available	Two (2)
New Tenancies	Nil
Finalised Tenancies	Nil
Remedy Breach	Nil
Notice to Leave	Nil
Notes/Repairs	Nil

Fr Bill Bussutin Community Centre and Seniors Living Units

Budget

	Actual	Budget YTD	Budget
ENVIRO10.4 3820 - Community Centre Hire Fees	\$0	\$542	\$6,500

	Actual	Budget YTD	Budget
ENVIRO10.4 3820 - FRB Centre RENT	\$3,108	\$3,333	\$40,000

	Actual	Budget YTD	Budget
ENVIRO10.5 3820 - FRB Units & Community Ctre Operational Costs	\$524	\$9,167	\$110,000

Report

Seniors Living Units/Fr Bill Centre

Seniors Living Unit activities for the month are detailed in Table Below:

Activity	Number
Properties Available	Two (2) – Unit 3, Unit 7
New Tenancies	Nil
Finalised Tenancies	Nil
Remedy Breach	Nil
Notice to Leave	Nil
Notes/Repairs incl Fr Bill Centre	Nil



9 – Land and Building Development

9.1 – Budget

		Actual	Budget YTD	Budget
ENVIRO11.1	3900 - Revenue	\$1,421	\$167	\$2,000

		Actual	Budget YTD	Budget
ENVIRO11.2	3900 - Town Planning Program	\$4,365	\$5,000	\$110,000

9.2 - Report

Regulatory Services, Land and Building Development

Two (2) development applications were lodged during the month

<u>DA #</u>	<u>Applicant</u>	<u>Type of Development</u>	<u>Location</u>	<u>Application Details</u>
2022-23_01	BNC Planning Pty Ltd on behalf of McKinlay Shire Council	PLANNING	22 Julia Street, JULIA CREEK QLD 4823	Material Change of Use for Childcare Centre
2022-23_02	McKinlay Shire Council	BUILDING	59 Burke Street, JULIA CREEK QLD 4823	Building application for shed cover over wool press at Museum Shed

Updates on various land matters are as follows;

<u>Matter</u>	<u>Status</u>
Kynuna Rodeo Grounds/Landfill	Native Title is still being addressed. Survey Plan is to be amended however this won't occur until Native Title has been addressed. A EOT request has been given until September 2022.
Kynuna SES Shed	This matter has now been finalised by the Department. New lot/plan details for the SES shed is: Lot 2 on SP326353.
McKinlay Landfill	The Mitakoodi ILUA has been drafted and sent to Council for comment.
Childcare Hub Land	The lease has now been finalised. The final Land Management Plan has been issued to the Department for comment. The planning application is being submitted to Council in August 2022.
Lot 2 K3718 – Land beside Water Reserve in Kynuna	No further updates at this stage
Acquiring Land for Industrial Estate (part of Lot 8 on EN125)	*Email correspondence has been received from DOR advising that they have commenced the initial stages of the investigation



	<p>for the purchase. They have requested that Council provide the following information to assist with the investigation:</p> <ul style="list-style-type: none"> • Obtain views from the Stock Route Management Department and Department of Transport and Main Roads • Provide an amended drawing of proposed purchase area <p>*Emails have been sent to both the Stock Routes Department and DTMR for comment.</p>
Road Opening through Malpas Station	Staff have engaged a surveyor to complete the survey. No further correspondence has been received from the Department.

10 – Local Disaster Management

10.1 – Budget

		Actual	Budget YTD	Budget
ENVIRO12.1	2760 - SES Grants	\$0	\$1,714	\$20,568

		Actual	Budget YTD	Budget
ENVIRO12.2	2760 – SES Capital Grants	\$0	\$5,833	\$70,000

		Actual	Budget YTD	Budget
ENVIRO12.2	2760 - Natural Disaster Grants	\$0	\$565	\$6,780

		Actual	Budget YTD	Budget
ENVIRO12.3	2760 - Disaster Management Operational Costs	\$0	\$2,125	\$25,500

10.2 - Report

No events activated the LDMG during the month.



Ordinary Meeting of Council Tuesday 16 August 2022

6.2 Subject: Development Application
Code Assessable Material Change of Use for Childcare Centre

Attachments: 6.2.1 - Planning Report
6.2.2 - Draft Decision Notice
6.2.3 - Plans

Author: Environmental & Regulatory Services Team Leader

Date: 1 August 2022

Executive Summary:

BNC Planning Pty Ltd on behalf of McKinlay Shire Council has made an application for a Code Assessable Development Approval for a Material Change of Use on part of Lot 2 on JC55727 also known as 22 Julia Street, Julia Creek for a Childcare Centre.

Recommendation:

That Council in accordance with the Planning Act 2016 notify the applicant that their application for a Code Assessable Material Change of Use Development Permit for a Childcare Centre on part of Lot 2 on JC55727 also known as 22 Julia Street, Julia Creek be approved subject to the schedule of conditions detailed below.

Approved Plans

- The development is to occur generally in accordance with the supporting plans and reports/documents reference in the table below and as attached, except where conditions of approval dictate otherwise.*

Plan Title	Plan No. and Revision	Date
SITE PLAN – PROPOSED	A_01_03, P2	22.04.22
GROUND FLOOR PLAN	A_02_01, P4	22.04.22
ROOF PLAN	A_02_35, P2	22.04.22
ELEVATIONS	A_04_01, P2	22.04.22
Report/Document		
NA		

General

- The proposed development is to comply with all conditions of approval prior to commencement of use, unless stated otherwise.*
- The developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval with all works being undertaken to Council standard.*



Amended Plans

4. *The approved site plan referenced in Condition 1. (SITE PLAN – PROPOSED, A_01_03, 92 Dated 22.04.22) is to be amended to convert the landscaped bays within the car park into car park spaces. An updated copy of the plan is to be provided to council prior to lodgement of any development application for building works.*

Landscaping

5. *Landscaping is to be provided in the form of trees and shrubs endemic to the local area so as to achieve a minimum site coverage of 10%.*
6. *Planting is to be at 2m centres between the site frontage and the front building façade AND at a minimum ratio of 1 tree per 3 car spaces within the car park area.*

Infrastructure

7. *The development is to be connected to councils reticulated sewerage and reticulated water supply networks.*
8. *Vehicle crossovers, driveways, car parks and manoeuvring areas are designed in accordance with:*
 - *AS2890.1 – Parking Facilities;*
 - *AS2890.1 – Accessible (Disabled) Parking; and*
 - *Austrroads AP-34/95 – Design Vehicles and Turning Path Templates.*

Certification of compliance with these standards is to be obtained from an RPEQ Engineer prior to commencement of building works.

9. *Stormwater drainage is provided in accordance with:*
 - *Queensland urban drainage manual, 3rd Edition, Queensland Department of Energy and Water Supply, 2013; and*
 - *Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.*

Certification of compliance with these standards is to be obtained from an RPEQ Engineer prior to commencement of building works.

Health and Safety

10. *Utilities, equipment and machinery is to be stored within appropriately covered storage areas so as not to be visible from the street or adjoining properties. Covered storage areas being any fixed structure which is either wholly or partly enclosed by walls and which is roofed.*



Ordinary Meeting of Council Tuesday 16 August 2022

Advice

1. *Council would like to advise the applicant that provisions of the Aboriginal Cultural Heritage Act 2003 and the Queensland Heritage Act 1992 may apply to this development.*
2. *The developer/owner must demonstrate compliance with all conditions of approval prior to obtaining a certificate of classification for the use of any new buildings.*
3. *The developer may still require approval for plumbing and drainage works, building works or other works under other relevant legislation prior to commencement of works.*

Background:

BNC Planning Pty Ltd acting on behalf of McKinlay Shire Council have made an application for a Material Change of Use (MCU) Development Permit on part of Lot 2 on JC55727 located at 22 Julia Street, Julia Creek for a childcare centre.

The land is within the Recreation and open space zone of the McKinlay Shire Planning Scheme 2019 and is currently used for recreation activities being the Kev Bannah Oval. The proposed development involved the creation of a 4,533m² lease with the Department of Resources to accommodate the new childcare centre fronting Mathews Street as per plans found in attachment 6.2.3.

As part of the proposed development, an Code Assessable Material Change of Use (MCU) for a *Childcare Centre* was required in order to comply with the *Planning Act 2016* and Council's Planning Scheme. The development does not trigger referral agency assessment or public notification requirements.

The development was assessed against the Recreation and open space zone code and General development code of the McKinlay Shire Planning Scheme 2019. A copy of the Planning Report outlining compliance with the codes can be found in attachment 6.2.1.

Consultation: (internal/External)

BNC Planning Pty Ltd, Council Environmental Staff, Department of Resources

Legal Implications:

Compliance with the Planning Act 2016 and McKinlay Shire Council Planning Scheme 2019

Policy Implications:

Nil

Financial and Resource Implications:

Consultancy fees

InfoXpert Document ID: 123465



BNC PLANNING
town planning & property development consultants

PLANNING REPORT

DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT
PLANNING ACT 2016

CODE ASSESSABLE MATERIAL CHANGE OF USE

22 JULIA STREET, JULIA CREEK QLD 4823
being
LOT 2 ON JC55727
for
CHILDCARE CENTRE

Report Matrix

APPLICATION SUMMARY	
Applicant:	Click or tap here to enter text. C/- BNC Planning
Application Type:	Development Application for a Development Permit
Development Type:	Material Change of Use
Category of Development (Level of Assessment):	Code assessable
Development Description:	Childcare centre
Assessment Manager:	McKinlay Shire Council
Referral Agencies:	NA
Planning Scheme:	McKinlay Shire Planning Scheme 2019
Planning Scheme Definition(s):	Childcare centre
Zoning:	Recreation and open space zone
Precincts/Sub-Precincts:	NA
Overlays:	NA
SITE DESCRIPTION	
Property Address:	22 Julia Street, Julia Creek QLD 4823
Real (Legal) Property Description:	Lot 2 on JC55727
Site Area:	2.67 ha
Landowner:	McKinlay Shire Council as Trustee
Tenure:	Reserve
Relevant Encumbrances:	NA
Local Government Area:	McKinlay Shire Council
Road Frontage(s)	Julia Street and Mathews Street
Existing Use(s)	Recreation

DOCUMENT CONTROL

Prepared by		Client	File Ref.	Report
BNC Planning		McKinlay Shire Council	MSC-DA001-22	Report No. MSC-DA001-22-PR
Version	Date	Author		
1.0	July 2022	BNC:BNC		
1.1	July 2022	BNC:BNC		

© 2022 BNC Planning Pty Ltd, All Rights Reserved. Copyright in the whole and every part of this document belongs to BNC Planning and may not be used, sold, transferred, copied or reproduced in whole or in part in any manner or form or in or on any media to any person without the prior written consent of BNC Planning.

DISCLAIMER: This Report has been prepared in good faith and with due care by BNC Planning Pty Ltd. By accepting this Report, recipients agree for themselves and their affiliates to the terms of this Disclaimer. This Report has been prepared solely for development application and assessment purposes and not as specific advice to any particular recipient or any other person. It is not to be construed as a recommendation by BNC Planning Pty Ltd that any recipient proceeds with any investigation or with any purchase and/or lease of a property or service. In all cases recipients should carry out their own independent investigation, assessment and analysis. This Report is provided to the recipient on a contract for service basis and is not to be resupplied or replicated to any other person without the prior written consent of BNC Planning Pty Ltd. The recipient may, however, disclose the Report to any of its employees, advisors (including lawyers and accountants) or agents to the extent necessary to allow the recipient to evaluate the property/properties and to act on any opportunities.

CONTENTS

1.	EXECUTIVE SUMMARY	4
2.	INTRODUCTION	5
3.	SITE AND LOCALITY	6
4.	PROPOSAL SUMMARY	6
5.	STATUTORY ASSESSMENT	7
5.1	Assessment Benchmarks Pertaining to State Planning Instruments	7
5.1.1	State Codes	8
5.2	Assessment Benchmarks Pertaining to Local Planning Instruments	8
5.2.1	Recreation and Open Space Zone	9
5.2.2	General Development Code	11
5.3	External Referrals	12
6.	PUBLIC NOTIFICATION	12
7.	CONCLUSION	122

APPENDICIES

Appendix 1: Development Application Forms

Appendix 2: Site Details

Appendix 3: Plans of Development

1. EXECUTIVE SUMMARY

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act) and is seeking a development permit for a material change of use to facilitate a Childcare centre use. The subject premises is addressed as 22 Julia Street, Julia Creek QLD 4823 more particularly described as Lot 2 on JC55727. The premises is within the Recreation and open space zone under the McKinlay Shire Planning Scheme 2019 (the planning scheme) and is currently used for recreation activities.

For the purpose of this development application *BNC Planning* act on behalf of the applicant *McKinlay Shire Council*.

Following a detailed assessment of the proposal against the applicable local and state assessment benchmarks it has been determined that the development proposal is consistent with all applicable codes and policies. The development application is therefore required to be approved in accordance with rules of code assessment as established under Act, subject to the imposition of reasonable and relevant conditions. A summary of the development application is provided below:

Table 1.0: Development application summary

APPLICATION SUMMARY	
Applicant:	McKinlay Shire Council C/- BNC Planning
Application Type:	Development Application for a Development Permit
Development Type:	Material Change of Use
Category of Development (Level of Assessment):	Assessable Development – Code Assessable
Development Description:	Childcare centre
Assessment Manager:	McKinlay Shire Council
Referral Agencies:	NA
CATEGORISING INSTRUMENTS	
Planning Scheme:	McKinlay Shire Planning Scheme 2019
Planning Scheme Defined Uses/Works:	Childcare centre
Zoning:	Recreation and open space zone
Precincts/Sub-Precincts:	NA
Overlays:	NA
SITE DESCRIPTION	
Property Address:	22 Julia Street, Julia Creek QLD 4823
Real (Legal) Property Description:	Lot 2 on JC55727
Site Area:	2.67 ha
Landowner:	McKinlay Shire Council as Trustee
Tenure:	Reserve
Relevant Encumbrances:	NA
Local Government Area:	McKinlay Shire Council

2. INTRODUCTION

BNC Planning Pty Ltd has been commissioned by McKinlay Shire Council (the Applicant) to prepare this town planning assessment report to support a development application which seeks McKinlay Shire Council (Council) approval for a Material Change of Use for a Childcare centre.

The land subject of this development application is addressed as 22 Julia Street, Julia Creek (the Site).

This report addresses the merits of the development with regard to the provisions of the McKinlay Shire Planning Scheme (Version 1) 2019 (the Planning Scheme) and relevant sections of the *Planning Act 2016* (Planning Act).

This report is to be read in conjunction with the drawings and technical reports accompanying this development application.

The assessment of the application is to be undertaken in accordance with Section 45(3) of the Planning Act and Sections 26 and 27 of the *Planning Regulation 2017*. This report provides the Applicant's assessment of the proposed development against these provisions.

3. SITE AND LOCALITY

The subject premises is a standard Reserve lot addressed as 22 Julia Street, Julia Creek QLD 4823 more particularly described as Lot 2 on JC55727. The premises is within the Recreation and open space zone under the planning scheme and is currently used for recreation activities, being Kev Bannah Oval.

Any pertinent existing approvals which may affect the assessment of the proposal are identified in the table below:

APPLICATION REF.	DECISION AND DATE	ASSESSMENT MANAGER
NA	NA	NA

The following table describes the key characteristics of the site:

Table 2.0: Site characteristics

SITE AND LOCALITY DESCRIPTION	
Property Address:	22 Julia Street, Julia Creek QLD 4823
Real (Legal) Property Description:	Lot 2 on JC55727
Site Area:	2.67 ha
Landowner:	McKinlay Shire Council as Trustee
Tenure:	Reserve
Relevant Encumbrances:	NA
Local Government Area:	McKinlay Shire Council
Zoning:	Recreation and open space zone
Precincts/Sub-Precincts:	NA
Existing Use(s):	Outdoor recreation
Road Frontage:	147m to Julia Street and 147m to Mathews Street
Significant Site Features:	The site contains single storey community buildings associated with the recreation use of the site with related support services including access, parking, landscaping and amenities.
Topography:	The site is predominately undeveloped and is generally flat with no notable topographic features.
Surrounding Land Uses:	Commercial, recreation and community

4. PROPOSAL SUMMARY

The applicant is proposing to invest in and diversify the services currently offered from the site. The development proposal involved the creation of a 4,533m² lease to accommodate the new childcare centre fronting Mathews Street. The facility will be developed over 2 stages involving a 718m² gross floor area building supported outdoor open space and all required infrastructure services. The attached plans of development outline a generic floor plan and elevations which will be subject to change to suit the branding requirements of the eventual tenant. The development also involves a pedestrian footpath along the Mathews Street frontage, additional landscaping areas and a new car parking and site access regime.



Image 1. 3D Site Render

The proposed use is defined in Schedule 1 of the planning scheme as follows:

Childcare centre means the use of premises for the care, education and minding, but not residence, of children.

The following table describes the key characteristics of the proposed development:

Table 3.0: Proposal summary

ELEMENT	EXISTING	PROPOSED (AS TAKEN FROM WITHIN THE LEASE AREA)
Use rights:	Recreation (no use within proposed lease area)	Childcare centre
Building height/ storeys:	Single storey	Single storey, ~4.5m
Boundary Setbacks:	NA	North: 55m South: 25m East (Mathews St): 3.5m West (Private Road): 3m
Site cover:	>5%	20%
Gross floor area:	>250m ²	718m ²
Car parking:	Un-formalised	14

5. STATUTORY ASSESSMENT

The proposed Childcare centre use is identified as *code assessable* in the material change of use table of assessment for the Recreation and open space zone. There are no other components of the planning scheme or *Planning Regulation 2016* which change the level of assessment for the proposal. The development application is therefore subject to a bound code assessment against the specific assessment benchmarks identified in the tables of assessment.

The development application does trigger referral agency assessment.

5.1 Assessment Benchmarks Pertaining to State Planning Instruments

Matters Prescribed by Regulation

There are no relevant assessment benchmarks prescribed by Regulation which are relevant to the assessment of this development application

State Planning Policy

McKinlay Shire Planning Scheme 2019 confirms in section 2.1 *State planning policy* that it has ministerial approval as having adequately integrated the *State Planning Policy July 2017* into the planning scheme. There are no stand-alone components of the State planning policy which are relevant to the assessment of this development application.

Regional Plan

McKinlay Shire Planning Scheme 2019 confirms in section 2.2 *Regional plan* that it has ministerial approval as having adequately integrated the *North West Regional Plan 2010* into the planning scheme. There are no stand-alone components of the Regional plan which are relevant to the assessment of this development application.

State Development Assessment Provisions

Under Schedule 10 of the *Planning Regulation 2017*, the development application triggers the following referral agency assessments:

<i>Planning Regulation 2017</i> Trigger	Referral agency	Matters of Assessment
NA	NA	NA

Assessment Benchmarks Summary

A summary of the relevant state level assessment benchmarks is provided in the table below:

State Planning Instruments	
NA	NA

5.1.1 State Codes

No State codes applicable.

5.2 Assessment Benchmarks Pertaining to Local Planning Instruments

The applicable planning scheme for the application is the McKinlay Shire Planning Scheme 2019 and there are no other identified applicable local planning instruments.

McKinlay Shire Planning Scheme 2019

The McKinlay Shire Planning Scheme 2019 (the planning scheme) includes tables of assessment which nominate the categories of development and assessment (levels of assessment) and nominate the assessment benchmarks for assessable development and the requirements for accepted development. The applicable tables of assessment for this development application are:

- Categories of development and assessment – Material change of use

Local Government Infrastructure Plan

The development will not impact on the delivery of any planned trunk infrastructure in the immediate locality.

Assessment Benchmarks Summary

A summary of the relevant local level assessment benchmarks is provided in the table below:

Local Planning Instruments	
Planning Scheme	Recreation and open space zone code General development code

The development application has been assessed against each of the applicable local level assessment benchmarks and found to be:

- compliant with the purpose and applicable outcomes from the relevant codes; and
- consistent with the strategic framework for the planning scheme.

Any pertinent issues arising from the assessment against the local level assessment benchmarks are addressed below. For clarity, any codes or outcomes not specifically addressed below or in the proposal justification report are considered to be objectively satisfied.

5.2.1 Recreation and Open Space Zone

5.2.1.1 Purpose

The proposed development involves a land use outcome specifically contemplated within the zone as provided for by the code assessable nature of the use. More specifically, the development is consistent with the purpose of the zone code by being a facility that supports the recreation uses and activities already occurring on site.

5.2.1.2 Code Outcomes

Given the code assessable nature of the proposed development and the extent to which the applicant has chosen to design the development in accordance with the zone code, the majority of outcomes within the zone code are either objectively satisfied or not applicable. Any outcomes which are pertinent to the assessment of the proposal have been extracted and discussed below:

Performance outcomes	Acceptable outcomes	Justification
For assessable development		
PO1	AO1	The building height does not exceed 8m and does not exceed one storey. Complies with AO1.
PO2	AO2	While the GFA does exceed 500m ² , the site coverage ensures the primary use of the overall site continues to be for recreation purposes. The need for the larger GFA is dictated to by the relevant childcare legislation as it relates to the child occupancy versus m ² GFA ratios. The development will result in a high level of character and amenity. Complies with PO2.
PO3	AO3	While the GFA does exceed 500m ² , the site coverage ensures the primary use of the overall site continues to be for recreation purposes. The need for the larger GFA is dictated to by the relevant childcare legislation as it relates to the child occupancy versus m ² GFA ratio. The development will result in a high level of character and amenity. There are no identified areas of environmental importance. Complies with PO3.
PO4	AO4.1	The sitting, building height and setbacks are all commensurate with the surrounding character and streetscape. Complies with AO4.1.
	AO4.2	The development will be connected to the reticulated sewer network. This can

		<p>be formalised through the conditions of approval.</p> <p>Complies with AO4.2.</p>
	A04.3	<p>The site and development footprint are no identified as being subject to natural hazards.</p> <p>Complies with AO4.3.</p>
PO5	A05	<p>A childcare centre is nominated as code assessable in the tables of assessment and as such is taken as an anticipated use in this zone.</p> <p>Childcare services are commonly accepted as community service type uses and as such are complementary to the community recreation and activity node the site is located within.</p> <p>The site coverage ensures the primary use of the overall site continues to be for recreation purposes. The need for the 718m² GFA is dictated to by the relevant childcare legislation as it relates to the child occupancy versus m² GFA ratio.</p> <p>The development footprint still maintains a low plot ratio for the site and is single storey/low-scale in built from nature.</p> <p>Complies with AO5.</p>
PO6	A06.1	<p>The development footprint has been sited to allow for connection to the relevant urban infrastructure services.</p> <p>Complies with AO6.1.</p>
	A06.2	<p>Not applicable.</p> <p>Complies with AO6.2.</p>
PO7	A07	<p>The site plan shows that dedicated space is available for landscaping. To be formalised through conditions of approval.</p> <p>Complies with AO7.</p>

As demonstrated by the above assessment, the development is able to objectively satisfy the outcomes and purpose of the zone code. Formalisation of compliance with the code can be ensured through the imposition of standard conditions of approval including the requirements for the development to occur generally in accordance with the plans of development.

5.2.2 General Development Code

The development has been designed with detailed consideration given to the desired built form outcomes and management of elements such as reticulated sewer and water supply, electricity and telecommunications services, stormwater drainage, landscaping outcomes and parking and access facilities. Sufficient detail is provided on the plans of development to confirm compliance with the General development code and that solutions to addressing the servicing and utility needs of the development can be achieved. Accordingly, it is requested that conditions of approval be used where required to allow the material change of use decision to be reached as quickly as possible with the operational works and compliance assessment processes left to confirm the more detailed design solutions, if required at all. These may include a site-based stormwater management plan, landscape plan, design certification for car parking and access facilities and sewerage and water supply works where required. It is at this stage where application of the works code and demonstration of compliance with the civil/engineering works design standards becomes more relevant.

Given the zoning, the code assessable nature of the development, the lack of natural hazard impacts and the extent to which the applicant has been able to design the development in accordance with the zone code, the majority of outcomes within the General development code are either objectively satisfied or not applicable. Any outcomes which are pertinent to the assessment of the proposal have been extracted and discussed below:

Performance outcomes	Acceptable outcomes	Justification
PO7	A07	The building is a commercial building despite being in the Recreation and open space zone. Despite this, there is an acceptable level of integration of the outcomes identified in A07. Complies with A07.
PO8	A08	There is no set or regular setback established along Mathews Street. The setbacks nominated in Table 6.3.1.14 are achieved with the exception of the road frontage setback. However, the setback proposed is reflective of the irregular, unformed road reserve adjacent to the site and matches that of the closest building along the western side of the road reserve at 7 Coyne Street. Complies with PO8.
PO9	A09	It is acknowledged that the development does not meet the nominated car parking ratio. However, the facility is not intended to operate at its maximum capacity. Opportunities do exist to increase car parking numbers by converting the car park landscaping areas into spaces and by providing dedicated pick up/drop off spaces. While the car park is expected to be fit-for-purpose the applicant is willing to work through these issues and amend the car park accordingly. Complies with PO9.

Accordingly, the development is able to objectively satisfy the outcomes and purpose of the development codes. Given the extent to which the proposal objectively satisfies the codes, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance. Formalisation of compliance with the code can be ensured through the imposition of standard conditions of approval including the requirements for the development to occur generally in accordance with the plans of development and the standard civil and services design certification requirements.

5.3 External Referrals

The development application will not trigger referral agency assessment, as discussed in section 5.1 above.

6. PUBLIC NOTIFICATION

The application is code assessable and will not be subject to public notification.

7. CONCLUSION

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act) and is seeking a development permit for a material change of use to facilitate anew Childcare centre use. The subject premises is addressed as 22 Julia Street, Julia Creek QLD 4823 more particularly described as Lot 2 on JC55727. The premises is within the Recreation and open space zone under the McKinlay Shire Planning Scheme 2019 (the planning scheme) and is currently used for recreation activities.

An assessment of the proposal was undertaken against the applicable assessment benchmarks which confirms that it is consistent with the provisions of the applicable planning instruments, specifically the local government planning scheme. Council is therefore required to **approve** the development application pursuant to the rules of code assessment established under the Act, and issue a development permit subject to the imposition of reasonable and relevant conditions.

RECOMMENDATION

That this development application seeking a development permit for a Childcare centre use over the subject premises situated at 22 Julia Street, Julia Creek QLD 4823 more particularly described as Lot 2 on JC55727, be approved subject to reasonable and relevant conditions.

STATEMENT OF REASONS

Subject to the imposition of reasonable and relevant conditions, the development is able to comply with the following applicable assessment benchmarks against which the application was required to be assessed.

Applicable Assessment Benchmarks:

State Planning Instruments	
NA	NA
Local Planning Instruments	
Planning Scheme	Recreation and open space zone code General development code

REASON FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Sufficient justification has been provided and satisfactory grounds have been established to conclude that the proposed development remains consistent with the strategic intent and overall outcomes of the planning scheme. In substantive terms, this conclusion is based on the following reasons:

- The proposed Childcare centre land use outcome directly aligns with the Purpose of the zone code.
- The proposal is consistent with past development decisions in the zone and precinct.
- The development can be adequately serviced.
- The built form outcome is consistent with the relevant assessment benchmarks and will not result in any adverse impacts on amenity of surrounding properties.
- The site is not identified as being susceptible to any unacceptable or unmanageable natural hazard or infrastructure constraints.
- The development does not increase the susceptibility of people or property to natural hazards or other health risks.
- The development will maintain the existing level and standard of servicing provided by the relevant infrastructure networks.
- The proposal addressed an established planning need for the development
- There is an established overriding need in the community interest for the development.
- The proposal does not undermine the planning scheme
- The proposal does not establish precedence that could result in the future undermining of the planning scheme
- The development allows the site to better contribute to the achievement of the Strategic Framework.

{COUNCIL LETTERHEAD AND APPLICANT ADDRESS}

DECISION NOTICE

Planning Act 2016

This **decision notice** is issued pursuant to the Planning Act 2016 and is associated with a development application seeking a development permit for a material change of use (childcare centre). The development application was assessed and **approved in full subject to conditions**. The decision date being **XX JULY 2022**.

The following application details are provided:

DEVELOPMENT APPLICATION DETAILS

Application Reference No.	2022-23_01
Applicant Details	McKinlay Shire Council C/- BNC Planning Contact: Benjamin Collings PO Box 5493, TOWNSVILLE QLD 4810 P. (07) 4724 1763 E. enquire@bncplanning.com.au
Development Proposal	Childcare centre
Development Type	Development Permit – Material Change of Use
Site Address	22 Julia Street, JULIA CREEK QLD 4823
Real Property Description	Lot 2 on JC55727
Level of Assessment	Assessable Development – Code Assessable
Assessment Benchmarks	<i>Planning Act 2016</i> <i>Planning Regulation 2017</i> North West Regional Plan 2010 McKinlay Shire Planning Scheme 2019 <ul style="list-style-type: none">• Recreation and open space zone• General development code
Applicants Reference	MSC-DA001-22

DEEMED APPROVAL

This development approval is **not** a *deemed approval* under section 64 of the *Planning Act 2016*.

CONDITIONS OF APPROVAL

The conditions of this approval are outlined in the below Schedule of Conditions and are distinguished as either assessment manager or referral agency conditions.

REFERRAL AGENCIES

Based on the common material included in the lodged development application, it was determined that referral was **not** required to any referral agencies.

ASSESSMENT BENCHMARKS/REASONS FOR DECISION

Pursuant to section 63(5) and section 83(7) of the *Planning Act 2017*, the following clarifications are provided as to the reasoning for the decision which has been made.

Subject to the imposition of the development conditions contained within the Decision Notice, the development is able to comply with the following applicable Assessment Benchmarks against which the application was required to be assessed, being:

- The *Planning Act 2016*
- The *Planning Regulation 2017*
- State Planning Policy 2017
- North West Regional Plan 2020
- The McKinlay Shire Council Planning Scheme 2019
 - Recreation and open space zone code
 - General development code

CURRENCY PERIOD

The currency period set for this development approval is to be in accordance with section 85 of the *Planning Act 2016*, which establishes when an approval lapses.

RIGHTS OF APPEAL

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

An extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter is attached.

{FILE OFFICER CONTACT DETAILS}

{CEO SIGNATURE BLOCK}

SCHEDULE OF CONDITIONS

Code Assessable Material Change of Use Development Permit (Childcare Centre)

Assessment Manager Conditions of Approval

Approved Plans

1. The development is to occur generally in accordance with the supporting plans and reports/documents reference in the table below and as attached, except where conditions of approval dictate otherwise.

Plan Title	Plan No. and Revision	Date
SITE PLAN – PROPOSED	A_01_03, P2	22.04.22
GROUND FLOOR PLAN	A_02_01, P4	22.04.22
ROOF PLAN	A_02_35, P2	22.04.22
ELEVATIONS	A_04_01, P2	22.04.22
Report/Document		
NA		

General

2. The proposed development is to comply with all conditions of approval prior to commencement of use, unless stated otherwise.
3. The developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval with all works being undertaken to Council standard.

Amended Plans

4. The approved site plan referenced in Condition 1. (SITE PLAN – PROPOSED, A_01_03, 92 Dated 22.04.22) is to be amended to convert the landscaped bays within the car park into car park spaces. An updated copy of the plan is to be provided to council prior to lodgement of any development application for building works.

Landscaping

5. Landscaping is to be provided in the form of trees and shrubs endemic to the local area so as to achieve a minimum site coverage of 10%.
6. Planting is to be at 2m centres between the site frontage and the front building façade AND at a minimum ratio of 1 tree per 3 car spaces within the car park area.

Infrastructure

7. The development is to be connected to councils reticulated sewerage and reticulated water supply networks.
8. Vehicle crossovers, driveways, car parks and manoeuvring areas are designed in accordance with:
 - AS2890.1 – Parking Facilities;

- AS2890.1 – Accessible (Disabled) Parking; and
- Austroads AP-34/95 – Design Vehicles and Turning Path Templates.

Certification of compliance with these standards is to be obtained from an RPEQ Engineer prior to commencement of building works.

9. Stormwater drainage is provided in accordance with:
- Queensland urban drainage manual, 3rd Edition, Queensland Department of Energy and Water Supply, 2013; and
 - Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.

Certification of compliance with these standards is to be obtained from an RPEQ Engineer prior to commencement of building works.

Health and Safety

10. Utilities, equipment and machinery is to be stored within appropriately covered storage areas so as not to be visible from the street or adjoining properties. Covered storage areas being any fixed structure which is either wholly or partly enclosed by walls and which is roofed.

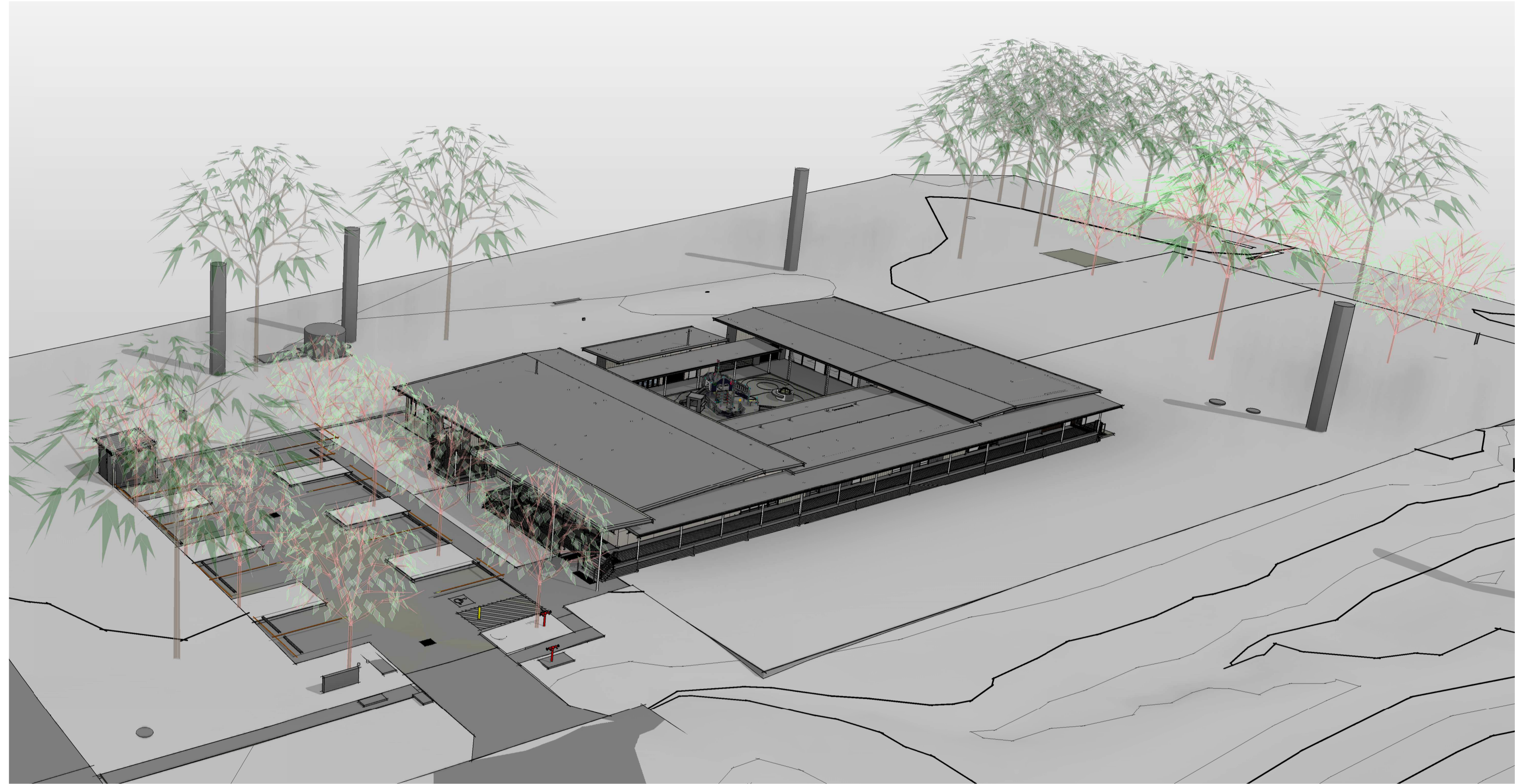
Advice

1. Council would like to advise the applicant that provisions of the Aboriginal Cultural Heritage Act 2003 and the Queensland Heritage Act 1992 may apply to this development.
2. The developer/owner must demonstrate compliance with all conditions of approval prior to obtaining a certificate of classification for the use of any new buildings.
3. The developer may still require approval for plumbing and drainage works, building works or other works under other relevant legislation prior to commencement of works.

MCKINLAY SHIRE COUNCIL CHILDREN'S SERVICES HUB

DRAWING LIST

No.	NAME	REV	DATE
00_01	COVERSHEET	P2	22.04.22
00_02	PERSPECTIVES	P2	22.04.22
00_03	PERSPECTIVES	P2	22.04.22
01_01	LOCATION PLAN	P2	22.04.22
01_02	SITE PLAN - DEMOLITION	P2	22.04.22
01_03	SITE PLAN - PROPOSED	P2	22.04.22
02_01	GROUND FLOOR PLAN	P4	22.04.22
02_05	STRUCTURAL SETOUT PLAN	P1	22.04.22
02_10	STRUCTURAL SETOUT PLAN - SUB FLOOR	P2	22.04.22
02_15	PARTITION SETOUT PLAN	P1	22.04.22
02_35	ROOF PLAN	P2	22.04.22
03_01	CEILING PLAN	P2	22.04.22
04_01	ELEVATIONS	P2	22.04.22
05_01	SECTIONS	P2	22.04.22
08_01	WINDOW SCHEDULE	P1	22.04.22
08_02	WINDOW ELEVATIONS + LOUVRE SCREEN SCHEDULE	P1	22.04.22
09_01	DOOR SCHEDULE & ELEVATIONS	P1	22.04.22
09_02	DOOR SCHEDULE & ELEVATIONS	P1	22.04.22
12_01	REFERENCE PLAN	P1	22.04.22
12_02	WET AREA ELEVATIONS	P1	22.04.22
12_03	WET AREA ELEVATIONS	P1	22.04.22
12_04	WET AREA ELEVATIONS	P1	22.04.22
12_05	WET AREA ELEVATIONS	P1	22.04.22
12_06	WET AREA ELEVATIONS	P1	22.04.22
12_07	WET AREA ELEVATIONS	P1	22.04.22
12_08	WET AREA ELEVATIONS	P1	22.04.22
12_09	WET AREA ELEVATIONS	P1	22.04.22
12_10	WET AREA ELEVATIONS	P1	22.04.22
12_11	WET AREA ELEVATIONS	P1	22.04.22
12_12	WET AREA ELEVATIONS	P1	22.04.22
12_13	WET AREA ELEVATIONS	P1	22.04.22
12_14	WET AREA ELEVATIONS	P1	22.04.22
12_15	WET AREA ELEVATIONS	P1	22.04.22
12_20	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_21	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_22	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_23	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_24	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_25	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_26	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_27	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_28	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_29	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_30	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_31	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_32	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_33	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_34	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_35	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_36	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_37	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_38	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_39	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_40	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_41	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_42	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_43	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_44	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_45	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_46	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_47	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_48	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_49	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_50	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_51	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_52	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_53	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_54	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_55	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_56	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_57	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_58	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_59	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_60	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_61	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_62	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_63	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_64	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_65	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_66	INTERNAL ROOM ELEVATIONS	P1	22.04.22
12_67	INTERNAL ROOM ELEVATIONS	P1	22.04.22
14_01	FF&E SCHEDULE - CEILINGS	P1	22.04.22
14_02	FF&E SCHEDULE - EQUIPMENT	P1	22.04.22
14_04	FF&E SCHEDULE - FIRE SERVICES	P1	22.04.22
14_05	FF&E SCHEDULE - FURNITURE	P1	22.04.22



DRAWING LIST

No.	NAME	REV	DATE
14_07	FF&E SCHEDULE - GENERAL ITEMS	P1	22.04.22
14_09	FF&E SCHEDULE - ROOF	P1	22.04.22
14_10	FF&E SCHEDULE - SANITARY	P1	22.04.22
14_11	FF&E SCHEDULE - SANITARY	P1	22.04.22
14_13	FF&E SCHEDULE - SIGNAGE	P1	22.04.22
15_01	FINISHES SCHEDULE	P1	22.04.22
15_02	FINISHES SCHEDULE	P1	22.04.22

NOTE:
DO NOT SCALE THIS DRAWINGS
VERIFY ALL DIMENSIONS ON SITE

COPYRIGHT:
VABASIS PTY LTD

DISCIPLINE:

CONSULTANTS:

CIVIL STP CONSULTANTS

STRUCTURAL STP CONSULTANTS

HYDRAULIC STP CONSULTANTS

FIRE ENGINEERING N/A

BUILDING CERTIFICATION DEVCERT

ENERGY ERC CONSULTING

LANDSCAPE RICHARD ANDERSON

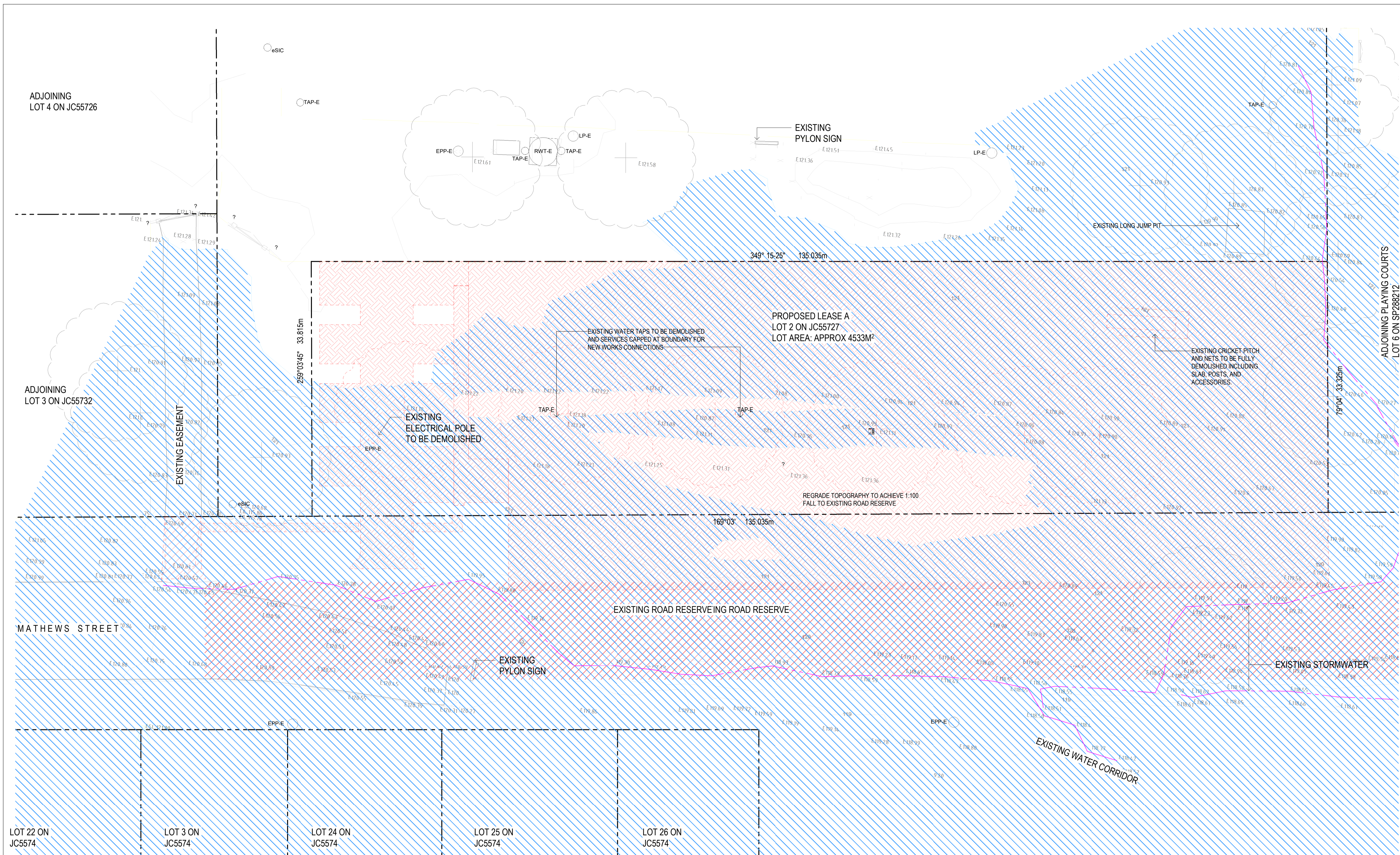
CLIENT:

MCKINLAY SHIRE COUNCIL



AMENDMENTS:

ISSUE	DATE	SUBJECT	AUTH
P1	14.04.22	PRELIMINARY ISSUE	GC
P2	22.04.22	FOR INFORMATION	GC



1 DEMOLITION SITE PLAN
1:250

LEGEND: DEMOLITION		NOTES
	EXISTING ROAD RESERVE	<ul style="list-style-type: none"> EXTENTS OF DEMOLITION NOMINAL ONLY. THE CONTRACTOR IS TO UNDERTAKE ALL NECESSARY DEMOLITION TO FACILITATE NEW WORKS. CONTRACTOR TO VERIFY EXTENTS ON SITE PRIOR TO COMMENCEMENT OF WORKS. CONTRACTOR TO SEEK ADVICE PRIOR TO ANY/ALL EXCAVATIONS/DEMOLITION WORKS IN CLOSE PROXIMITY TO EXISTING STRUCTURES. REFER TO CONSULTING CIVIL ENGINEER'S DOCUMENTATION FOR BULK EARTHWORKS, ROADWORKS, ONGRADE CARPARK AND/OR FOOTPATH DEMOLITION WORKS. EXTENTS OF EXISTING SERVICES INDICATIVE ONLY, CONTRACTOR TO VERIFY ON SITE PRIOR TO ANY/ALL WORKS. ALL REDUNDANT SERVICES TO BE TERMINATED, CAPPED AND MADE SAFE PRIOR TO REMOVAL. REFER TO CONSULTING SERVICES ENGINEERS DOCUMENTATION FOR EXTENTS OF SERVICES DEMOLITION.
	EXISTING DRIVEWAY	
	EXTENT OF EARTH TO BE DEMOLISHED TO ALLOW FOR PROPOSED CAR PARKING, FOOTPATH & DRIVEWAY IN ACCORDANCE WITH LOCAL AUTHORITY STANDARDS	
	EXISTING FLOOD LEVEL RL121200 NOTE: FLOOD LEVEL TO BE CONFIRMED	
	TREES TO BE REMOVED	
	EXISTING TREE TO REMAIN	
	-BOUNDARY LINE	
EPP-E	EXISTING POWER POLE	
EPP-D	EXISTING POWER POLE TO BE DEMOLISHED	
GT-E	EXISTING GATE	
LP-E	EXISTING LIGHT POLE	
RWT-E	EXISTING WATER TANK	
SW-E	EXISTING SEWER MANHOLE	
TAP-E	EXISTING TAP	

NOTE:
DO NOT SCALE THIS DRAWINGS
VERIFY ALL DIMENSIONS ON SITE

COPYRIGHT:
VABASIS PTY LTD

DISCIPLINE:

CONSULTANTS:	
CIVIL	STP CONSULTANTS
STRUCTURAL	STP CONSULTANTS
HYDRAULIC	STP CONSULTANTS
FIRE ENGINEERING	N/A
BUILDING CERTIFICATION	DEVCERT
ENERGY	ERC CONSULTING
LANDSCAPE	RICHARD ANDERSON

CLIENT:
MCKINLAY SHIRE COUNCIL

Amendments:

ISSUE	DATE	SUBJECT	AUTH
P1	14.04.22	PRELIMINARY ISSUE	GC
P2	22.04.22	FOR INFORMATION	GC

PROJECT:
MCKINLAY SHIRE COUNCIL
CHILDREN'S SERVICES HUB

LOCATION:
MATHEWS ST, JULIA CREEK QLD
4823

RP DESCRIPTION & SITE AREA:
PROPOSED LEASE A
LOT 3 ON JC55727

PURPOSE:
SCHEMATIC DESIGN

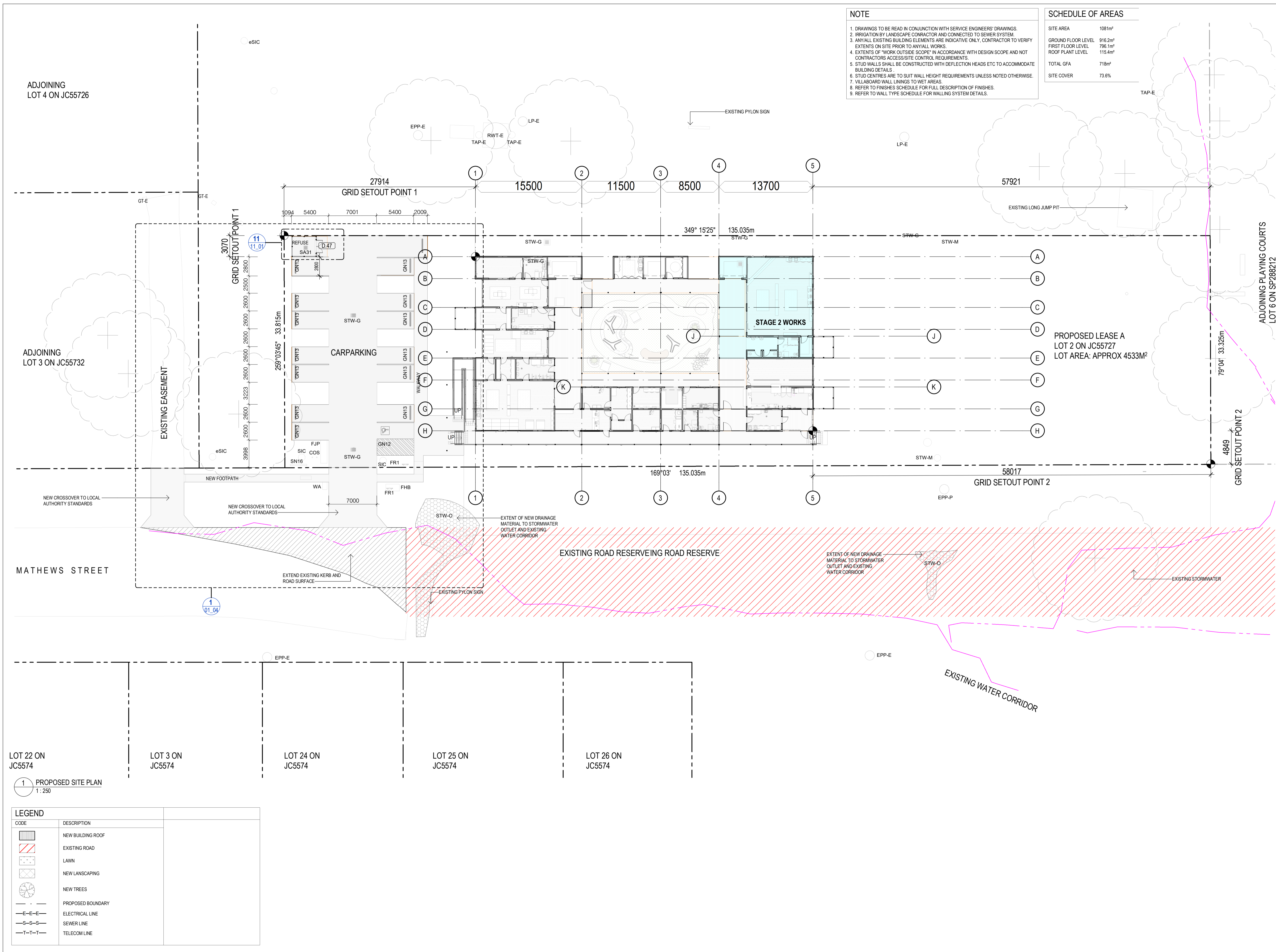
ORIENTATION:

SCALE:
As indicated FULL SIZE @ A1

PROJECT NUMBER:
2019055

TITLE:
SITE PLAN - DEMOLITION

DRAWING NUMBER: A_01_02 **ISSUE:** P2



NOTE

- DRAWINGS TO BE READ IN CONJUNCTION WITH SERVICE ENGINEERS' DRAWINGS.
- IRRIGATION BY LANDSCAPE CONTRACTOR AND CONNECTED TO SEWER SYSTEM.
- ANY ALL EXISTING BUILDING ELEMENTS ARE INDICATIVE ONLY, CONTRACTOR TO VERIFY EXTENTS ON SITE PRIOR TO ANY WALL WORKS.
- EXTENTS OF "WORK OUTSIDE SCOPE" IN ACCORDANCE WITH DESIGN SCOPE AND NOT CONTRACTORS ACCESS/SITE CONTROL REQUIREMENTS.
- STUD WALLS SHALL BE CONSTRUCTED WITH DEFLECTION HEADS ETC TO ACCOMMODATE BUILDING DETAILS.
- STUD CENTRES ARE TO SUIT WALL HEIGHT REQUIREMENTS UNLESS NOTED OTHERWISE.
- VILLBOARD WALL LININGS TO WET AREAS.
- REFER TO FINISHES SCHEDULE FOR FULL DESCRIPTION OF FINISHES.
- REFER TO WALL TYPE SCHEDULE FOR WALLING SYSTEM DETAILS.

SCHEDULE OF AREAS

SITE AREA	1081m ²
GROUND FLOOR LEVEL	916.2m ²
FIRST FLOOR LEVEL	796.1m ²
ROOF PLANT LEVEL	115.4m ²
TOTAL GFA	718m ²
SITE COVER	73.6%


NOTE:
DO NOT SCALE THIS DRAWINGS
VERIFY ALL DIMENSIONS ON SITE

COPYRIGHT:
VABASIS PTY LTD

DISCIPLINE:

CONSULTANTS:	
CIVIL	STP CONSULTANTS
STRUCTURAL	STP CONSULTANTS
HYDRAULIC	STP CONSULTANTS
FIRE ENGINEERING	N/A
BUILDING CERTIFICATION	DEVCERT
ENERGY	ERC CONSULTING
LANDSCAPE	RICHARD ANDERSON

CLIENT:
MCKINLAY SHIRE COUNCIL



AMENDMENTS:

ISSUE	DATE	SUBJECT	AUTH
P1	14.04.22	PRELIMINARY ISSUE	GC
P2	22.04.22	FOR INFORMATION	GC

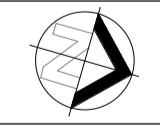
PROJECT:
MCKINLAY SHIRE COUNCIL
CHILDREN'S SERVICES HUB

LOCATION:
MATHews ST, JULIA CREEK QLD
4823

RP DESCRIPTION & SITE AREA:
PROPOSED LEASE A
LOT 3 ON JC55727

PURPOSE:
SCHEMATIC DESIGN

ORIENTATION:



SCALE:
As indicated FULL SIZE @ A1

PROJECT NUMBER:
2019055

TITLE:
SITE PLAN - PROPOSED

DRAWING NUMBER: A_01_03 **ISSUE:** P2

NOTE

1. DRAWINGS TO BE READ IN CONJUNCTION WITH SERVICE ENGINEERS' DRAWINGS.
2. IRRIGATION BY LANDSCAPE CONTRACTOR AND CONNECTED TO SEWER SYSTEM.
3. ANY/ALL EXISTING BUILDING ELEMENTS ARE INDICATIVE ONLY, CONTRACTOR TO VERIFY EXTENTS ON SITE PRIOR TO ANY/ALL WORKS.
4. EXTENTS OF "WORK OUTSIDE SCOPE" IN ACCORDANCE WITH DESIGN SCOPE AND NOT CONTRACTORS ACCESS/SITE CONTROL REQUIREMENTS.
5. STUD WALLS SHALL BE CONSTRUCTED WITH DEFLECTION HEADS ETC TO ACCOMMODATE BUILDING DETAILS.
6. STUD CENTRES ARE TO SUIT WALL HEIGHT REQUIREMENTS UNLESS NOTED OTHERWISE.
7. VILLAGARD WALL LININGS TO WET AREAS.
8. REFER TO FINISHES SCHEDULE FOR FULL DESCRIPTION OF FINISHES.
9. REFER TO WALL TYPE SCHEDULE FOR WALLING SYSTEM DETAILS.

CAPACITY CALCULATIONS

ROOM	CAPACITY	AMENITIES
PLAY GROUP	20 CHILDREN 2 CARERS	PWD / SHR 1 PWD / SHR 3
OHSC	30 CHILDREN 2 CARERS	WC 1 & WC 2 PWD / SHR 2 PWD / SHR 3
KINDY	22 CHILDREN 2 CARERS	CHANGE / WC PWD / SHR 3
TODDLERS	10 CHILDREN 2 CARERS	CHANGE / WC PWD / SHR 3
BABIES	8 CHILDREN 2 CARERS	NAPPY CHANGE PWD / SHR 3
ADMINISTRATION	1 CONSULTANT 4 VISITORS 1 RECEPTIONIST 1 DIRECTOR VISITORS	UNISEX PWD UNISEX PWD UNISEX PWD UNISEX PWD UNISEX PWD
TOTAL	90 CHILDREN 13 STAFF	

SPATIAL REQUIREMENTS

INDOOR PLAY AREA	3.25m ² / CHILD
OUTDOOR PLAY AREA	7m ² / CHILD
SHADED OUTDOOR PLAY AREA	2.5m ² / CHILD
BABIES SLEEPING AREA (UNDER 15 MONTHS)	2.5m ² / CHILD
OHSC OUTDOOR PLAY AREA	5m ² / CHILD
OHSC SHADED OUTDOOR PLAY AREA	1m ² / CHILD
THEREFORE	
KINDY INDOOR PLAY AREA	25m ² X 22 CHILDREN = 71.5m ²
TODDLER INDOOR PLAY AREA	3.25m ² X 10 CHILDREN = 32.5m ²
BABIES INDOOR PLAY AREA	3.25m ² X 8 CHILDREN = 26m ²
BABIES SLEEPING	2.5m ² X 8 CHILDREN = 20m ²
OHSC INDOOR PLAY AREA	3.25m ² X 30 CHILDREN = 97.5m ²
OHSC OUTDOOR PLAY AREA	5m ² X 30 CHILDREN = 150m ²
OHSC SHADED OUTDOOR PLAY AREA	1m ² X 30 CHILDREN = 30m ²

NOTE:
DO NOT SCALE THIS DRAWINGS
VERIFY ALL DIMENSIONS ON SITE

COPYRIGHT:
VABASIS PLY LTD

DISCIPLINE:

CONSULTANTS:	
CIVIL	STP CONSULTANTS
STRUCTURAL	STP CONSULTANTS
HYDRAULIC	STP CONSULTANTS
FIRE ENGINEERING	N/A
BUILDING CERTIFICATION	DEVCERT
ENERGY	ERC CONSULTING
LANDSCAPE	RICHARD ANDERSON

CLIENT:
MCKINLAY SHIRE COUNCIL



AMENDMENTS:

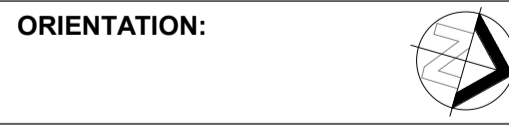
ISSUE	DATE	SUBJECT	AUTH
P1	08.04.22	PRELIMINARY ISSUE	DGM
P2	13.04.22	UPDATED CLIENT REVIEW	GC
P3	14.04.22	PRELIMINARY ISSUE	GC
P4	22.04.22	FOR INFORMATION	GC

PROJECT:
MCKINLAY SHIRE COUNCIL
CHILDREN'S SERVICES HUB

LOCATION:
MATHEWS ST, JULIA CREEK QLD
4823

RP DESCRIPTION & SITE AREA:
PROPOSED LEASE A
LOT 3 ON JC55727

PURPOSE:
SCHEMATIC DESIGN

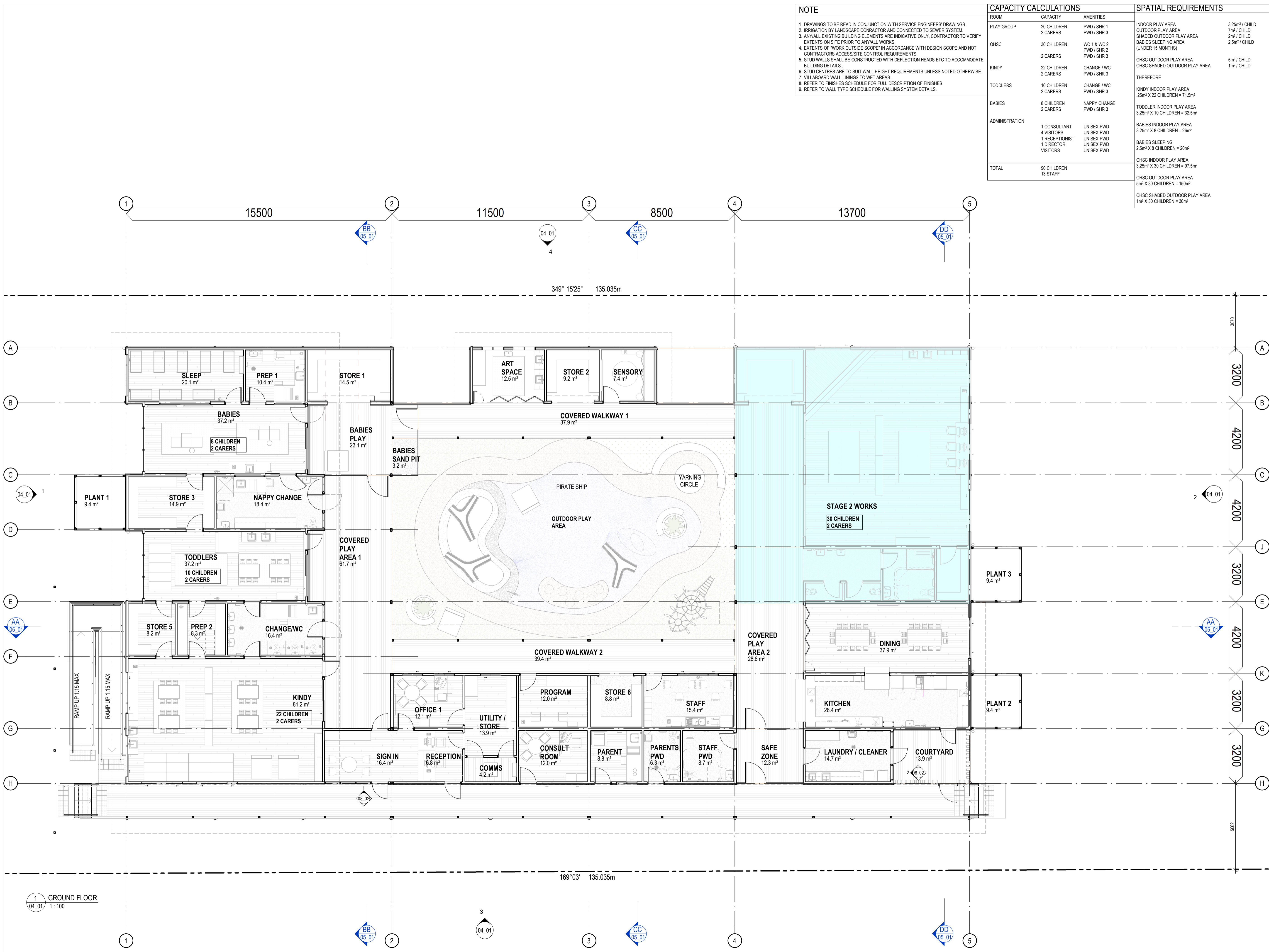


SCALE:
1 : 100 FULL SIZE @ A1

PROJECT NUMBER:
2019055

TITLE:
GROUND FLOOR PLAN

DRAWING NUMBER: A_02_01
ISSUE: P4



1 GROUND FLOOR
04_01 1:100

NOTES: ROOF
 R2.3 THERMAL ROOF INSULATION WITH ROOF SPACER SYSTEM TO FULL EXTENT OF ROOF

NOTE:
 DO NOT SCALE THIS DRAWINGS
 VERIFY ALL DIMENSIONS ON SITE

COPYRIGHT:
 VABASIS PTY LTD

DISCIPLINE:

CONSULTANTS:

CIVIL	STP CONSULTANTS
STRUCTURAL	STP CONSULTANTS
HYDRAULIC	STP CONSULTANTS
FIRE ENGINEERING	N/A
BUILDING CERTIFICATION	DEVCERT
ENERGY	ERC CONSULTING
LANDSCAPE	RICHARD ANDERSON

CLIENT:
 MCKINLAY SHIRE COUNCIL



AMENDMENTS:

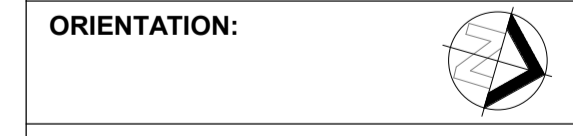
ISSUE	DATE	SUBJECT	AUTH
P1	14.04.22	PRELIMINARY ISSUE	GC
P2	22.04.22	FOR INFORMATION	GC

PROJECT:
 MCKINLAY SHIRE COUNCIL
 CHILDREN'S SERVICES HUB

LOCATION:
 MATHEWS ST, JULIA CREEK QLD
 4823

RP DESCRIPTION & SITE AREA:
 PROPOSED LEASE A
 LOT 3 ON JC55727

PURPOSE:
 SCHEMATIC DESIGN

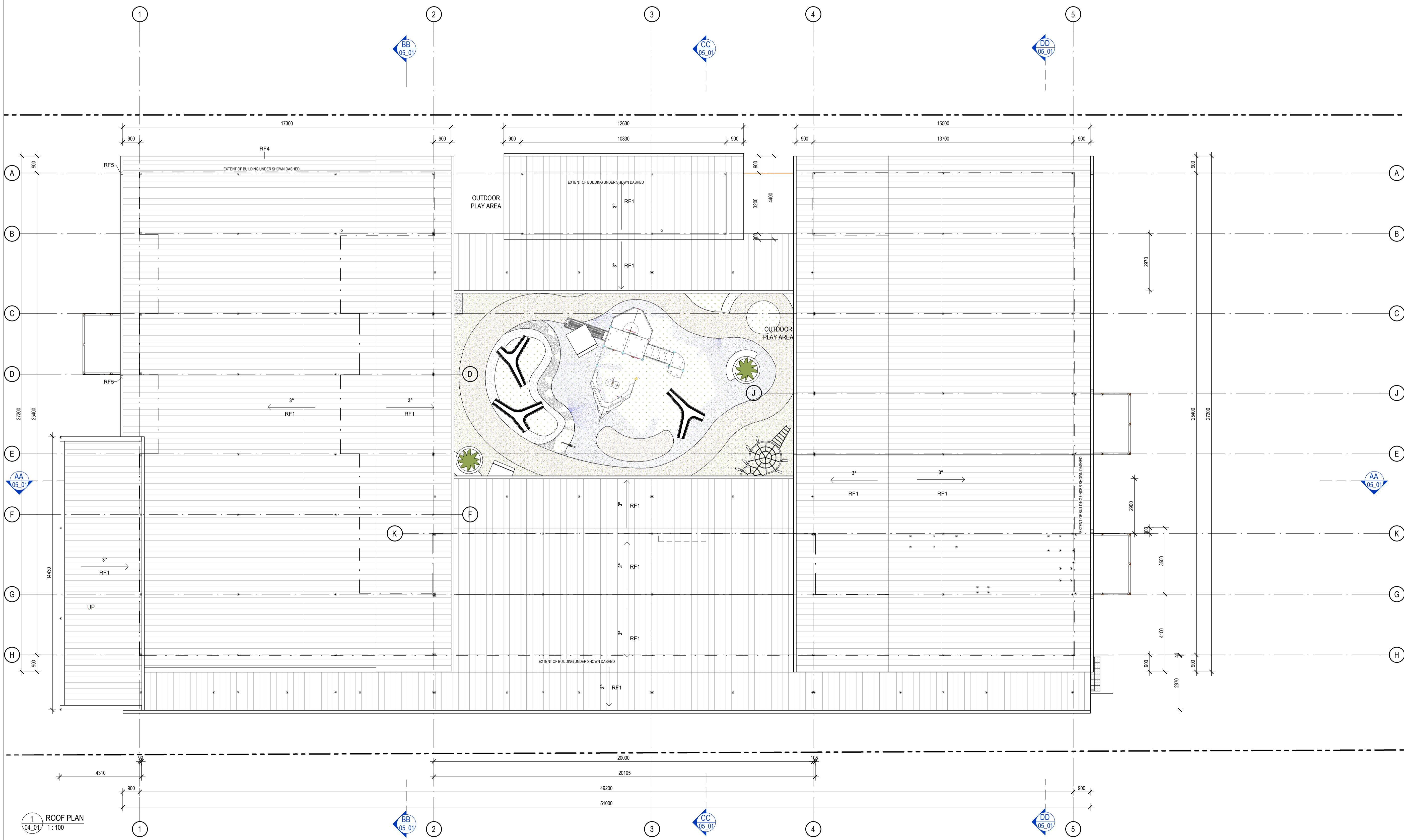


SCALE:
 1 : 100 FULL SIZE @ A1

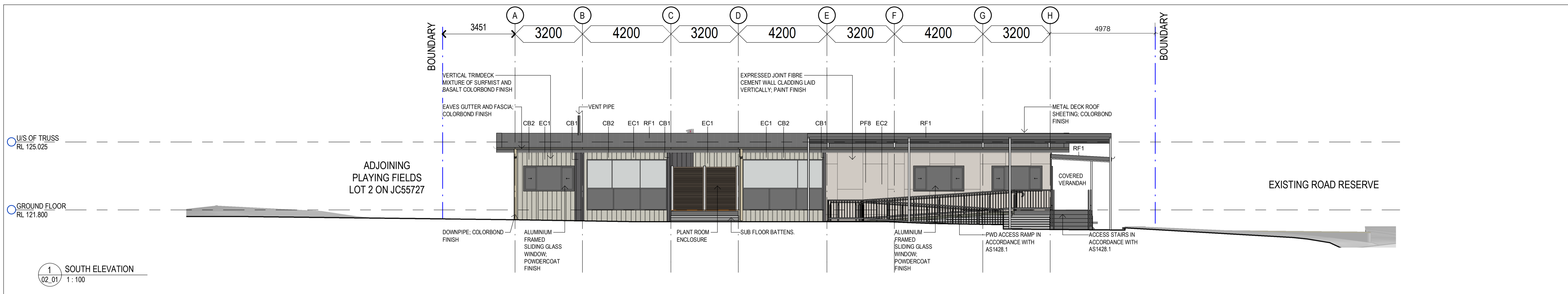
PROJECT NUMBER:
 2019055

TITLE:
 ROOF PLAN

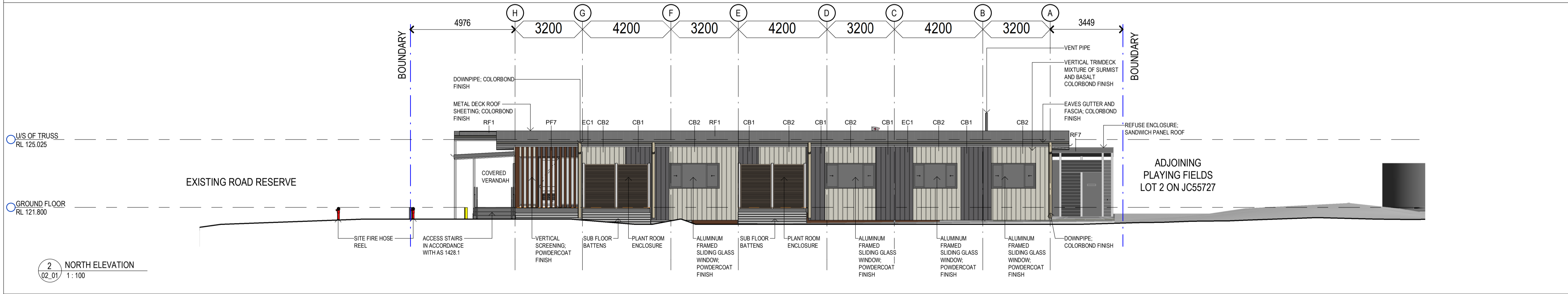
DRAWING NUMBER: A_02_35
ISSUE: P2



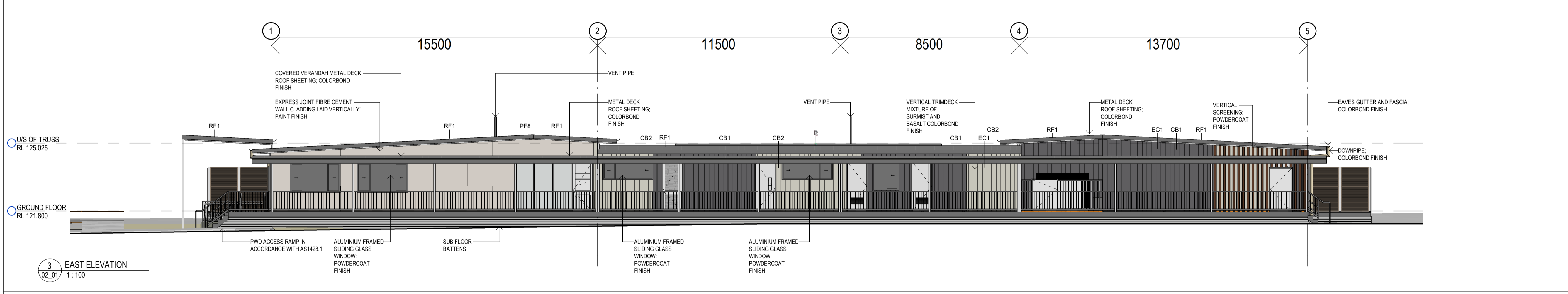
1 ROOF PLAN
 04_01 1:100



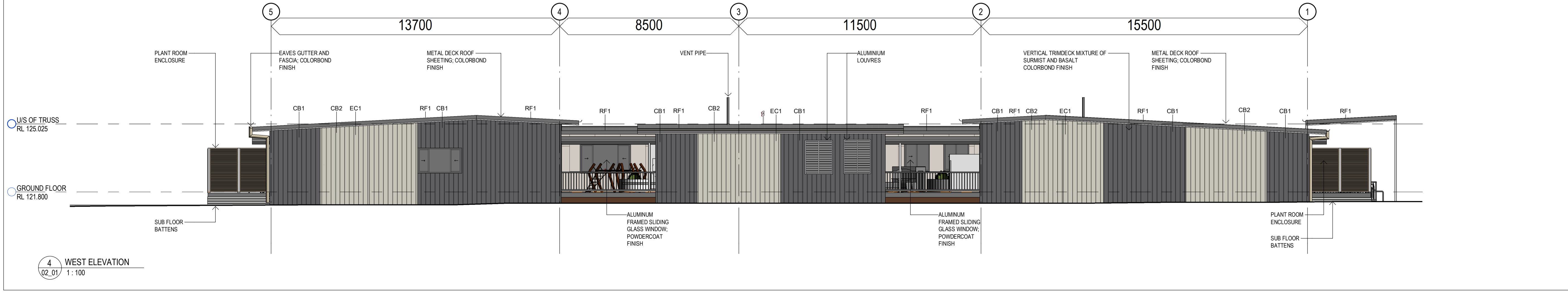
1 SOUTH ELEVATION
02_01 1:100



2 NORTH ELEVATION
02_01 1:100



3 EAST ELEVATION
02_01 1:100



4 WEST ELEVATION
02_01 1:100

NOTE:
DO NOT SCALE THIS DRAWINGS
VERIFY ALL DIMENSIONS ON SITE

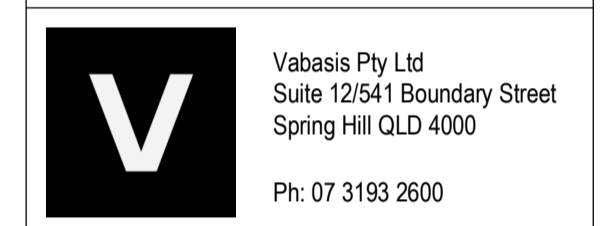
COPYRIGHT:
VABASIS PTY LTD

DISCIPLINE:

CONSULTANTS:

CIVIL	STP CONSULTANTS
STRUCTURAL	STP CONSULTANTS
HYDRAULIC	STP CONSULTANTS
FIRE ENGINEERING	N/A
BUILDING CERTIFICATION	DEVCERT
ENERGY	ERC CONSULTING
LANDSCAPE	RICHARD ANDERSON

CLIENT:
MCKINLAY SHIRE COUNCIL



AMENDMENTS:

ISSUE	DATE	SUBJECT	AUTH
P1	14.04.22	PRELIMINARY ISSUE	GC
P2	22.04.22	FOR INFORMATION	GC

PROJECT:
MCKINLAY SHIRE COUNCIL
CHILDREN'S SERVICES HUB

LOCATION:
MATHEWS ST, JULIA CREEK QLD
4823

RP DESCRIPTION & SITE AREA:
PROPOSED LEASE A
LOT 3 ON JC55727

PURPOSE:
SCHEMATIC DESIGN

ORIENTATION:

SCALE:
1:100 FULL SIZE @ A1

PROJECT NUMBER:
2019055

TITLE:
ELEVATIONS

DRAWING NUMBER:
A_04_01

ISSUE:
P2



7.0 COMMUNITY SERVICES



7.1 Subject: Community Services Monthly Report

Attachments: Nil

Author: Community Services Team Leader

Date: 8th August 2022

Executive Summary:

Council is presented with the monthly Community Services report, which provides an overview of the operations for the month: **July 2022**.

Recommendation:

That Council receives the Community Services monthly report for July 2022.

The following report highlights the data for each of the Functional Areas of the Community Services Department.

Grants & Funding

Nil to report for the month of August

Julia Creek Caravan Park

July has continued to be a very busy month for the Caravan Park as we welcomed a staggering 2,459 visitors. Our assistant relief managers Steve and Tina have settled in to their role well which has allowed Garrie and Jodie to have two well-earned days off per week. Furthermore, current managers Garrie and Jodie have also requested to stay on in the position until early 2023 which Council is extremely appreciative as this allow continuity with the role.

JC Caravan Park Revenues July 2022

Type of service	MAY revenues (inc GST)	Total (inc GST)	JUNE revenues (inc GST)	Total (inc GST)	JULY revenues (inc GST)	Total (inc GST)
Twin Single Units	\$4,320		\$3,510		\$3,330	
Powered Sites	\$24,953.50		\$44,594		\$46,394	
Self-Contained Cabins	\$17,810		\$20,874.80		\$22,431.25	
Unpowered Sites	\$1,851		\$4,100		\$5,120	
Sub Total	\$48,934.50		\$73,078.80		\$77,275.25	
Artesian Baths incl. salts	\$18,323		\$21,475		\$21,296	
McIntyre Park			\$546		\$1,824	
Cheese Platters	\$1,685		\$2,730		\$3,360	
Laundry	\$631		\$1,996		\$3,097	
Long Term Stay						
Calculated Total	\$69,573.50		\$99,825.80		\$106,852.25	



JC Caravan Park Occupancy by Category July 2022

Type of Service	% Occupancy
Twin Single Units	21%
Cabin – 4 berth	88%
Cabin – 6 berth	80%
Unpowered site	61%
Powered Caravan site	94%
Powered camp site	37%
McIntyre Park	24%

JC Caravan Park Artesian Bathhouse Usage July 2022

Type of Service	Number of bookings
Boundary Rider Huts	116
Replica Rainwater Tank Bathhouses	250

Library & Funeral Services

The ongoing Burke Street footpath works impacted visitor numbers due to limited access via the main entrance and also as a result of the impacts of noise and dust. However, the Library was still a popular spot among the local school children who enjoy using the library after school. They are enjoying a variety of different activities including using technology, arts and craft and imaginative play outdoors with some of the new equipment.

JC Library Memberships July 2022

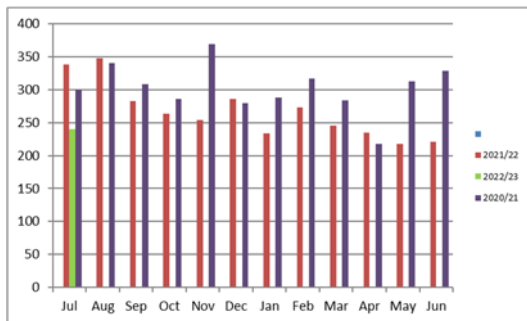
Type of Membership	Total Membership
Adult	301
Junior	70
Institutions	2
Tourists	1

JC Library Services Provided July 2022

Services Provided	Total Amount
Reservations satisfied	11
Requests for books	39



JC Library Monthly Loans July 2022



JC Library Monthly Visitors July 2022



Tourism

Total Visitor Numbers for July 2022

There were 2021 visitors to the Julia Creek Visitor Information Centre in July 2022 compared with 2729 in July 2021. There have been 4598 visitors to the Julia Creek Visitor Information Centre this year to date (YTD) compared with 5443 over the same period in 2021. We have implemented a new statistic collection system and believe there have been some recording errors whilst we fine-tuned the system. We will follow up with further staff training to garner more accurate statistics .

Total Locals for July 2022

There was a total of 24 local visitors to the Julia Creek Visitor Information Centre in July 2022 compared with 3 in July 2021.

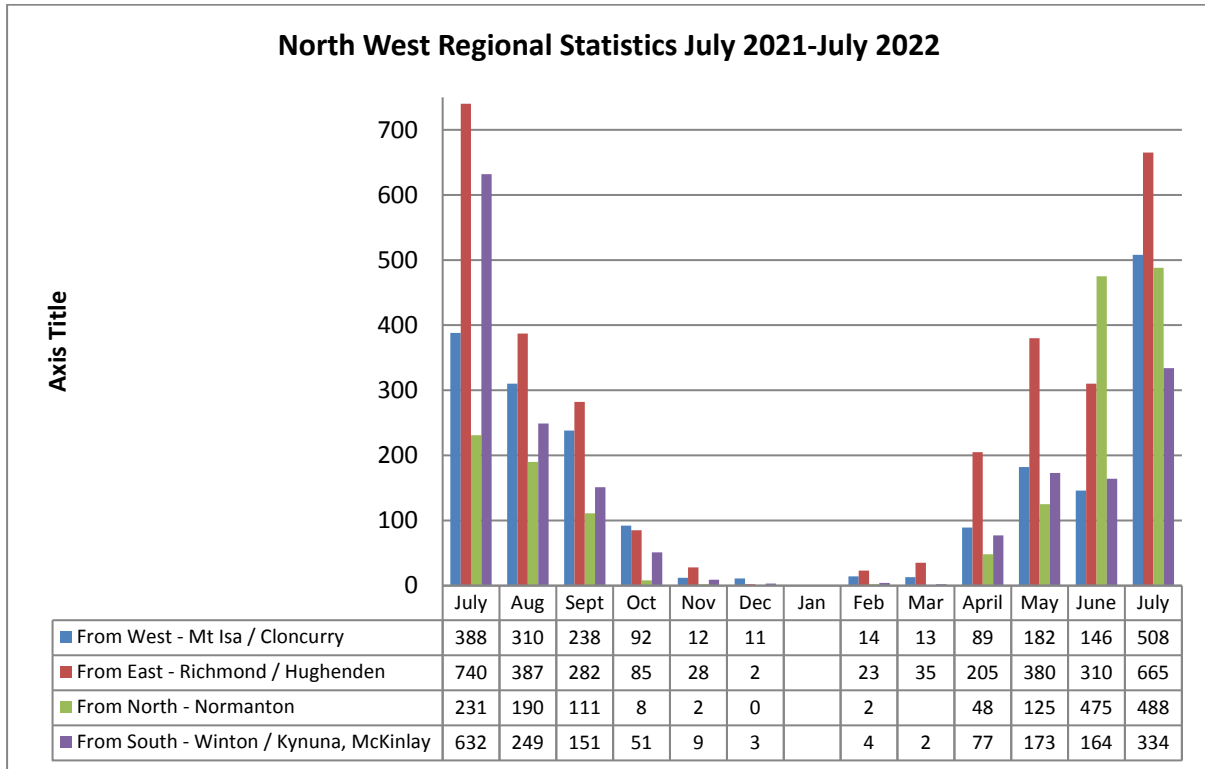
Beneath the Creek Entries July 2022

There were a total of 637 attendees at the dunnart feeding experience compared with 761 in in 2021. 78 children attended dunnart feeding sessions in July 2022.



Ordinary Meeting of Council Tuesday 16th August 2022

North West Regional Statistics for July 2022



RV Site Permits July 2022

There were 797 RV Site permits issued in July 2022 compared with 600 in July 2021. We have had Camp Hosts on site throughout the month of July. This program is exceptionally valuable to the effective running of this site.

Social Media Figures

	Facebook Page Likes			Instagram Likes		
	Mckinlay Shire Council	Julia Creek VIC	Caravan Park	Mckinlay Shire Council	Julia Creek VIC	Caravan Park
June 1	6,633	4,770	3,449	1,100	2,905	10
June 30	6,645	4,781	4,142	1,100	2,914	12



Julia Creek Early Learning Centre

Current enrolments

There are currently 17 children enrolled at the Service. One new enrolment commenced during the month of July. We have also received a number of enquiries for new enrolments during the month. Once the new Director commences we will review our enrolments and wait list to offer existing families additional care and new families care.

Attendance

The centre had 81 attendances (actual) over the 11 days of care offered during July. This equated to an average of approx. 7 children per day.

Significant events:

The centre was closed during school holidays in July plus one additional day due to staff availability.

Swimming Pool

USAGE

TOTAL NUMBERS FOR THE MONTH

ENTRIES	SWIMMERS
Adult Entry	3
Child Entry	2
Season Passes / Family Pass	
Adult	
Child	
Breakfast Club/ No Charge	
After School Care/ No Charge	
J/C Swimming Club/ No Charge	
Aged Care/ No Charge	
Triathlon Training/ No Charge	
Adult	
Child	
J/C State School/ No Charge	
Caravan Park Tokens	
Adult	155
Child	152
Free Sunday	
Adult	
Child	
Total Swimmers	312

Sport & Recreation

Council has still not been able to secure a person to fill the vacant Sport and Recreation Officer position. As a result, there are unfortunately no normal programs occurring at this stage.



Community Health

Due to the Community Nurse being away on a well-earned break, there is no community health data for July.

CHSP – Commonwealth Home Support Program

Events and Activities

July was a busy month with a number of activities and admin tasks including six monthly DEX Reporting. Due to a change of reporting requirements, CHSP data entry will change to monthly from July onwards. CHSP clients have been enjoying the usual Wednesday luncheon along with games and social gatherings.

Statistics July 2022

CHSP currently have a total of **23** clients.

Service Offered	Number of Clients
Transport	48 Two-way trips
Social Support	61 Visits
Personal Care	21 visits 1 clients
Counselling/Support, Information and advocacy (client)	7 hours (1 attendee, 5 pick-up)
Shopping	4 trips
GAMES	24 attended (1 sessions)
Luncheon	10 Attended (4 sessions)
Wednesday Meal	40 meals (including morning tea)
Meals on Wheels	23 Meals delivered
Home Maintenance	22 lawns mowed 11 clients
Domestic Assistance	8 clients, 32 visits
Pub Lunch	clients sessions
Clients Transported for Doctors Appointments	6 CHSP clients

InfoXpert Document ID: 123446



Ordinary Meeting of Council Tuesday 16th August 2022

7.2 Subject: Arts & Cultural Policy
Attachments: 7.2.1 Arts & Cultural Policy v3.0
Author: Community Services Team Leader
Date: 26th July 2022

Executive Summary:

Council approved and implemented the Arts & Cultural Policy v2.0 in October 2017. This policy has been reviewed, updated and presented to Council for adoption.

Recommendation:

That Council adopt the Arts & Cultural Policy v3.0 as presented.

Background:

The Arts & Cultural Policy was implemented to provide a framework which articulates the community's cultural aspirations and Council's role in supporting and promoting them with a view to enhancing the Shire's reputation as a hub of creativity and a great place to live and invest.

Consultation:

Consultation was undertaken with Director Corporate Community Services and presented to August's Council Briefing Meeting.

Policy Implications:

Upon adoption this will revoke Arts & Cultural Policy v2.0.

Financial and Resource Implications:

Nil

InfoXpert Document ID: 123406



ARTS & CULTURAL POLICY

1. OBJECTIVE

The purpose of this policy is to provide a framework which articulates the community's cultural aspirations and Council's role in supporting and promoting them with a view to enhancing the Shire's reputation as a hub of creativity and a great place to live and invest.

2. LINKS TO STRATEGIC PLANS

Corporate Plan 2016 - 2021

Community Services & Facilities - strategy:

- Plan and provide services and financial support to individuals and organisations for community development and welfare purposes (including community connectedness);
- Provide or source funding to carry out Arts & Cultural activities in line with Council's Arts & Cultural Policy;
- Provide and maintain physical and built facilities for use by the community.

Economic Development - objective:

- Support local and regional initiatives in tourism promotion and information services for the shire and the region.

Governance and Partnerships – strategy:

- To develop and maintain strong and collaborative relationships with government at all levels.

MSC Community Plan 2019 - 2026:

- Strategy 3 – Stakeholder and community engagement
- Strategy 10 – Sustainable development of community events and activities
- Strategy 13 – Activation of community facilities
- Strategy 17 – Continued focus on economic development

3. LOCAL PRIORITIES

- Public space activation: support projects and activities that strengthen the connection between people and the places they share, paying particular attention to the physical, cultural, and social identities that define a place.
- Youth arts: support projects and activities that support a wide variety of opportunities to explore and engage in the arts that aid and enhance the personal and social development of young people.

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 16/08/2022
Version: 3.0
Review Date: August 2024

- Professional development: support local, individual professional artists and artswomen to attend professional development seminars or activities; master classes; mentorships with recognised arts and cultural peers; and placements with recognised arts and cultural organisations.
- Cultural tourism: support projects and activities that focus on locally distinct arts, culture and heritage both for members of that community and for visitors.
- Performances & exhibitions: facilitate performances and exhibitions open to the public to nurture creativity, inspire artistic vision and build a community with a passion for the arts.
- Regional partnerships: encourage innovative and energising arts projects where artists, communities and Council's work together in their community, or in partnership with another community, to achieve enhanced outcomes from RADF grants.
- Workshops: support community groups to engage a professional artist or artswoman to work with them on developing their arts practice or to run arts development workshops or community projects.
- Artist in residence: to invite arts and cultural workers into the community and to provide these arts workers with the opportunity to build their portfolio and during their stay to engage and interact with the local community through presentations, workshops, or collaborating with local residents.
- Health & wellbeing: support projects and activities that improve the wellbeing of people who are experiencing health problems through active social engagement and creative outlets.



7.2 Subject: Bush Dinner Policy
Attachments: 7.3.1 Bush Dinner Policy v2.0
Author: Community Services Team Leader
Date: 26th July 2022

Executive Summary:

Council approved and implemented the Bush Dinner Policy v1.0 in January 2020. This policy has been reviewed, updated and presented to Council for adoption.

Recommendation:

That Council adopt the Bush Dinner Policy v2.0 as presented.

Background:

The Bush Dinner Policy was implemented to provide a framework that would enable the continued success of weekly Bush Dinners held each Monday throughout peak tourist season. The Policy also outlined important information relating to certification, insurance, finance and responsible use of the new Bush Kitchen facility.

Consultation:

Consultation was undertaken with Director Corporate Community Services and presented to August's Council Briefing Meeting.

Policy Implications:

Upon adoption this will revoke Bush Dinner Policy v1.0.

Financial and Resource Implications:

Nil

InfoXpert Document ID: 123408



BUSH DINNERS POLICY

1. INTRODUCTION

Each tourist season from April to September, Council provides local not-for-profit groups (Group) the opportunity to raise funds for their cause by hosting Bush Dinners at the Julia Creek Caravan Park (Caravan Park). Bush Dinners have shown to be a successful tool for fundraising for the groups and have become a major draw card for the tourists.

Council strives to provide Bush Dinners from a dedicated Bush Kitchen (Kitchen) which was opened in 2020. This Kitchen will support the Groups that cater with commercial cooking and washing facilities.

An initial Bush Dinner Policy was introduced to cover topics such as certification, insurance, finance and cleaning. To ensure the continued success of the Bush Dinners and safe and responsible use of the new Bush Kitchen, Council have updated this policy.

2. USE OF BUSH KITCHEN

The Bush Kitchen is the main facility to be used by any group that wants to raise funds by catering at the Caravan Park. Prior to using the Kitchen, groups or representatives will be familiarised by Council or Caravan Park staff on how to use the equipment safely and responsibly.

Council provides the Bush Kitchen on the premise that the Kitchen will be cleaned after use in such a way that it can be used by the next group without having to be cleaned.

A comprehensive list of materials shall be provided by Council on site. The groups shall ensure that all materials and equipment provided are cleaned and returned to their original place.

In the case of missing or damaged equipment, the Group shall inform Council as soon as possible to ensure adequate measures can be taken to either locate or replace the equipment.

3. FINANCES AND REQUIREMENTS

The objective of the Bush Dinners is to raise funds for the specific cause of each Group.

Council can provide a financial contribution to each group for each Monday catered if required and agreeable by all groups for that particular year. This financial assistance is provided to assist with the groups costs of catering the bush dinner, i.e. contribution towards cost of ingredients and relieve financial pressure on volunteers. Furthermore, Council strongly encourage groups to shop locally (where possible) when sourcing ingredients.

To assess appropriate use of the funds, Council accepts responsibility to ascertain that any Group meets the requirements prior to the event being held and that the proceedings from the donation and/or funds raised are collected by a Group that are able to provide financial statements and a public liability insurance certificate.

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 16/08/2022
Version: 2.0
Review Date: August 2024

As part of their requests to cater on preferred date(s), any Group shall provide:

- A copy of a current Certificate of Currency for **Public Liability Insurance** that outlines coverage of - at least – twenty million dollars (\$20,000,000); and
- A current and valid ABN number of a local **incorporated** not-for-profit entity/body (as described in the Corporations Act 2001 (Cwth)) which is widely recognised in the McKinlay Shire; and
- A committed group of at least 4 (four) volunteers to ensure adequate, safe and responsible use of the Kitchen; and
- The Group attends the safe and responsible use induction prior to the event.

In the absence of one or more of these requirements, Council may decide to decline a Group's request to cater.

Council's donation shall be paid after receipt of a valid Tax Invoice sent by the Group to Council.

Council may request information from the groups relating to revenue raised from the initiative and how the funds were expended to ensure objectives of the initiative are being met.

The fee for the bush dinner is set by Council each year which is for the provision of a main meal and dessert.

4. TIME LINES

The schedule for the annual Bush Dinners will be made available in general in March of each year and groups may make reservations for one or more preferred dates in the calendar year. The reservations will be allocated on a fair basis. Council will communicate the draft planning to all groups and take on any feedback prior to the final planning through regular consultation.

If for any reason a Group is no longer able to cater on a specific date, Council is to be informed two weeks prior to that scheduled date. This will allow Council sufficient time to source an alternative group. A Group may also liaise directly with another Group to either swap dates or have a new Group come in provided that the requirements under section 3 have been met. The Group forfeiting their date is required to inform Council two weeks before the event about the change of Group.

5. MISCELLANEOUS

In instances where this policy is not clear or information is perceived to be missing, Groups are encouraged to Contact Council to seek clarification. For further information contact Council on community@mckinlay.qld.gov.au or 07 4746 7166.



Ordinary Meeting of Council Tuesday 16 August 2022

7.4 Subject: Julia Creek Combined Sporting Association – Community Sponsorship Request
Attachments: Nil
Author: Director Corporate & Community Services
Date: 3 August 2022

Executive Summary:

Council has received a Community Sponsorship Request from the Julia Creek Combined Sporting Association for the value of \$5,000 cash for the '2022 Big Weekend'. The club is planning to once again host its annual Town vs Country Rugby League and Netball matches as well as a fundraising ball.

Recommendation:

Council resolves to approve the Community Sponsorship Request for the Julia Creek Combined Sporting Association for \$5,000 cash.

Background:

Council annually offers funding programs such as Community Sponsorship/Donations to provide additional support to community events which provide economic support, social interaction and community connectedness for residents of the Shire. The Town vs Country matches have been an annual highlight on many social calendars since the event's inception. It provides a great opportunity for the town and rural community to interact and engage and enjoy live sporting action. The addition of the fundraising ball also enhances this opportunity and will encourage visitors to stay in town for the duration of the festivities that will also boost the local economy.

The group plan to utilise the funds to host kids rides on the Friday night event.

Consultation:

Councillors via August Briefing Meeting.

Legal Implications:

Nil

Policy Implications:

Community Grants Policy

Financial and Resource Implications:

Council sets aside \$35,000 from its annual budget for community sponsorship and \$25,000 would remain for other organisations to access.

InfoXpert Document ID: 123396



8.0 CORPORATE SERVICES



8.1 Subject: Corporate Services July 2022 Report
Attachments: Nil
Author: Director Corporate & Community Services

Executive Summary:

The Corporate Services Report as of 31 July 2022 which summarises the financial performance and position is presented to Council.

Recommendation:

That Council receives the monthly Corporate Services Report for the period ending 31 July 2022.

Report:

The Corporate Services Report compares actual performance to date with the Council's 2022/2023 Budget and provides information, budget variances or any financial risks/concerns.

Financial information provided in this report is:

1. Summary of the Statement of Comprehensive Income (Profit & Loss Sheet) provides the total revenue versus expenditure which gives the operating result.
2. Statement of Financial Position (the Balance Sheet) "bottom line" discloses the Net Community Equity of Council, which represents its wealth as measured by a dollar value of its asset less liabilities.
3. Statement of Cash Flows indicates where Council's cash came from and where it was spent.
4. Summary by function provides the total year to date revenue and expenditure for each Department of Council.
5. Summary of year to date expenditure for the Capital Works program.
6. Outstanding balances for rates and debtors.

Income Statement Variances/Comments:

Limited income received so far due to being the beginning of the year.



INCOME STATEMENT SUMMARY

	Actuals	Variance	YTD Budget	Full Year Budget
Total Income	259,367	7%	3,513,571	42,162,847
Total Expenses	(909,610)	59%	(1,547,193)	(18,566,319)
Net Result	(650,243)	-33%	1,966,377	23,596,528
Less Capital Revenue	-	0%	2,380,346	28,564,152
Operating Result (excl. Capital	\$ (650,243)	157%	\$ (413,969)	\$ (4,967,624)

STATEMENT OF FINANCIAL POSITION

	2023 Actuals	2022 Actuals
Current Assets	28,895,142	30,184,662
Total Non-Current Assets	253,065,193	253,073,592
Total Assets	281,960,335	283,258,254
Total Current Liabilities	2,857,829	3,063,276
Total Non-Current Liabilities	268,932	268,932
Total Liabilities	3,126,761	3,332,208
Net Community Assets	\$ 278,833,574	\$ 279,926,046
<i>Community Equity</i>		
Asset Revaluation Surplus	79,973,716	79,973,715
Retained Surplus	198,459,859	199,552,332
Reserves	400,000	-
Total Community Equity	\$ 278,833,575	\$ 279,926,047

STATEMENT OF CASH FLOWS

	2022/23 Actuals	2021/22 Actuals
Cash Flows from Operating Activities	(25,613)	5,036,833
Receipts, Payments & Interest Received		
Borrowing Costs		
Cash Flows From Investing Activities	(30,971)	1,614,673
Payments and Proceeds for PPE		
Capital Income		
Cash Flows from Financing Activities	-	-
Loan Payments		
Net increase (decrease) in cash held	(56,584)	6,651,506
Cash at beginning of the financial year	24,385,108	17,733,602
Cash at the end of the period	\$ 24,328,524	\$ 24,385,108



Summary By Departments							
Department	Revenue			Expenditure			
	Actuals	%	Budget	Actuals	%	Budget	
Infrastructure & Works	- 3,879	0%	21,831,414	192,721	2%	9,024,600	
Governance & Partnerships	-	0%	-	97,714	11%	867,646	
Corporate Services	35,719	0%	10,395,489	79,262	4%	1,797,500	
Economic Development	14,668	1%	1,014,600	57,846	6%	952,975	
Community Services	182,624	2%	7,681,131	110,631	3%	3,993,553	
Health Safety & Development	8,291	7%	123,748	14,616	3%	563,500	
Environmental Management	22,032	2%	1,116,465	12,860	1%	1,215,800	
	259,456	1%	42,162,847	565,651	3%	18,415,574	

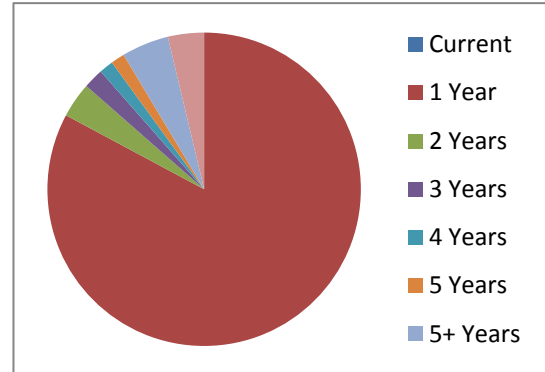
Capital Works Program 2022-2023 Version 1.0

Infrastructure & Works	Actuals	Original Budget	Grants/Other
Roads	\$252,707.86	\$18,672,445.00	\$18,517,484.00
Wastewater	\$0.00	\$1,550,000.00	\$1,500,000.00
Water	\$0.00	\$783,890.00	\$650,000.00
Transport	\$0.00	\$300,000.00	\$0.00
Other	\$0.00	\$2,203,000.00	\$0.00
Subtotal	\$252,707.86	\$23,509,335.00	\$20,667,484.00
Environmental Management	Actuals	Budget	Grants/Other
Reserves	\$4,668.24	\$164,171.00	\$0.00
Subtotal	\$4,668.24	\$164,171.00	\$0.00
Community Services & Facilities	Actuals	Budget	Grants/Other
Community Buildings & Other Structures	\$0.00	\$7,535,800.00	\$7,193,300.00
Parks & Gardens	\$0.00	\$670,968.00	\$660,968.00
Council Housing	\$0.00	\$230,000.00	\$0.00
Subtotal	\$0.00	\$8,436,768.00	\$7,854,268.00
Corporate Services	Actuals	Budget	Grants/Other
Corporate Buildings & Other Structures	\$2,649.78	\$211,000.00	\$0.00
Other	\$0.00	\$30,000.00	\$0.00
Economic Development	\$0.00	\$1,500,000.00	\$1,121,000.00
Subtotal	\$2,649.78	\$1,741,000.00	\$1,121,000.00
Total	\$260,025.88	\$33,851,274.00	\$29,642,752.00



Outstanding Rates

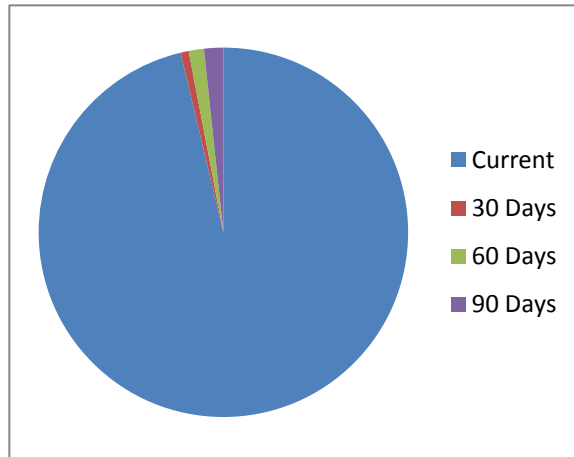
	Jul-22	Jun-22
Current	-	264,680
1 Year	236,161	10,367
2 Years	10,367	6,103
3 Years	5,907	4,160
4 Years	4,160	4,069
5 Years	4,069	3,992
5+ Years	13,864	9,872
Interest	10,625	9,459
Total	285,154	312,702



The first rates levy will be issued on 16th August 2022 with a due date of 15th September 2022

Outstanding Debtors

Total	538,600.67
Current	518,494.50
30 Days	3,876.65
60 Days	7,119.12
90 Days	9,110.40



Comments:

Consultation:

Legal Implications:

Policy Implications:

Financial and Resource Implications:

InfoXpert Document ID: 123474



Ordinary Meeting of Council Tuesday 16th August 2022

8.2 Subject: Anti-Discrimination, Bullying, Sexual Harassment & Equal employment Opportunity Policy Review

Attachments: Anti-Discrimination, Bullying, Sexual Harassment & Equal employment Opportunity Policy

Author: Director Corporate & Community Services

Date: 25 July 2022

Executive Summary:

Council is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. This policy has been drafted to outline Council's position on discrimination, bullying, sexual harassment and equal employment opportunities.

Recommendation:

That Council adopt the Anti-Discrimination, Bullying, Sexual Harassment & Equal employment Opportunity Policy version 3.0 as presented.

Background:

The Anti- Discrimination and Equal Employment Opportunity Policy was last reviewed and adopted by Council in September 2019. A recent review has been completed and the policy updated accordingly.

Consultation:

Chief Executive Officer

Legal Implications:

Policy Implications:

On adoption of Anti-Discrimination, Bullying, Sexual Harassment & Equal Employment Opportunity Policy V3.0 it will revoke all previous version of the similar name.

Financial and Resource Implications:

N/A

InfoXpert Document ID: 123397



ANTI-DISCRIMINATION, BULLYING, SEXUAL HARRASSMENT AND EQUAL EMPLOYMENT OPPORTUNITY POLICY

1. POLICY PURPOSE

McKinlay Shire Council (“MSC”) aims to provide an environment where employees and others in the workplace are treated fairly with dignity and respect, and are free from unlawful discrimination, harassment, vilification and bullying.

MSC aims to ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess. MSC also tries to create a work environment which promotes good working relationships.

2. APPLICATION OF THE POLICY

This Policy applies to employees, agents and contractors (including temporary contractors) of MSC, collectively referred to in this Policy as ‘workplace participants’.

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties and client functions. Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of goods and services.

This Policy does not form part of any employee’s contract of employment. Nor does it form part of any other workplace participant’s contract for service. This policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

3. POLICY CONTENT

EEO Laws

Under EEO laws, discrimination, vilification, sexual harassment, bullying and victimisation are unlawful and strictly prohibited.

DISCRIMINATION

Discrimination can be direct or indirect. Direct discrimination occurs when a person with an identified attribute (such as their race, sex or pregnancy) is treated less favourably than a person without that attribute in the same or similar circumstances.

Date of Approval: 22nd September 2017
Approved By: Council Resolution 070/1718

Effective Date: 22/09/2017
Version: 2.0
Review Date: September 2019

Indirect discrimination occurs when an unreasonable policy or condition, which applies to everyone has an unfair impact on a person or group of persons because of a certain attribute.

Legislation prohibits discrimination on the basis of a number of identified attributes, including:

- sex;
- relationship status;
- pregnancy;
- parental status;
- breastfeeding;
- age;
- race;
- impairment;
- religious belief or religious activity;
- political belief or activity;
- trade union activity;
- lawful sexual activity;
- gender identity;
- sexuality;
- family responsibilities; and
- association with, or relation to, a person identified on the basis of any of these attributes.

Discrimination can occur in all aspect of the workplace. Employees have rights to equal employment opportunities, and to be treated fairly as they go about their daily duties, irrespective of their association with an identified attribute.

BULLYING

Bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to health and safety. It does not need to be intentional.

'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time.

'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all circumstances, would expect to victimise, humiliate, undermine or threaten another person.

Bullying Examples

Examples of bullying, include:

- language or comments that are:
 - ✓ abusive;
 - ✓ insulting;
 - ✓ offensive;
- unjustified criticism or complaints;
- deliberately excluding someone from workplace activities;
- not sharing important information that a person needs to work effectively;
- setting unreasonable timelines or constantly changing deadlines;
- setting tasks that are unreasonably below or beyond a person's skill level;
- spreading misinformation or malicious rumours;
- changing rosters or leave to deliberately inconvenience someone.

A person's intention is irrelevant when determining if bullying has occurred.

A single incident of unreasonable behaviour does not constitute bullying; however, it may constitute inappropriate conduct and therefore will not be tolerated by Council.

What does NOT constitute workplace bullying?

Reasonable management action taken in a reasonable way is not bullying.

Reasonable management action can include:

- setting reasonable performance goals, standards and deadlines;
- informing a worker of their unsatisfactory work performance;
- deciding not to select a worker for promotion where a reasonable process was followed;
- informing a worker of their inappropriate behaviour in an objective and confidential way;
- rostering and allocating working hours where the requirements are reasonable;
- transferring a worker for operational reasons;
- implementing organisational changes or restructuring; and
- taking disciplinary action, including suspension or termination of employment, when warranted.

SEXUAL HARASSMENT

Sexual harassment is any unwanted or unwelcome sexual attention which makes a person feel humiliated, offended or intimidated. It does not have to be repeated or ongoing.

Sexual harassment includes:

- unwelcome physical touching;
- sexual or suggestive comments, jokes or taunts;
- unwelcome requests for sex;
- the display of sexual material (e.g. photos or pictures);
- sexual reading matter (e.g. emails, faxes or letters).

Sexual harassment applies to both men and women. Sexual harassment such as obscene phone calls, indecent exposure or sexual assault may be a criminal offence.

VILIFICATION

Vilification involves publicly inciting hatred, serious contempt or severe ridicule of someone because of their race, religion, sexuality or gender identity. Vilification is an offence if it includes actual or threatened physical harm to someone or their property.

It can include:

- writing letters to the public;
- speaking in a public place;
- putting up notices;
- posts on the internet or social networking sites; and
- publicly wearing or displaying clothing, signs, emblems or insignias in order to vilify.

VICTIMISATION

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. Workplace participants must not retaliate against a person who raises a complaint or subject them to any detriment.

Rights and Responsibilities

All workplace participants must:

- ensure they do not engage in any unlawful conduct towards other workplace participants, customers/clients or others with whom they come into contact through work;
- ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
- follow the complaint procedure in this Policy if they experience any unlawful conduct;
- report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy; and
- maintain confidentiality if they are involved in the complaint procedure.

Workplace participants should be aware that they can be held legally responsible for their unlawful conduct.

Workplace participants, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

COMPLAINT PROCESS

If an employee feels that they have been discriminated against, bullied, sexually harassed, or vilified, they should not ignore it.

Council encourages employees to try to resolve the matter with the person involved in the first instance. However, Council acknowledges that employees may not always feel confident with this approach.

Where an employee feels they cannot address the matter directly with the person involved, or they have done so, and this has not stopped the behaviour, they can make a complaint to their manager, Human Resources, or a Director.

If an employee or contractor witnesses discrimination, bullying, sexual harassment or vilification in the workplace they should encourage the other person to speak up or seek support. Otherwise, the person who witnessed the incident could also make a complaint.

All complaints will be dealt with confidentially and all participants must maintain confidentiality.

No employee or contractor will be subject to adverse actions or victimisation, as a result of making a complaint.

Employees and contractors can also make a complaint and seek remedies or orders from an external organisation, depending on the specifics of their matter. External complaints can be directed to:

- Queensland Industrial Relations Commission;
- Work Health and Safety Queensland;
- Anti-Discrimination Commission Queensland;
- Australian Human Rights Commission; and
- the Police.

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

BREACHES OF POLICY

Discrimination, bullying, sexual harassment and vilification is taken very seriously by Council and will not be tolerated. Employees found in breach of this policy and to have participated or abetted discrimination, bullying, sexual harassment and/or vilification of another employee, employee group or contractor, will be subject to disciplinary action up to and including dismissal.

4. CONTACTS FOR OUTSIDE AGENCIES

Australian Human Rights Commission

Toll Free: 1300 656 419

Queensland Government website on Workplace

Rights: <https://www.qld.gov.au/law/your-rights/workplace-rights/harassment-and-bullying>

Anti-Discrimination Commission (QLD)

Toll free: 1300 130 670

5. ASSOCIATED DOCUMENTS

- Code of Conduct
- Complaints Procedure

6. RELEVANT INFORMATION

Industrial Relations Act 2016

Anti-Discrimination Act 1991

Work Health and Safety Act 2011

Local Government Act 2009

Sex Discrimination Act 1984 Cth

Age Discrimination Act 2004 Cth

Racial Discrimination Act 1975 Cth

Disability Discrimination Act 1992 Cth

Australian Human Rights Commission Act 1986 Cth

Local Government Regulations 2012

Public Sector Ethics Act 1994

Date of Approval: 16th August 2022

Approved By: Council Resolution

Effective Date: 17/08/2022

Version: 3.0

Review Date: August 2025



Ordinary Meeting of Council Tuesday 16th August 2022

8.3 Subject: Closed Circuit Television (CCTV) Policy Review
Attachments: Closed Circuit Television (CCTV) Policy
Author: Director Corporate & Community Services
Date: 25 July 2022

Executive Summary:

Council has a number of Closed Circuit Television facilities operating within the local government area. The initial policy regarding use of CCTV was adopted by Council in 2019 and is now due for review

Recommendation:

That Council adopt the Closed Circuit Television (CCTV) Policy version 2.0 as presented.

Background:

The Closed Circuit Television Policy was last reviewed and adopted by Council in July 2019. A recent review has been completed and the policy updated accordingly.

This policy is developed to ensure the CCTV footage is collected and used for lawful purposes.

Consultation:

Chief Executive Officer

Legal Implications:

Policy Implications:

On adoption of Closed Circuit Television Policy V2.0 it will revoke all previous version of the similar name.

Financial and Resource Implications:

N/A

InfoXpert Document ID: 123399



CLOSED CIRCUIT TELEVISION (CCTV) POLICY

1. POLICY PURPOSE

McKinlay Shire Council (“**Council**”) owns closed circuit television (“**CCTV**”) facilities in its local government area, in order to collect CCTV footage for lawful purposes.

This Policy:

- a) Sets out the lawful purposes for which CCTV facilities may be installed and CCTV footage collected;
- b) Sets out how CCTV facilities and footage may be accessed;
- c) Summarises the ways in which CCTV footage may be collected, used, disclosed, stored and disposed of; and
- d) Summarises the process for resolving complaints about the installation and use of Council’s CCTV systems.

2. SCOPE

This policy applies to the whole of the McKinlay Shire where CCTV is installed.

POLICY STATEMENT

3. Lawful Purposes

3.1 Under the *Local Government Act 2009* (“**LGA**”), Council has a broad power to do anything it considers necessary for the good rule and government of its local government area.

3.2 Where CCTV footage may contain personal information, Council must collect that footage for a lawful purpose in compliance with the *Information Privacy Act 2009* (“**IP Act**”) and the Information Privacy Principles (“**IPPs**”), which are contained in the IP Act.

3.3 The lawful purposes for which Council may collect CCTV footage include:

- (a) to monitor and assist in the enforcement of Council’s local laws and other legislation in respect of which Council has jurisdiction;
- (b) to assist law enforcement agencies such as the Queensland Police Service in obtaining evidence and prosecuting offences;
- (c) to enhance the safety and security of Council staff, the community generally and Council assets.

Date of Approval: 16 August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 2.0
Review Date: August 2025

3.4 Council will not collect CCTV footage for unlawful or unfair purposes. Examples of unlawful or unfair purposes may include:

- (a) where the collection is not for a lawful purpose;
- (b) where the collection unduly infringes on an individual's right to privacy, and is in contravention of the IP Act;
- (c) where the CCTV installation monitors private property, without the permission of the occupier of that property.

3.5 Council will, where practicable and appropriate, install signs within the vicinity of a CCTV installation to disclose the existence of the installation. Signs may not be installed where Council considers it appropriate to obtain CCTV footage covertly.

3.6 Council will ensure that any installation of CCTV facilities in its local government area is for a lawful purpose.

4. Access to CCTV Installations and Footage

4.1 Only the following entities are authorised to access Council's CCTV installations and CCTV footage:

- (a) an Authorised Person of Council, who may be one of the following:
 - i) the Chief Executive Officer; or
 - ii) a person authorised in writing by the Chief Executive Officer.
- (b) a person or entity that is authorised by an Authorised Person. This may include a contractor engaged to operate and manage the CCTV facilities;
- (c) another person or entity authorised to access the information under the IP Act and the IPPs, for example a law enforcement agency such as the Queensland Police Service.

4.2 Access to CCTV installations and CCTV footage will only be permitted by Council if that access is lawful under the IP Act and the IPPs.

5. Disposal of CCTV Footage

5.1 CCTV footage obtained by Council is a “public record” under the *Public Records Act 2002* (“PRA”).

5.2 Council, as a public authority under the PRA, must ensure that the CCTV footage is kept in accordance with the PRA.

5.3 The General Retention and Disposal Schedule (“GRDS”) prepared by Queensland State Archives under the PRA specifies the relevant timeframes for keeping public records before they can be lawfully destroyed.

5.4 Council will retain CCTV footage for at least as long as the time specified by the GRDS. After that time has elapsed, Council will dispose of the CCTV footage in accordance with the PRA in its discretion.

6. Dealing with Complaints about CCTV Systems

6.1 In the first instance, the Chief Executive Officer will deal with complaints about Council’s CCTV systems, including any complaints about unauthorised disclosures in accordance with Council’s Complaint Managements Policy.

6.2 Council’s Chief Executive Officer may delegate authority to deal with complaints to another officer of Council, or may refer the complaint to an appropriate third party organisation (for example, the Office of the Information Commissioner).

7. PROCEDURE

This Policy has been prepared by reference to, and should be read along with:

- (a) Council’s Code of Conduct;
- (b) Council’s Complaints Management Policy;
- (c) Council’s Information Privacy Policy;
- (d) the *Local Government Act 2009* and *Local Government Regulation 2012*;
- (e) the *Information Privacy Act 2009* and the Information Privacy Principles.

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 2.0
Review Date: August 2025

8. REVISION HISTORY

Version	Adopted Date	Policy Title	Responsible Officer	Authorised By	Next Review Date
1	16 July 2019	Closed Circuit Television (CCTV) Policy		Council Resolution	1 July 2020

9. AUTHORISATION

This policy was duly adopted by Council as McKinlay Shire Council Closed Circuit Television (CCTV) Policy on 16 August 2022 and shall hereby supersede any previous policies of the same intent.

Chief Executive Officer

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 2.0
Review Date: August 2025



Ordinary Meeting of Council Tuesday 16th August 2022

8.4 Subject: Information Privacy Policy Review
Attachments: Information Privacy Policy
Author: Director Corporate & Community Services
Date: 25 July 2022

Executive Summary:

Council collects personal information during the course of its operations. To ensure protection of individual's privacy, Council has developed the Information Privacy Policy which sets guidelines for how individuals personal information is handled. The previous policy was adopted in August 2016 and is now presented for review and adoption.

Recommendation:

That Council adopt Information Privacy Policy version 2.0 as presented.

Background:

The Information Privacy Policy was last reviewed and adopted by Council in August 2016. A recent review has been completed and the policy updated accordingly.

It is important for Council to have a policy which sets out guidelines on how individuals personal information collected, used and disclosed to ensure a persons privacy. Council is obligated under the Information Privacy Act 2009 to ensure personal information is handled in accordance with the Information Privacy Principles.

Consultation:

Office of the Information Commissioner

Legal Implications:

Policy Implications:

On adoption of Information Privacy Policy V2.0 it will revoke all previous version of the similar name.

Financial and Resource Implications:

N/A

InfoXpert Document ID: 123401



INFORMATION PRIVACY POLICY

1. POLICY PURPOSE

The protection of personal information which can identify an individual is a matter of great significance to Council and Council is therefore committed to protecting the privacy of individuals.

To ensure this protection, Council will take all reasonable steps to ensure that the collection, use, disclosure and handling of personal information complies with all relevant legislation, particularly the Information Privacy Principles contained in the *Information Privacy Act 2009*.

2. SCOPE

This policy applies to all personal information held by McKinlay Shire Council. All Councillors and Council officers are responsible for ensuring this policy is understood and adhered to at all times.

3. POLICY

The *Information Privacy Act 2009* details how Council must handle personal information. The Act enables the right of individuals to request a copy of their personal information and to request documents to be amended if they are inaccurate or out dated, unless it is contrary to the public interest to do so.

In assessing whether it is in the public interest to disclose personal information, Council will consider the following factors detailed in the *Information Privacy Act 2009*, namely factors that:-

- are irrelevant to deciding the public interest;
- favour disclosure in the public interest; and
- favour non-disclosure in the public interest.

Openness

Council's Information Privacy Policy will be made available to the public free of charge on request and on Council's website.

The type of personal information held by Council includes (but is not limited to):-

- name and address;
- telephone numbers;
- email address;
- age and/or date of birth;
- property ownership and/or occupier details;
- library membership
- animal ownership;

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 2.0
Review Date: August 2025

- payment history; and
- pensioner and concession details.

Disclosure of personal information is only made after prior written consent of the individual is obtained or for the purposes stated in the collection notice.

Disclosure of personal information by placement on Council's website will be treated in accordance with Section 33 *Transfer of personal information outside Australia* of the *Information Privacy Act 2009*, whereby:-

- the individual gives prior written consent for their personal information to be placed on Council's website; or
- the placement of personal information on Council's website is authorised or required under a law; or
- where Council is satisfied there is reasonable grounds that the transfer is required to lessen or prevent a serious threat to life, health, safety or welfare; or
- in accordance with section 33(d) of the *Information Privacy Act 2009*.

Sensitive Information

Council will not collect sensitive information about an individual unless:-

- consent is provided by the individual;
- collection is required by law;
- collection is necessary to lessen or prevent a serious threat to life, health, safety or welfare of an individual; or
- collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

Anonymity

Council may, wherever it is practicable and lawful, offer individuals the option of not identifying themselves when entering into transactions with Council, however Council's ability to respond, action and/or provide a requested service may be limited.

Information Privacy Principles

IPP 1 - Collection of Personal Information - Lawful and Fair

All personal information collected by Council will be used only for the purpose of conducting Council business and for the provision of services to the community.

Council will only collect personal information in a lawful and fair manner for a purpose directly related to and necessary to fulfil a function or activity of Council.

IPP 2 - Collection of Personal Information - Requested from an Individual

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 2.0
Review Date: August 2025

When Council requests personal information or information of a type that would include the personal information from an individual, it will take all reasonable steps to ensure that the individual is generally aware of the purpose of the collection.

Council will advise the individual if the collection of the personal information is authorised or required under a law and the applicable law authorising the collection.

Council will also advise the individual if their personal information will be disclosed to another entity and the name of that entity either before the personal information is collected or as soon as practicable after the personal information is collected.

IPP 3 - Collection of Personal Information - Relevance

Council will take all reasonable steps to ensure that personal information collected is relevant to the purpose for which it is collected, is complete and up to date. The collection of personal information will not be done in a way that is an unreasonable intrusion into the personal affairs of the individual.

IPP 4 - Storage and Security of Personal Information

All reasonable steps will be taken to protect the personal information Council holds from loss, unauthorised access, use, modification, disclosure or any other misuse.

Council will take all reasonable steps to prevent unauthorised use or disclosure of personal information by service contractors contracted for the provision of a service to Council.

Information is stored on Council's databases which are protected by passwords and other security measures with back-up copies stored at off-site facilities.

IPP 5 - Providing Information about Documents Containing Personal Information

Council will take all reasonable steps to ensure that a person can find out whether it has control of any documents containing personal information, the type of personal information, the main purpose which the personal information is used and how an individual can obtain access to a document containing their personal information.

IPP 6 - Access to Documents Containing Personal Information

An individual may request in writing access to their own personal information under the *Information Privacy Act 2009*. Council will provide access to requested information unless it is authorised or required under an access law to refuse to give the access the individual is seeking or the document is excluded from the operation of an access law. Suitable identification must be provided prior to an individual accessing the requested documents.

IPP 7 - Amendment of Documents Containing Personal Information

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 2.0
Review Date: August 2025

Council will amend documents containing personal information if requested by an individual if the documents are shown to be inaccurate, incomplete or out of date, however formal application under the *Information Privacy Act 2009* may be required.

IPP 8 - Checking of Accuracy of Personal Information before Use by Council

Council will take all reasonable steps to ensure that the personal information it collects uses or discloses is accurate, complete and up to date.

IPP 9 - Use of Personal Information only for Relevant Purpose

Council will only use the parts of personal information that are directly relevant to fulfilling the particular purpose for which it was collected.

IPP 10 - Limits on Use of Personal Information

Personal information collected by Council for a particular purpose will not be used for another purpose unless:

- a. all reasonable steps are taken to obtain the written consent of the individual to use their personal information for another purpose; or
- b. Council is satisfied that the use is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- c. use of personal information for another purpose is authorised or required under law; or
- d. Council is satisfied that use of the personal information for another purpose is necessary for:
 - i. the prevention, detection, investigation, prosecution or punishment of criminal offences of breaches of laws imposing penalties or sanctions;
 - ii. the enforcement of laws relating to the confiscation of the proceeds of crime;
 - iii. the protection of the public revenue;
 - iv. the prevention, detection, investigation or remedying of seriously improper conduct;
 - v. the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
- e. the other purpose is directly related to the purpose for which the information was obtained; or
- f. the use of the personal information is necessary for research or the compilation or analysis of statistics in the public interest; does not identify any particular individual the subject of the personal information; and it is not practicable to obtain the agreement of each individual the subject of the personal information before the use.

IPP 11 - Limits on Disclosure

Council will not disclose personal information to a person, body or agency (other than the individual concerned) unless:-

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 2.0
Review Date: August 2025

- a. the individual concerned is reasonably likely to have been aware, or made aware under IPP 2, that information of that kind is usually passed to that person, body or agency; or
- b. the individual concerned has consented to the disclosure; or
- c. Council believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life, health safety or welfare of an individual, or to public health, safety or welfare; or
- d. the disclosure is required or authorised by or under law, or
- e. the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty or for the purpose of the protection of the public revenue, Council shall include in the record containing that information, a note of the disclosure.

A person, body or agency to whom personal information is disclosed under clause a. of this principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

Council will ensure that disclosure of personal information does not occur unless the disclosure is for the purpose of distributing materials for and on behalf of Council, or when a third party has been contracted by Council for the sole purpose of assisting Council in providing a service to the community.

Accountability

Breach Management and Notification

Council will consider the following factors when responding to a privacy breach:-

1. breach containment and preliminary assessment;
2. evaluation of the risks associated with the breach;
3. notification (if applicable) ; and
4. prevention.

Decisions on a response to a privacy breach will be done on a case by case basis by a sufficiently senior authorised officer. The breach containment and preliminary assessment, evaluation of risk associated with the breach and notification (if applicable), will be implemented as soon as possible. The prevention stage is considered a longer term measure, intended to assist with future prevention and early detection strategies.

Complaints

In the event that an individual is not satisfied with the manner by which Council has handled their personal information, they may lodge a formal complaint under Council's General Complaints Management Process.

4. RELATED LEGISLATION:

Local Government Act 2009

Information Privacy Act 2009

Right to Information Act 2009

5. RELATED DOCUMENTS (LOCAL LAWS, POLICIES, DELEGATIONS ETC):

Complaints Management Policy

6. DEFINITIONS:

Access – providing an individual with personal information about themselves that is held by Council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.

Collection – gathering, acquiring, or obtaining personal information from any source and by any means, including information that Council has obtained by accident or has not requested.

Collection notice - is a written and/or verbal notice advising a person:-

- why the information is being collected;
- details of any law that allows or requires the collection of personal information;
- details of any person or body to whom Council usually gives the information; and
- if any person or body to whom Council regularly gives information in turn regularly gives it to any other person or body and Council is aware of this, details of the other person or body.

Consent – voluntary agreement to some act, practice or purpose.

Council officer - includes employees, contractors, volunteers and all others, past and present, who perform work on behalf of Council.

Disclosure – the release of personal information to persons or organisations outside of Council, including the placing of information on Council's website. This does not include giving individuals personal information about themselves.

Personal information – as defined in the IP Act '*information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about a natural living person whose identity is apparent, or can reasonably be ascertained, from the information or opinion*', and includes a

Date of Approval: 16th August 2022

Approved By: Council Resolution

Effective Date: 17/08/2022

Version: 2.0

Review Date: August 2025

photograph or other pictorial representation of a person, but does not include information that is in:-

- generally available publications;
- material kept in public records and archives such as Commonwealth and State archives; or
- anything kept in a library, art gallery, museum for the purpose of reference, study of exhibition.

An **individual** is a natural living person. Information about a company or someone deceased is not regarded as personal information.

Privacy breach – means when personal information is not handled, whether by accident or otherwise, in accordance with the privacy principles.

Sensitive information – means information or an opinion that may give rise to discriminatory practices based on an individual's:-

- racial or ethnic origin;
- political opinions;
- membership of a political association, a professional or trade association or a trade union;
- religious beliefs and affirmations;
- philosophical beliefs;
- sexual preferences or practices;
- criminal records; or
- health.

Use – the handling of personal information within Council including the inclusion of personal information in a publication.



Council Ordinary Meeting Tuesday 16th August 2022

8.5 Subject: Employee Code of Conduct Review
Attachments: Employee Code of Conduct
Author: Director Corporate and Community Services
Date: 25 July 2022

Executive Summary:

McKinlay Shire Council Employee Code of Conduct v2.0 is past its revision date and subsequently has been reviewed by Council's Executive Management Team.

Recommendation:

That Council resolves to adopt the Employee Code of Conduct version 3.0 as presented.

Background:

The Code of Conduct v2.0 was due for review in September 2019. It has now been reviewed to make the policy current and fit the current needs of the organisation.

Comments:

Main changes are the deletion of references to sexual harassment, Information Privacy and Workplace Health & Safety as these matters are covered in separate individual policies.

Legal Implications:

Nil

Policy Implications:

Adoption of the presented policy version 3.0 will revoke all previous versions of the Code of Conduct.

Consultation:

Chief Executive Officer and Director Engineering Services

Financial and Resource Implications:

Nil

InfoXpert Document ID: 123403



CODE OF CONDUCT

1. POLICY PURPOSE

A Code of Conduct is a set of standards and behaviours related to the way we do our work. It puts a responsibility on each of us to use sound judgement while at work.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us. Nothing in this Code interferes with your rights as a private citizen or a ratepayer.

The Code does not cover every situation. However, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations it does not cover. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your colleagues, your team leader/supervisor/Director and by Council.

A 'Guide for ethical decision-making' is included at Appendix B to help you in situations not covered by the Code.

2. LEGISLATIVE PRINCIPLES AND CORPORATE VALUES

The *Public Sector Ethics Act 1994* (QLD) identifies four ethics principles fundamental to good public administration that guide our behaviour as Public Officials and form the basis for a local government Code of Conduct. The four principles are:

1. Integrity and impartiality;
2. Promoting the public good;
3. Commitment to the system of government; and
4. Accountability and transparency.

The *Local Government Act 2009* (QLD) sets out the way in which a local government is constituted and the nature and extent of its responsibilities and powers. The Act requires Council's actions are consistent with the following local government principles:

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of councillors, local government employees and councillor advisors.

These legislated principles, together with Council's corporate values, form the basis of this Code of Conduct. They apply to all employees and guide our thinking, actions and decision-making.

The values we share as employees of Council are:

1. Passion for McKinlay Shire Council area and its people
2. Responsive customer service
3. Respect for people

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

4. Courage to make a difference
5. Working together
6. Getting things done
7. Value for money.

3. POLICY STATEMENT

We are in the business of providing community value. This means that, among other things, we ensure our day to day conduct is of a high standard - in keeping with the trust held in us by the Community. This Code provides an outline of minimum behavioural standards required of all employees of the Council, regardless of employment status.

Council conducts its business with integrity, honesty and fairness and complies with all relevant laws, regulations, codes and corporate standards.

Everyone working for Council must follow the highest standards of behaviour when dealing with customers and each other. Our leaders must encourage a culture where ethical conduct is recognised, valued and followed at all levels.

Council actively supports, encourages and develops its employees to:

- work safely;
- be customer focused;
- use technology and Council assets effectively;
- adapt to changes;
- improve their own capabilities; and
- contribute to Council's Community, Corporate and Operational Plans.

4. APPLICATION OF THE POLICY

All Council employees (regardless of their employment status, role or position – e.g. permanent, temporary, casual or part-time employees, managers, supervisors, team leaders, team members or individuals), contractors, consultants, volunteers and students (workers) must be familiar with and follow the spirit and content of the Code of Conduct.

The Code is concerned with our conduct as Public Officials and behaviour as individuals at work and outside the workplace where particular behaviour may be directly related to our employment and Council activities and in other circumstances where our actions may impact upon the reputation and activities of Council.

5. POLICY CONTENT

Ethical Principles, Values and Conduct

1. The First Principle – Integrity and Impartiality

Public Sector Ethics Act 1994 (QLD) section 6 states:

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

“In recognition that public office involves a public trust, public service agencies, public sector entities and Public Officials seek to promote public confidence in the integrity of the public sector and—

- 1. are committed to the highest ethical standards; and*
- 2. accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and*
- 3. show respect towards all persons, including employees, clients and the general public; and*
- 4. acknowledge the primacy of the public interest and undertake that any Conflict of Interest issue will be resolved or appropriately managed in favour of the public interest; and*
- 5. are committed to honest, fair and respectful engagement with the community.”*

The following standards of behaviour are required:

Conflicts of Interest

When making decisions, you must declare any conflicts of interest that could affect your objectivity in carrying out your duties.

A Conflict of Interest involves a conflict between your official duties and responsibilities in serving the public interest and your private interests. A Conflict of Interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise. This includes advantages to relatives and friends.

If you believe you have a Conflict of Interest, whether real, potential or perceived, you must tell your team leader/supervisor/Director promptly. Your team leader/supervisor/Director will then provide further direction on how to resolve the matter giving rise to the Conflict of Interest.

Until the matter is resolved, you must make sure you are not part of any decision-making processes related to the matter.

If you feel you have a Conflict of Interest between professional and corporate values, discuss it with your team leader/supervisor/Director.

Where required by Chapter 8, Part 5 of the *Local Government Regulation 2012* (Qld) you may be required to supply details of interests to the CEO or Mayor to be included in a Register of Interests and ensure particulars contained in a Register of Interests remain correct.

Influences on decision-making

You must not influence any person in an improper way with the aim to obtain personal advantage or favours.

All decisions need to be, and be seen to be, fair and transparent. This can be achieved in a number of ways, including clear record-keeping and showing how decisions were made.

You must not in any way misrepresent your qualifications, experience or expertise in any recruitment and selection process.

Appendix B has more information about how to undertake ethical decision making: see ‘A guide to ethical decision-making’.

You must ensure that any contact with lobbyists complies with any Policy of Council and the requirements of the *Integrity Act 2009* (QLD) (as outlined at Appendix C).

Accepting Gifts and Benefits

Occasionally you may be offered gifts or benefits from people with whom you do business.

Pursuant to the *Local Government Act 2009* (Qld) s199, it is an offence for an employee to ask for, or accept, a fee or other benefit for doing something as a local government employee. However, this does not apply to remuneration paid by Council or a benefit that has only a nominal value.

Date of Approval: 16th August 2022

Approved By: Council Resolution

Effective Date: 17/08/2022

Version: 3.0

Review Date: August 2025

The acceptance of Gifts or Benefits of a nominal value may be permitted in limited circumstances, however as a rule you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a real, potential or perceived Conflict of Interest or be seen to be receiving a bribe. The test to apply is whether you could be (not whether you are) influenced by your private interests in carrying out your official duties, or whether people are likely to believe that you could be influenced.

For example, ask yourself if accepting the gift or benefit could suggest that the giver may or would receive favourable treatment.

Where required by Chapter 8, Part 5 of the *Local Government Regulation 2012 (QLD)*, senior contract employees (including the CEO and Councillors) must ensure that gifts are recorded in their Register of Interests.

Employment outside Council

It is not Council's intention to stop people from holding secondary employment over and above your official duties as a Council employee. Approval for secondary employment is automatically granted for you to undertake private employment outside of your normal working hours as long as the following requirements are met:

- a) That no Conflict of Interest exists or develops, between private employment and your official duties.
- b) That your private employment has no effect on the performance of your official duties. This includes effects from a safety/fatigue management perspective.
- c) That your private employment does not involve use of Council resources (physical, technological or intellectual); and
- d) You must ensure that your work outside Council continues to meet the requirements at (a); (b) and (c); and
- e) Pursuant to the *Local Government Act 2009 (QLD)* s198, where you seek to be employed by more than 1 local government at the same time, approval of each of the local governments is required prior to you being appointed to the second position.

Although you do not need written approval, if you undertake voluntary work or a hobby you also need to ensure that these activities meet the above requirements. If you are unsure, you should discuss this with your team leader/supervisor/Director.

Public Comments on Council Business

As a general rule, Councillors and the Chief Executive Officer may comment publicly on Council business. Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments.

If you are asked to comment on any Council matter via the media or other public relations firms, you should do so only with express permission from the Chief Executive Officer.

You must also ensure that to the extent you collect, handle or give access to personal information, you comply with Council's Information Privacy Policy and the Privacy Principles outlined under the *Information Privacy Act 2009 (QLD)*. A copy of the Privacy Principles as applying to Council is outlined at Appendix D.

Advice given to Elected Officials

Councillors may, from time to time, ask local government employees for advice for the purpose of assisting the Councillor carry out their responsibilities under the *Local Government Act 2009 (QLD)*.

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

Where requests for advice are made, these must be consistent with the Councillor Code of Conduct and the 'Acceptable Requests Guidelines' which has been adopted by resolution of Council. Council employees have a responsibility to provide such relevant advice as requested by a Councillor, and in doing so must ensure that such advice is thorough, responsive, objective, independent, apolitical and impartial. Furthermore, the employee is required to fully inform the CEO of the interaction with a Councillor.

Where an employee believes that a request for advice by a Councillor is not in accordance with Council's adopted 'Acceptable Requests Guidelines, you must discuss this with the CEO.

External Activities

Council supports and is committed to ensuring all staff are free to engage in trade union, party-political, professional, interest group or charity activities of their choosing. However, you must make sure that your participation in such activities does not cause either a Conflict of Interest, and/or unduly restricts the performance of your official duties with Council.

You must not allow your involvement in any external organisation to intrude upon your duties, as a Council employee, which includes Council's confidence in you to give sound advice to Council that is objective, independent, apolitical and impartial.

You are not to take part in political affairs whilst on duty. Council's IT systems, including internet access and email, Council newsletters and workplaces must not be used for political messages or circulating defamatory or disparaging remarks against individuals, groups or Council itself.

If you comment publicly in connection with external activities, you must make a clear distinction between your opinion as a member of the external organisation, and your opinion as a Council employee.

You must not use your role in Council, Council information, or information gained in the course of your official duties as a Council employee, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation. You must not provide Council information to members of other groups or related persons, except where this information is publicly available.

As a member of an external organisation you need to be aware that participating in activities in the public arena, where you may be identified as a Council employee, can give rise to a perception of Conflict of Interest in some circumstances. Where such a situation arises, you must declare and manage the conflict in accordance with this Code of Conduct and any other relevant policy adopted by Council.

2. The Second Principle – Promoting the Public Good

Public Sector Ethics Act 1994 (QLD) section 7 states

"In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and Public officials –

- (a) accept and value their duty to be responsive to both the requirements of government and to the public interest; and*
- (b) accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions; and*
- (c) accept and value their duty to manage public resources effectively, efficiently and economically; and*

Date of Approval: 16th August 2022

Approved By: Council Resolution

Effective Date: 17/08/2022

Version: 3.0

Review Date: August 2025

- (d) *value and seek to achieve excellence in service delivery; and*
- (e) *value and seek to achieve enhanced integration of services to better service clients.”*

The following standards of behaviour are required:

Customer service

As a Council employee it is expected that you will strive to provide excellent customer service. You must treat members of the public equitably and with honesty, fairness, sensitivity and dignity.

All Council employees serve ratepayers directly or indirectly. If your role in Council involves regular contact with the public, it is important to know how to deal comfortably and calmly with difficult situations and difficult people.

You are expected to treat complaints from customers, ratepayers, and the community or fellow employees seriously and respond to constructive feedback as an opportunity for improvement.

Customers have a right to complain or criticise Council. Council expects its employees to show respect towards complainants. While you must make all reasonable efforts to help customers lodge complaints, if you think a situation is threatening or intimidating, you are entitled to withdraw. If in doubt, ask for help from a more experienced colleague, or a team leader/supervisor/Director. Council will support any employee who believes they are under threat from a member of the public.

Council's image can be impacted by the presentation of staff. Council requires its office-based employees to appear neat and tidy and maintain a professional business standard of dress. If you are unsure about what constitutes appropriate dress please discuss this with your supervisor or refer to Council's Uniform Policy. Where you have been provided with Council uniforms, you are required to wear all components of the uniform without alteration (other than alterations designed to ensure a proper fit) and ensure that uniforms are clean and tidy. If you are a supervisor you are expected to ensure that staff are appropriately presented at all times.

Fairness to suppliers

Council's contracting activities are regulated pursuant to the *Local Government Act 2009* (QLD) s104. Further, Council has established procedures and delegations of authority for various stages of procurement of goods and services which reflect sound contracting principles as defined pursuant to the *Local Government Act 2009* (QLD) s104 (3). You must ensure you comply with the sound contracting principles as defined by the *Local Government Act 2009* (QLD) s104(3) and the Council Procurement Policy, and follow all Council procedures when seeking suppliers for goods or services. If you have been approved to be involved in offering contracts or buying goods and services from outside Council, you must be sure you have taken reasonable, fair and consistent steps to allow all potential suppliers to bid for work.

You also need to ensure that you do not incur any liability or enter into any contract on behalf of Council, or alter the terms or conditions of any contract which Council has already entered, unless you are authorised to do so.

Public money

You must maintain high standards of accountability if you collect and use public money.

You are not to borrow or use Council money for private purposes. This also applies to items such as taxi vouchers or other vouchers.

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

Officers using Council monies for the purpose of entertainment and/or hospitality expenditure on Council's behalf must do so strictly in accordance with McKinlay Shire Council's Entertainment and Hospitality Policy.

Intellectual property

Council expects its employees to ensure that their actions do not breach or infringe the *Copyright Act 1968* (Cth), by unlawfully using the intellectual property of any individual or organisation.

You must respect the copyrights, trademarks and patents of suppliers and other organisations outside Council and which includes that you do not reproduce or quote suppliers' material unless your license specifically allows it. Similarly you must not store or copy audio, video or image files, printed media and software on Council assets without an appropriate license or approval. Where this is unclear you must seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of your official duties.

Any original work, invention or product you have contributed to in association with your official duties as a Council employee remains the property of Council. Similarly, you must not publish or disclose any matters relating to Council's intellectual property without appropriate authority. This does not stop you from sharing with other organisations information relating to your official duties. However, if you do, and if you are unaware of whether such action may breach this Code, you must first seek clarification from your supervisor/manager.

Concern for the environment

We all share the responsibility to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land and noise pollution. This includes individual responsibility for our own actions (e.g. taking care in disposing of waste and using and storing chemicals, reducing energy consumption and waste in our work spaces where we can and applying high standards of environmental protection across the region).

In performing your duties at Council, you must ensure that you comply with your general environmental duty and where applicable, your duty to notify of environmental harm: Refer to Chapter 7, Part 1 of the *Environmental Protection Act 1994* (QLD).

3. The Third Principle – Commitment to the system of government

Public Sector Ethics Act 1994 (QLD) section 8 states:

In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and Public officials -

- (i) accept and value their duty to uphold the system of government and the laws of the state, the Commonwealth and local government; and*
- (ii) are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and*
- (iii) accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.*

Subsection (1) does not limit the responsibility of a public service agency, public sector entity or Public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

The following standards of behaviour are required:

Date of Approval: 16th August 2022

Approved By: Council Resolution

Effective Date: 17/08/2022

Version: 3.0

Review Date: August 2025

Acting within the law

As an employee of Council, you are expected to comply with applicable legislation, awards, certified agreements, Council policies and local laws.

You have the right and responsibility to respectfully question how you do your work, particularly if you think there is an imminent risk to the safety of yourself or others, or there is a better way of doing something, or if you think that a direction may be in breach of the law. When you have recorded your suggestion or concern you are required to work as directed by your team leader/supervisor/Director, except where there is an imminent risk to safety. If the matter cannot be resolved within the workgroup, it should be immediately referred to your manager.

If you are charged with having committed any indictable offence, are subject to an indictable offence conviction, or are subject to a summary conviction, you should immediately report the circumstances to your divisional manager. Such disclosure shall be treated as confidential.

Acting in accordance with delegations and signing documents on behalf of Council

If you are requested to undertake an action on behalf of the CEO or Council, prior to exercising any power on behalf of the Chief Executive Officer you must ensure there exists an appropriate delegation pursuant to State or Federal legislation that allows you to exercise the power. Refer to Council's Register of Delegations.

The following persons are the only persons who may sign a document on behalf of Council:-

- (ii) the Mayor;
- (iii) a delegate of Council, such as the CEO; or
- (iv) a Councillor or Council employee who is authorised, in writing, by the Mayor or CEO to sign documents.

Raising concerns

You have the right to comment on or raise concerns with your team leader/supervisor/Director about Council policies, practices or priorities where they impact on your employment. However, you must do this in a reasonable and constructive way and take responsibility for your comments and views. Further, you must accept that Council has the right to determine its policy, practices and priorities and that you must comply with all reasonable and lawful instructions, whether or not you personally agree with a given policy direction.

When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and such complaints may be managed as acts of misconduct in accordance with the Council's Performance and Misconduct and/or Disciplinary Policy.

4. The Fourth Principle – Accountability and transparency

Public Sector Ethics Act 1994 (QLD) section 9 states:

In recognition that public trust in public office requires high standard of public administration, public service agencies, public sector entities and public officials -

- (a) are committed to exercising proper diligence, care and attention; and
- (b) are committed to using public resources in an effective and accountable way; and

Date of Approval: 16th August 2022

Approved By: Council Resolution

Effective Date: 17/08/2022

Version: 3.0

Review Date: August 2025

- (c) are committed to managing information as openly as practicable within the legal framework; and
- (d) value and seek to achieve high standards of public administration; and
- (e) value and seek to innovate and continuously improve performance; and
- (f) value and seek to operate within a framework of mutual obligation and shared responsibility between public services agencies, public sector entities and Public Officials.

The following standards of behaviour are required:

Using Council assets

Council's assets include property, plant, equipment, information systems, computing resources, goods, products and/or valuables (this includes surplus material, waste material and off-cuts). All employees share the responsibility for looking after them.

If you are in charge of assets you must take good care of them while they are in your possession or use, and ensure they are used economically and efficiently. It is an offence to misuse or allow anyone else to misuse Council assets. You must make sure assets are secured against theft and properly stored, maintained and repaired.

You must ensure that you use Council assets only for official Council business, unless written approval has been granted by your Director.

You must not store personal files on Council's IT assets. Any files stored on, or information accessed using Council assets, are discoverable by Council.

You can use telephones on a limited basis for local calls that you cannot make conveniently outside working hours.

If you use Council vehicles or a Council issued mobile telephone for non-official purposes, you must ensure that your use is in accordance with Council policy.

Council allows limited personal use of electronic mail and World Wide Web browsing, subject to and in accordance with Council Policy. Limited personal use means use that is infrequent and brief, and is performed during your non-paid time, that is, before and after work or during meal breaks.

Upon your employment terminating with Council, you must return all Council property and work-related documents immediately.

Diligence, care and attention

Council aims to conduct its business with integrity, honesty and fairness and to achieve the highest standards in service delivery. You contribute to this aim by carrying out your duties honestly, responsibly, in a conscientious manner and to the best of your ability. This includes:

- maintaining punctuality and not being absent from your work station/location during work time without reason;
- giving priority to official duties over personal activities during work time;
- ensuring you do not undertake personal work during work time;
- not wasting time chatting about personal matters and interrupting other staff;
- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting yourself in a way so others gain confidence and trust in the way Council does business;
- not allowing your conduct to distract or prevent others from working;
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or policy.

If you are responsible for managing or supervising others, you must also ensure that:

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

- you model the values and principles outlined in this Code and ensure that employees within your area of responsibility understand and comply with the Code;
- you do not come under a financial obligation to any employee you supervise or manage;
- your work and the work of those you supervise contribute to the achievement of Council's goals;
- employee performance is monitored and individuals are given constructive and regular feedback on their performance in line with procedures;
- where practicable, employees are given training opportunities to assist them in developing their careers;
- employees are provided with information that is vital for effective work performance;
- the opinions of employees are respected and considered;
- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- employees who collect, handle or disburse public money are properly supervised;
- employee work times, overtime, allowances and absences are correctly recorded on time/flex sheets and pay summary reports;
- appropriate action is taken if breaches of this Code occur.

Attendance at and absence from duty

You are expected to follow Council employment and working arrangements, agreements and rulings on attendance at work and leave. This includes not being absent without approval and accurately and truthfully recording work and leave periods.

Council's operational efficiency depends on your punctuality and attendance at your work station/location. If you are unavoidably detained you are required to advise your team leader/supervisor/Director as soon as reasonably possible before your expected start time.

Absence without approval and without reasonable excuse can create concerns for your safety and lead to unproductive time for others. All employees have an obligation to ensure that they promptly notify Council as soon as practicable upon becoming aware that they are going to be absent from work. Failure to promptly notify Council may result in the non-payment of salary/wages for the period of absence and/or may result in Council taking disciplinary action.

Self-development

All Local Government employees have an obligation to be proactive in the continual improvement of all aspects of their work performance: refer to *Local Government Act 2009* (QLD) s13. You should aim to maintain and improve your work performance and that of your work unit in the delivery of customer service. You have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your area of work.

Council will assist you by providing equitable access to training and development opportunities. This may include accessing the study assistance program, learning new work duties, participating in project work or undertaking internal or external training.

Breaches of the Code

Council expects all employees whilst engaged in official duties, to ensure they demonstrate the basic standards of acceptable conduct as enshrined in this Code. All employees have the responsibility to

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

comply with this Code of Conduct and all other policies which Council implements and/or varies from time to time.

A breach of the Code of Conduct damages business effectiveness, public perception of Council and interpersonal work relationships. Any act or lack of action by an employee of Council that contravenes this Code may result in Council taking disciplinary action against that employee, and which may include dismissal. All suspected breaches will be dealt with on a case by case basis.

Suspected Official Misconduct must be referred to Council's Chief Executive Officer, and the Chief Executive Officer has a duty to notify the Crime and Corruption Commission of the suspected Official Misconduct.

In cases where a suspected breach of this Code is under investigation, and if the Chief Executive Officer deems it appropriate and believes disciplinary action in some form will occur, any employee suspected of a breach of this Code may be suspended from duty on full pay until such time as the investigation has been completed.

All disciplinary action taken by Council against an employee for suspected breaches of this Code will be in accordance with Council's Performance and Misconduct Policy and in compliance with Council's obligations pursuant to Part 3 of Chapter 8 of the *Local Government Regulation 2012* (QLD).

If you have a Concern

The *Public Interest Disclosure Act 2010* (QLD) and the *Public Sector Ethics Act 1994* (QLD) aim to create a work environment where public sector and local government employees understand and maintain appropriate standards of conduct.

Where you honestly believe on reasonable grounds that you possess information about another Council Officer's conduct that relates to:

- Official Misconduct; or
- maladministration that adversely affects a person's interests; or
- a substantial misuse of public resources, other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure; or
- a substantial and specific danger to public health or safety; or
- a substantial and specific danger to the environment

you have the right to make a Public Interest Disclosure to a proper authority subject to, and in accordance with, the *Public Interest Disclosure Act 2010* (QLD).

Should you wish to make such a disclosure please contact:

- internally, the Director Corporate and Community Services; or
- externally, in accordance with Division 2 of the *Public Interest Disclosure Act 2010* (e.g. Crime and Corruption Commission, Anti-Discrimination Commission etc).

Publication

In accordance with the requirements of section 20 of the *Public Sector Ethics Act 1994*, the Chief Executive Officer will keep a printed copy of the Code available for inspection in the Executive Office and Council will publish the Code on its Intranet site for all employees to access.

Training

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

Education and training about public sector ethics will be offered at induction and as frequently as the Chief Executive Officer determines.

Authority

In accordance with Section 16 of the *Public Sector Ethics Act 1994*, the following consultation process was followed in development of this Code:

Consultation process

This Code was approved by the Chief Executive Officer in accordance with Section 17 of the *Public Sector Ethics Act 1994*.

Further Assistance

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your manager, team leader or divisional manager. In most cases, they will be able to answer your enquiries.

If you have concerns about approaching any of these people, contact the next most senior person in your area.

Alternatively, you might wish to contact the Director Corporate and Community Services.

APPENDIX A - Definitions

Benefit – means something that is similar to a Gift in that it is of value to the recipient, but it is less tangible in nature (e.g. a new job or promotion, preferential treatment, or access to confidential information).

Conflict of Interest – means a conflict between a Council employee’s work responsibilities and their personal or private interests. A Conflict of Interest can arise from either gaining a personal advantage or avoiding a personal loss. Conflicts of interest can be real (actual) or perceived (apparent).

A real Conflict of Interest is a conflict between the employee’s duties and their private interests. For example Ron is on a recruitment and selection panel and his sister is applying for a position to be decided by that panel.

A perceived Conflict of Interest arises where a person is likely to believe an employee’s private interests could improperly influence them at work. Such a perception is judged having regard to what a fair and reasonable member of the public could be expected to believe. For example Frida works for Council as a community grants funding program manager. On the weekend she plays tennis with the director of a community organisation applying for funding through the funding program Frida is managing. A reasonable person is likely to believe that Frida could be improperly influenced by the relationship she has developed with the director at tennis.

Types of interests – interests can be financial, non-financial, personal, private, family or business.

A financial interest is when the employee could gain a personal financial benefit including having shares, receiving gifts, benefits or bribes or receiving hospitality or travel. For example Kim’s partner owns a company which is tendering for work with Council.

Some examples of non-financial interests are below.

- (a) You work in the strategic procurement area and one of your regular fishing friends asks you to keep an eye on his tender application.
- (b) You work in the funding application area and you are also president of a local group applying for funding from Council.
- (c) You work in the development applications area and your children’s school will be affected by a new development and the development proposal has been submitted to Council for approval.

Gift – means an item of value – money, voucher, entertainment, hospitality, travel, commodity, property – that one person gives to another. Gifts may be offered as an expression of gratitude with no obligation to repay, or given to create a feeling of obligation.

Impaired by the effects of alcohol or drugs means:

- for employees operating/driving heavy vehicles and buses, a blood alcohol content greater than 0.00% (consistent with Queensland Transport Regulations);
- for employees driving light vehicles or operating mechanical tools or equipment, a blood alcohol content greater than 0.05% (consistent with Queensland Transport Regulations);
- for all employees – a positive drug test result in excess of the cut-off levels specified in Australian Standard AS 4308 (urine testing) and/or Australian Standard AS4760 (saliva testing); and/or physical or mental condition and/or behaviour which limits the employee’s ability to undertake work in a safe and effective manner.

Indictable offence – means a crime or misdemeanour for which an offender cannot, unless otherwise expressly allowed, be prosecuted or convicted except upon indictment.

Indictable offence conviction – means a finding of guilt, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded, in relation to an indictable offence.

Date of Approval: 16th August 2022

Approved By: Council Resolution

Effective Date: 17/08/2022

Version: 3.0

Review Date: August 2025

Limited Personal Use (Electronic Mail and World Wide Web) – means the following:

- Use that is infrequent and brief and is performed during the employee’s non-paid time. That is, before and after work or during meal breaks.
- Use that does not breach this Code of Conduct, Council policy, Public Sector Ethics Act 1994 (QLD), Local Government Act 2009 (including Regulations) (QLD), Crime and Corruption Act 2001 (QLD) or related State and Federal legislation and regulations.
- Personal use is activity conducted for purposes other than undertaking official business, professional duties, and/or professional development.
- Personal use refers to personal related activities which do not interfere with the operations of the Council.
- Examples of permitted limited personal use of the internet include:
 - (a) internet access that is incidental to employment or personal business transactions such as accessing government information sites and online banking and bill paying;
 - (b) participation in approved online training or personal development programs;
 - (c) sending or receiving infrequent personal messages by email, providing the content of the message does not breach Council’s Code of Conduct or Corporate Policies.
- Examples of limited personal use of the internet that is NOT permitted (not an exhaustive list) include:
 - (a) gambling (including gaming, online betting, bookmaker odds, lottery pages, bingo, football tipping);
 - (b) games (including traditional board games, card games and role playing games, for example, Solitaire and World of Warcraft);
 - (c) participation in online auctions (including eBay);
 - (d) dating (including the use of online dating services);
 - (e) downloading and storage of music, video files and pictures (including the use of YouTube, iTunes, Napster, BitTorrent and similar sites/programs);
 - (f) accessing social networking sites (including Facebook, Twitter, MySpace and similar sites) unless the use is directly connected with your duties, is for the purpose of communicating approved Council publications and/or media releases and has been approved by your team leader/supervisor/manager;
 - (g) accessing, downloading, storing or sending racially and/or sexually offensive, obscene and/or other threatening, belligerent or libellous electronic communications.

Official Misconduct – means wrongdoing by a public sector official (including police) in carrying out their official duties or exercising their powers. It must involve one of the following:

- (a) dishonesty or lack of impartiality;
- (b) a breach of the trust put in a person by virtue of their position; or
- (c) a misuse of officially obtained information.

It must also be a criminal offence or serious enough to justify dismissal of the person from their position.

Public official – means an employee of Council.

Summary conviction – means a summary conviction of an Indictable offence by a Magistrates Court.

APPENDIX B - A guide to ethical decision-making

The following guide is designed to help you reach an ethical decision based on the relevant facts and circumstances of a situation.

Step 1: assess the situation.

- What is your aim?
- What are the facts and circumstances?
- Does it break the law or go against Council policy?
- Is it in line with the Code's principles?
- What principles does it relate to? Why?
- Who is affected? What rights do they have?
- What are your obligations or responsibilities?

Step 2: look at the situation from Council's viewpoint.

- As a Public official, what should you do?
- What are the relevant laws, rules and guidelines?
- Who else should you consult?

Step 3: how would others see your actions?

- Would a reasonable person think you used your powers or position improperly?
- Would the public see your action or decision as honest and impartial?
- Do you face a Conflict of Interest?
- Will your decision or action stand up to public scrutiny?

Step 4: consider the options.

- Ask your team leader/supervisor/manager, or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with Council's values, the five local government principles, the four ethics principles fundamental to good public administration and your obligations?
- What are the costs and long-term consequences of each option?
- How would the public view each option?
- What will be the outcome for Council, your colleagues, others and you?

Step 5: choose your course of action.

Make sure your actions are:

- within your power to take, legal and in line with policy and this Code;
- fair and able to be justified to your manager and the public;
- documented so a statement of reasons can be supplied;
- consistent with Council's mission, goals and values; and
- backed by advice from Council specialists, if this is appropriate.

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

APPENDIX C – Contact with Lobbyists

The following guide is designed to help you deal with lobbyists appropriately and in compliance with provisions of the *Integrity Act 2009*.

1. Contact by Registered Lobbyists

Councillors and Council employees who receive contact from a lobbyist must establish whether the lobbyist is registered. The Lobbyist Register may be viewed at:

<http://lobbyists.integrity.qld.gov.au/who-is-on-the-register.aspx>

Councillors and Council employees who receive contact by a registered lobbyist must create a record of that contact and forward the following core information to the Chief Executive Officer:

- Date of Contact
- Name and title of Councillors and Council employees present
- Name and title of Lobbyist/s present
- Name and title of Lobbyist's clients/s present
- Method of contact (e.g. telephone call)
- Purpose of contact (e.g. follow up of progress with application)
- Brief description of issue
- Outcome of contact

2. Contact by Unregistered Lobbyists

Councillors and Council employees must not engage in lobbying activity with unregistered lobbyists. If you reasonably believe someone is an unregistered lobbyist and undertaking a lobbying activity, please follow the below steps:

1. Advise the person (in a professional manner) that you believe that:-
 - (a) This contact may be a "lobbying activity" under the Integrity Act 2009;
 - (b) You are required under that Act to seek some clarification as to the person's standing as a unregistered lobbyist under the Integrity Act 2009;
 - (c) You can no longer discuss with this person any lobbying activity matters, but you can assist with any "unrelated lobbying activity" discussions.
2. Make a note of the person's details and circumstances of the lobbying activity (i.e. time, date and place of incident, who were the people involved in the incident and how you believe this was a "lobbying activity");
3. Report the matter (including a copy of your notes of the incident) to Director Corporate and Community Services; and
4. Discontinue contact with the person on any "lobbying activity", until the matter is resolved. This does not mean you cannot assist the person with other "unrelated lobbying activity" matters.

APPENDIX D – Information Privacy Principles

1. IPP 1 - Collection of personal information (lawful and fair)

- (1) An agency must not collect personal information for inclusion in a document or generally available publication unless-
 - (a) the information is collected for a lawful purpose directly related to a function or activity of the agency; and
 - (b) the collection of the information is necessary to fulfil the purpose or is directly related to fulfilling the purpose.
- (2) An agency must not collect personal information in a way that is unfair or unlawful.

2. IPP 2 - Collection of personal information (requested from individual)

- (1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
- (2) However, this section applies only if the agency asks the individual the subject of the personal information for either-
 - (a) the personal information; or
 - (b) information of a type that would include the personal information.
- (3) The agency must take all reasonable steps to ensure that the individual is generally aware of-
 - (a) the purpose of the collection; and
 - (b) if the collection of the personal information is authorised or required under a law-
 - (i) the fact that the collection of the information is authorised or required under a law; and
 - (ii) the law authorising or requiring the collection; and
 - (c) if it is the agency's usual practice to disclose personal information of the type collected to any entity (the first entity)--the identity of the first entity; and
 - (d) if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the second entity)--the identity of the second entity.
- (4) The agency must take the reasonable steps required under subsection (3)-
 - (a) if practicable--before the personal information is collected; or
 - (b) otherwise--as soon as practicable after the personal information is collected.
- (5) However, the agency is not required to act under subsection (3) if-
 - (a) the personal information is collected in the context of the delivery of an emergency service; and

Example--

personal information collected during a triple 0 emergency call or during the giving of treatment or assistance to a person in need of an emergency service

 - (b) the agency reasonably believes there would be little practical benefit to the individual in complying with subsection (3) in the circumstances; and
 - (c) the individual would not reasonably expect to be made aware of the matters mentioned in subsection (3).

3. IPP 3 - Collection of personal information (relevance etc.)

- (1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.

- (2) However, this section applies to personal information only if the agency asks for the personal information from any person.
- (3) The agency must take all reasonable steps to ensure that-
 - (a) the personal information collected is-
 - (i) relevant to the purpose for which it is collected; and
 - (ii) complete and up to date; and
 - (b) the extent to which personal information is collected from the individual the subject of it, and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

4. IPP 4 – Storage and security of personal information

- (1) An agency having control of a document containing personal information must ensure that-
 - (a) the document is protected against-
 - (i) loss; and
 - (ii) unauthorised access, use, modification or disclosure; and
 - (iii) any other misuse; and
 - (b) if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.
- (2) Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

5. IPP 5 – Providing information about documents containing personal information

- (1) An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out-
 - (a) whether the agency has control of any documents containing personal information; and
 - (b) the type of personal information contained in the documents; and
 - (c) the main purposes for which personal information included in the documents is used; and
 - (d) what an individual should do to obtain access to a document containing personal information about the individual.
- (2) An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

6. IPP 6 – Access to documents containing personal information

- (1) An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.
- (2) An agency is not required to give an individual access to a document under subsection (1) if--
 - (a) the agency is authorised or required under an access law to refuse to give the access to the individual; or
 - (b) the document is expressly excluded from the operation of an access law.

7. IPP 7 – Amendment of documents containing personal information

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

- (1) An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information-
 - (a) is accurate; and
 - (b) having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.
- (2) Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.
- (3) Subsection (4) applies if-
 - (a) an agency considers it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information; and
 - (b) no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).
- (4) The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

8. IPP 8 – Checking of accuracy etc. of personal information before use by agency

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, complete and up to date.

9. IPP 9 – Use of personal information only for relevant purpose

- (1) This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.
- (2) The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

10. IPP 10 – Limits on use of personal information

- (1) An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless-
 - (a) the individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or
 - (b) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
 - (c) use of the information for the other purpose is authorised or required under a law; or
 - (d) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for 1 or more of the following by or for a law enforcement agency-
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;

- (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
- (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
- (e) the other purpose is directly related to the purpose for which the information was obtained; or

Examples for paragraph (e)—

1 An agency collects personal information for staff administration purposes. A new system of staff administration is introduced into the agency, with much greater functionality. Under this paragraph, it would be appropriate to transfer the personal information into the new system.

2 An agency uses personal information, obtained for the purposes of operating core services, for the purposes of planning and delivering improvements to the core services.

- (f) all of the following apply-
 - (i) the use is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - (ii) the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
 - (iii) it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.
- (2) If the agency uses the personal information under subsection (1)(d), the agency must include with the document a note of the use.

11. IPP 10 – Limits on disclosure

- (1) An agency having control of a document containing an individual's personal information must not disclose the personal information to an entity (the relevant entity), other than the individual the subject of the personal information, unless-
 - (a) the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency's usual practice to disclose that type of personal information to the relevant entity; or
 - (b) the individual has expressly or impliedly agreed to the disclosure; or
 - (c) the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
 - (d) the disclosure is authorised or required under a law; or
 - (e) the agency is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the following by or for a law enforcement agency-
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or

- (f) all of the following apply-
 - (i) the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - (ii) the disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;
 - (iii) it is not practicable to obtain the express or implied agreement of the individual before the disclosure;
 - (iv) the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.
- (2) If the agency discloses the personal information under subsection (1)(e), the agency must include with the document a note of the disclosure.
- (3) If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed to the agency.
- (4) The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity's marketing of anything to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that-
 - (a) it is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of the marketing; and
 - (b) the relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and
 - (c) the individual has not made a request mentioned in paragraph (b); and
 - (d) in each marketing communication with the individual, the relevant entity will draw to the individual's attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and
 - (e) each written marketing communication from the relevant entity to the individual, up to and including the communication that involves the use, will state the relevant entity's business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.



Council Ordinary Meeting Tuesday 16th August 2022

8.6 Subject: Human Rights Policy
Attachments: Human Rights Policy
Author: Director Corporate and Community Services
Date: 10 August 2022

Executive Summary:

The Human Rights Act 2019 commenced on 1 January 2020. The Act protects 23 Human Rights. Public entities must uphold these rights when making decisions, create laws, set policies and provides services. This policy has been developed to provide a framework to assist all areas of Council to meet our human rights obligations.

Recommendation:

That Council resolves to adopt the Human Rights Policy version 1.0 as presented.

Background:

With the introduction of the Human Rights Act 2019, it places obligations on public entities to ensure that public powers and functions are exercised in a principled way and that public power is not misused. The policy has been developed to assist Council meet its obligations under the Human Rights Act.

Comments:

This is a new policy for Council.

Legal Implications:

Human Rights Act 2019

Policy Implications:

Nil

Consultation:

Queensland Human Rights Commission

Financial and Resource Implications:

Nil

InfoXpert Document ID:



HUMAN RIGHTS POLICY

1. Scope

The Human Rights Policy (this 'Policy') applies to all Councillors, employees, volunteers and contractors of McKinlay Shire Council.

2. Purpose

This Policy is to assist all areas of Council to meet our human rights obligations. As a public entity, Council must:

- a) act or make a decision in a way that is compatible with human rights; and
- b) give proper consideration to human rights.

3. References (legislation/related documents)

Legislative references

Human Rights Act 2019
Local Government Act 2009
Local Government Regulations 2012

Related documents

Councillor Code of Conduct
Employee Code of conduct
Queensland's Human Rights Act 2019: A guide for public entities (Queensland Human Rights Commission)

4. Definitions

To assist in interpretation, the following definitions shall apply:

Council McKinlay Shire Council.

Human Rights The rights stated in part 2, divisions 2 and 3 of the Human Rights Act 2019.

The Act Human Rights Act 2019.

5. Policy Statement

Council is committed to building a culture within the organisation that respects and promotes human rights.

Human rights will be taken into consideration when delivering services, applying policies and creating new laws. The Act requires Council to act and make decisions in a way that is compatible with human rights. When making a decision Council must give proper consideration to a human right relevant to that decision.

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 1.0
Review Date: September 2025

5.1 Objectives of the Act

The main objectives of the Act are:

- a) to protect and promote human rights; and
- b) to help build a culture in the Queensland public sector that respects and promotes human rights; and
- c) to help promote a dialogue about the nature, meaning and scope of human rights.

5.2 Protected human rights

All individuals in Queensland have human rights. The Act protects twenty-three (23) fundamental human rights as outlined below:

- 1) Right to recognition and equality before the law (section 15 of the Act);
- 2) Right to life (section 16 of the Act);
- 3) Right to protection from torture and cruel inhuman or degrading treatment (section 17 of the Act);
- 4) Right to freedom from forced work (section 18 of the Act);
- 5) Right of freedom of movement (section 19 of the Act);
- 6) Right to freedom of thought, conscience, religion and belief (section 20 of the Act);
- 7) Right to freedom of expression (section 21 of the Act);
- 8) Right to peaceful assembly and freedom of association (section 22 of the Act);
- 9) Right to take part in public life (section 23 of the Act);
- 10) Property rights (section 24 of the Act);
- 11) Right to privacy and reputation (section 25 of the Act);
- 12) Right to protection and families and children (section 26 of the Act);
- 13) Cultural rights – generally (section 27 of the Act);
- 14) Cultural rights – Aboriginal peoples and Torres Strait Islanders peoples (section 28 of the Act);
- 15) Right to liberty and security of persons (section 29 of the Act);
- 16) Right to humane treatment when deprived of liberty (section 30 of the Act);

- 17) Right to fair gearing (section 31 of the Act);
- 18) Rights in criminal proceedings (section 32 of the Act);
- 19) Rights of children in the criminal process (section 33 of the Act);
- 20) Right not to be punished more than once (section 34 of the Act);
- 21) Protection from retrospective criminal laws (section 35 of the Act);
- 22) Right to education (section 36 of the Act); and
- 23) Right to health Services (section 37 of the Act).

5.3 Act compatibly with human rights

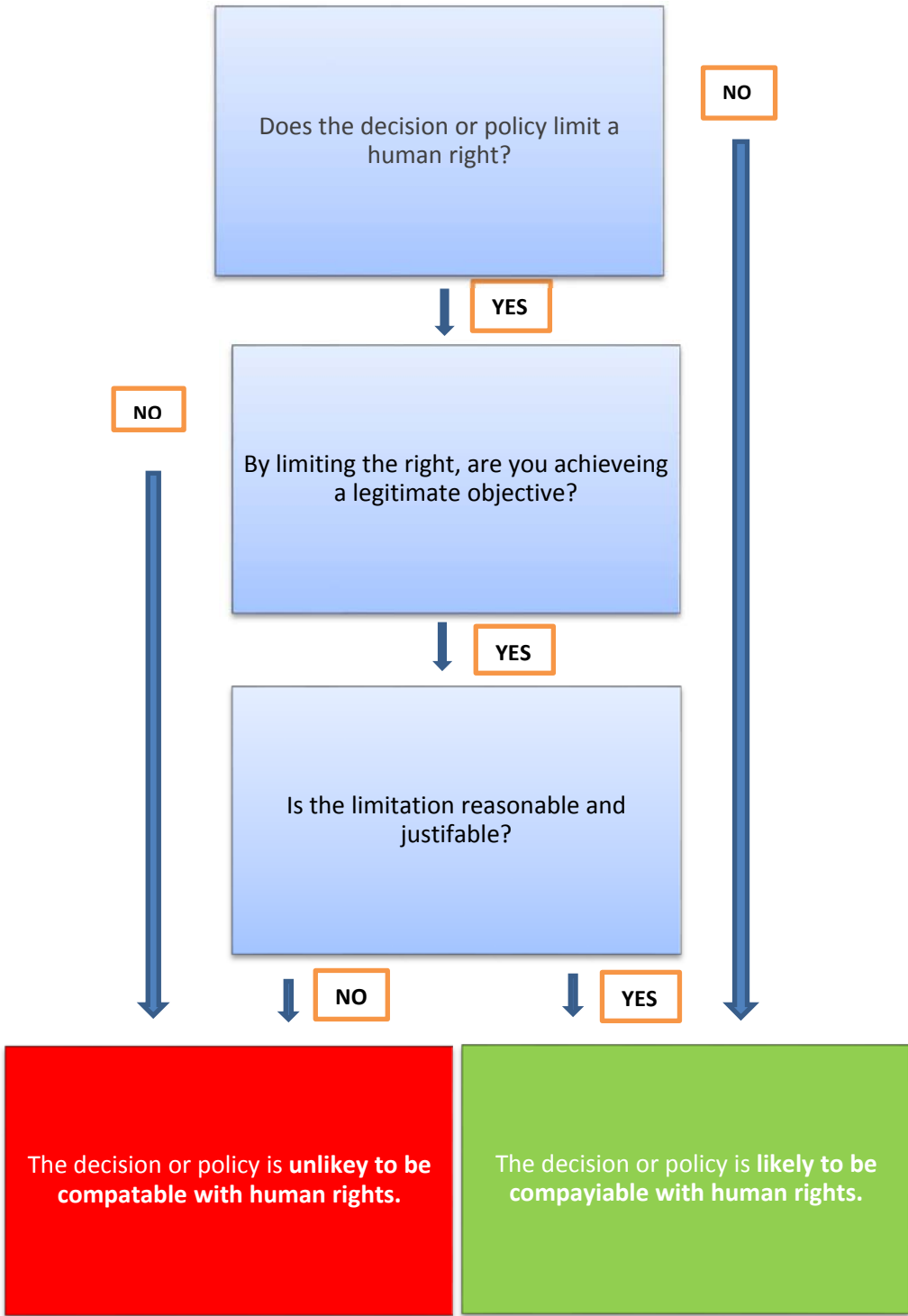
One of the key requirements of the Act is that actions, decisions or statutory provision must be compatible with human rights.

An action, decision or provision will be compatible with human rights if:

- a) it does not limit a human right; or
- b) it limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with the Act.

Section 13 of the Act provides guidance for deciding whether a limit on a human right is reasonable and justifiable.

Council has adopted the following approach tabled below to assess the compatibility of decisions or policies.



5.4 Human Rights Complaints

If an individual believes that Council has breached their human rights obligations, they have the right to complain and seek remedies.

There are several ways that an individual can make a complaint under the Act, which includes:

- Internal complaints;
- Independent complaints; and
- Raising the Act in courts and tribunals.

5.4.1 Internal complaints

An individual must first raise a complaint directly with Council. Once forty-five (45) business days has elapsed the matter may be referred to the Queensland Human Rights Commission if the complaint has not been responded to, or if the individual is not satisfied with the response.

An individual may make a human rights complaint to Council as follows:

- a) Verbally – either by a telephone call to Council’s call centre or by visiting Council’s Administration centre. Council’s phone number is:

- 07 4746 7166

Council’s Administration centre address is:

- 29 Burke Street, Julia Creek

- b) In writing – either mailed to the Chief Executive Officer, or via Council’s enquiries email address or via Council’s internet site.

The mailing address is:

The Chief Executive Officer

McKinlay Shire Council

PO Box 177

Julia Creek QLD 4823

Council’s enquiries email address is:

reception@mckinlay.qld.gov.au

Council’s internet site is: www.mckinlay.qld.gov.au

Council’s Human Rights complaint management process is outline in Appendix 1: Complaints handling flowchart.

5.4.2 Independent complaints

An individual may also raise a complaint about human rights with the Queensland Human Rights Commission or another independent body. In order to accept complaints under the Act, the Queensland Human Rights Commission must be satisfied that:

- A complaint has first been made to the public entity alleged to have breached the Act.
- At least 45 business days have elapsed since the complaint was made to the public entity.
- The complainant has not received a response to their complaint, or has received an inadequate response.

Further details on the Queensland Human Rights Commission complaint process can be found on their website.

5.4.3 Raising the Act in courts and tribunals

In some cases, the complaint can be taken to a court or tribunal. While individuals cannot make complaints directly to courts and tribunals for breaches of the Act, it is possible to raise breaches of the Human Rights Act in the process of a hearing based on another law.

5.5 Remedies

Where there is a breach of the Act, a person cannot claim financial compensation. However, where the complaint is not resolved, the Queensland Human Rights Commission can make recommendations regarding actions required of the respondent to uphold human rights.

6. Changes to this Policy

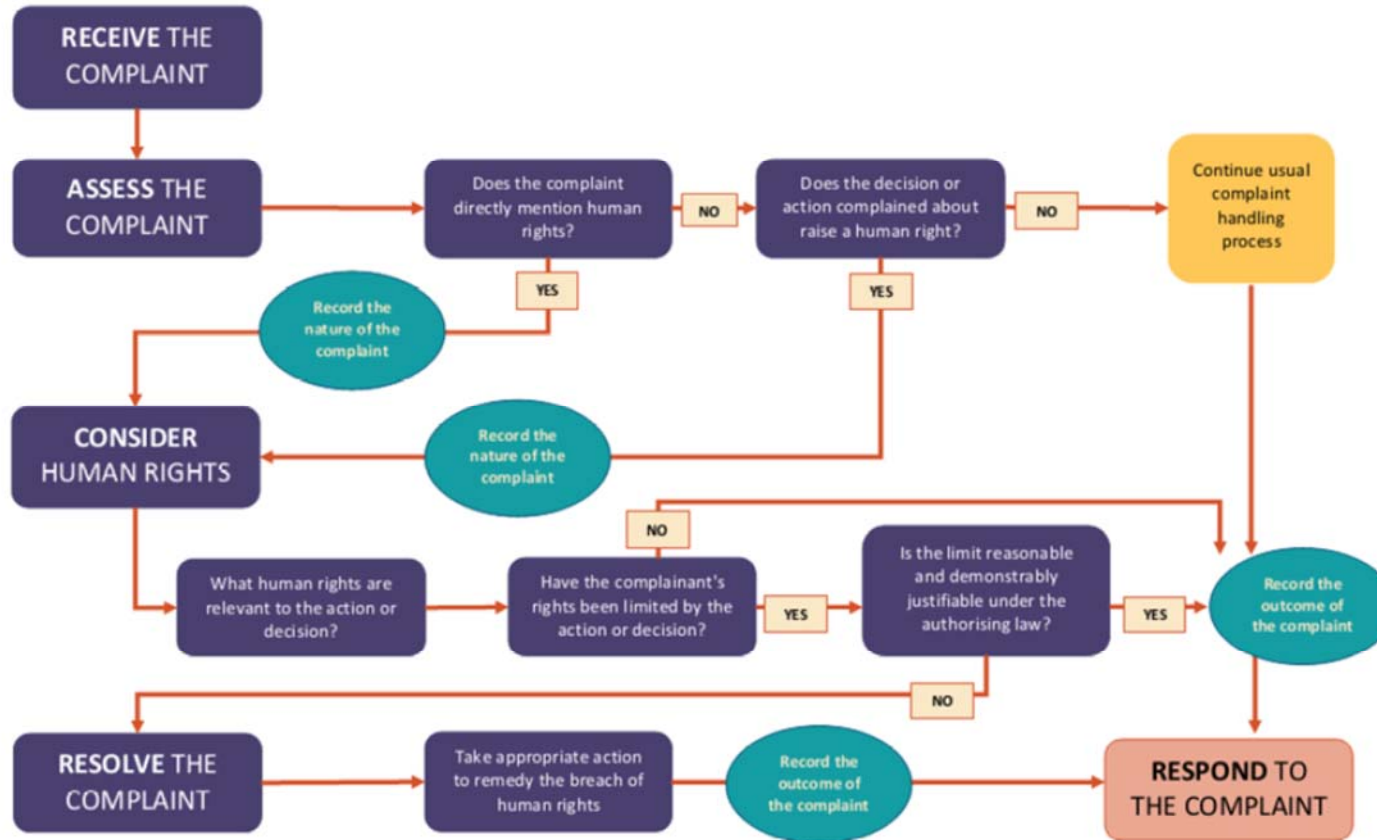
This Policy will be reviewed when any of the following occur:

- 1) The related information is amended or replaced; or
- 2) Other circumstances as determined from time to time by the Council.



HUMAN RIGHTS POLICY

Appendix 1: Complaints handling flowchart



Date of Approval: 16th August 2022
 Approved By: Council Resolution

Effective Date: 17/08/2022
 Version: 1.0

Review Date: September 2025



HUMAN RIGHTS POLICY

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 1.0
Review Date: September 2025



8.7 Subject: Investigation Policy – Councillors Conduct
Attachments: Investigation Policy – Councillors Conduct
Author: Director Corporate & Community Services
Date: 28 July 2022

Executive Summary:

As part of the requirements of section 150AE of the *Local Government Act 2009*, a local government must adopt a policy about how it deals with the suspected inappropriate conduct of councillors referred, by the assessor, to the local government to be dealt with. The policy has been reviewed and updated.

Recommendation:

That Council adopts the Investigation Policy V3.0 as presented.

Background:

A review of the Investigation Policy was completed in consultation with the example policy provided by the Department of State Development, Infrastructure, Local Government and Planning.

Only minor amendments were made to the policy, which include:

Section 14 Completion of Investigation – the wording remained the same however paragraph order changed.

Consultation:

Chief Executive Officer

Legal Implications:

The policy and associated documents have been compiled to meet the requirements of the *Local Government Act 2009* and based on the example policy provided by Department of State Development, Infrastructure, Local Government and Planning.

Policy Implications:

On adoption of Investigations Policy V3.0 it will revoke all previous version of the similar name.

Financial and Resource Implications:

InfoXpert Document ID: 123404



INVESTIGATION POLICY – Councillors Conduct

1. Authority

This is McKinlay Shire Council's investigation policy for how complaints about the inappropriate conduct of councillors will be dealt with as required by the section 150AE of the *Local Government Act 2009* (the LGA). However, this policy does not relate to more serious councillor conduct.

2. Commencement

The investigation policy was adopted by Council resolution on 16th August 2022 and applies from 17th August 2022.

3. Scope

This investigation policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a councillor/s which has been referred by the Independent Assessor.

4. Definitions

Assessor means the Independent Assessor appointed under section 150CV of the LGA

Behavioural standard means a standard of behaviour for councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the LGA

Conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

Councillor conduct register means the register required to be kept by Council as set out in section 150DX of the LGA

Inappropriate conduct see section 150K of the LGA

Investigation policy, refers to this policy, as required by section 150AE of the LGA

Investigator means the person responsible under this investigation policy for carrying out the investigation of the suspected inappropriate conduct of a councillor or mayor

LGA means the *Local Government Act 2009*

Local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government

Misconduct see section 150L of the LGA

Model procedures see section 150F of the LGA

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

Referral notice see section 150AC of the LGA

Tribunal means the Councillor Conduct Tribunal as established under section 150DK of the LGA

Unsuitable meeting conduct see section 150H of the LGA

5. Confidentiality

Matters of suspected inappropriate conduct of a councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation policy.

Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the local government. Any release of information that a councillor knows, or should reasonably know, to be confidential to the local government, may be contrary to section 171(3) of the LGA and dealt with as misconduct.

6. Natural Justice

Any investigation of suspected inappropriate conduct of a councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

Natural justice or procedural fairness refers to three key principles:

- that the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing)
- that the investigator(s) should be objective and impartial (absence of bias)
- that any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Ensuring decisions are based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material. A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

7. Assessor's referral

The council will receive from the assessor a referral notice about the suspected inappropriate conduct of a councillor/s. The referral notice will include details of the conduct and any complaint received about the conduct, state why the assessor reasonably suspects that the councillor has

Date of Approval: 16th August 2022
Approved By: Council Resolution

Effective Date: 17/08/2022
Version: 3.0
Review Date: August 2025

engaged in inappropriate conduct, and include information about the facts and circumstances that form the basis of the assessor's reasonable suspicion.

The referral notice may be accompanied by a recommendation from the assessor about how the local government may investigate or deal with the conduct. The recommendation of the assessor may be inconsistent with this policy.

The investigation must be conducted in a way consistent with:
any recommendation of the assessor

- (i) to the extent that this policy is not inconsistent with the recommendation of the assessor – this investigation policy, or
- (ii) in another way the local government decides by resolution.

A resolution under subsection (iii) must state the decision and the reasons for the decision.

8. Receipt of Assessor's referral

On receipt of a referral notice about the suspected inappropriate conduct of a councillor/s from the assessor, the council's chief executive officer will forward a copy of that referral notice to the mayor and all councillors, other than the councillor who is the subject of the complaint, or the complainant if the complainant is a councillor, as a confidential document.

Should the mayor or a councillor/s disagree with any recommendation accompanying the assessor's referral notice, or form the opinion that the complaint should be dealt with in a way other than under this policy, the mayor or councillor may request the matter be placed on the agenda of the next council meeting for the council to decide, by resolution, the appropriate process to investigate the complaint. Such a request must be made in accordance with the council's meeting procedure requirements.

9. Investigator

Unless otherwise resolved by council, the mayor will manage the investigation of suspected inappropriate conduct of other councillors.

If the suspected inappropriate conduct involves conduct where, in the circumstances, the mayor believes it is in the best interests of the investigation to refer the matter for external investigation, then the chief executive officer may refer the suspected inappropriate conduct to the president of the Councillor Conduct Tribunal (the Tribunal) or other entity to investigate and make recommendations to the council about dealing with the conduct.

If the suspected inappropriate conduct involves an allegation about the conduct of the mayor or the mayor as the complainant, then the chief executive officer may refer the suspected inappropriate conduct to the president of the Tribunal, or another entity, to investigate and make recommendations to the council about dealing with the conduct.

10. Early resolution

Before beginning an investigation, the investigator should consider whether the matter is appropriate for resolution prior to the investigation. This consideration can include any recommendations made by the assessor.

A matter is only appropriate for early resolution if the parties to the matter both voluntarily agree to explore early resolution. The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.

If the matter is resolved prior to investigation, the investigator will advise the chief executive officer of this outcome. In turn, the chief executive officer will advise the mayor (if the mayor is not the investigator) and all councillors that the matter has been resolved. The chief executive officer will also update the councillor conduct register to reflect this.

11. Timeliness

The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a council meeting no more than eight weeks after the receipt of the complaint.

Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the mayor (if the mayor is not the investigator) to seek an extension of time.

12. Assistance for investigator

If the mayor, or another councillor appointed by council resolution, is the investigator of a matter of suspected inappropriate conduct, the mayor or councillor may use section 170A of the LGA to seek assistance during the investigation.

The mayor is authorised by council to expend money as reasonably needed to engage contractors in accordance with the council's procurement policy.

13. Possible misconduct or corrupt conduct

If during the course of an investigation the investigator obtains information which indicates a councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the chief executive officer. The chief executive officer will then notify the assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information that indicates a councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and

advise the chief executive officer. The chief executive officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the council if determined by the assessor or Crime and Corruption Commission to be inappropriate conduct.

14. Completion of investigation

On the completion of an investigation, the investigator will provide a report to a council meeting outlining as appropriate:

- the investigation process
- any witnesses interviewed
- documents or other evidence obtained
- a statement of the relevant facts ascertained
- confirmation that the subject councillor has been provided with an opportunity to respond to the complaint and the evidence gathered
- the investigation findings
- a statement of any relevant previous disciplinary history
- any recommendations about dealing with the conduct
- a record of the investigation costs.

The council (with the exception of the councillor the subject of the investigation and the complainant, if another councillor) will consider the findings and recommendations of the investigator's report and decide whether the councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA.

The chief executive officer is also required to ensure the details are entered into the councillor conduct register.

If there is a risk to the health and safety of the complainant, under s 254J of the LGR the council may resolve that the meeting be closed to the public for the councillors to consider the investigation report and any recommendations. In accordance with s254J(6) of the LGR, the resolution in relation to what action is to be taken as a result of the investigation must be made after the meeting has been re-opened to the public and the decision recorded in the meeting minutes.

15. Disciplinary action against councillors

If the council decides at the completion of the investigation that the councillor has engaged in inappropriate conduct, the council may:

- (i) order that no action be taken against the councillor, or
- (ii) make an order outlining action the councillor must undertake in accordance with section 150AH(1)(b) of the LGA.

16. Notice about the outcome of investigation

After an investigation is finalised, the council must give notice about the outcome of the investigation to the person who made the complaint about the councillor/s' conduct that was the subject of the investigation and the subject councillor.

17. Councillor conduct register

The chief executive officer must ensure decisions about suspected inappropriate conduct of a councillor/s are entered into the councillor conduct register.

Where a complaint has been resolved under section 10 of this policy, or otherwise withdrawn by the complainant, the chief executive officer will update the register to reflect that the complaint was withdrawn.

18. Expenses

Council must pay any reasonable expenses of council associated with the investigation of suspected inappropriate conduct of a councillor including any costs of:

- the president of the Tribunal in undertaking an investigation for council
- an independent investigator engaged on behalf of, or by the Tribunal
- an independent investigator engaged on behalf of the local government
- travel where the investigator needed to travel to undertake the investigation, or to interview witnesses
- seeking legal advice
- engaging an expert.

Note: Council may order the subject councillor reimburse it for all or some of the costs arising from the councillor's inappropriate conduct. Any costs incurred by complainants or the subject councillors will not be met by council.



9.0 CHIEF EXECUTIVE OFFICER



Ordinary Meeting of Council Tuesday 16th August 2022

9.1 Subject: Chief Executive Officer's Report to August Meeting of Council

Attachments: NIL

Author: CEO

Date: 11th August 2022

Executive Summary:

In addition to the information provided below, a verbal update will be given on current matters headlined in the body of the report which have arisen from the Office of the Chief Executive Officer.

Recommendation:

That Council receive and note the report from the Chief Executive Officer for the period ending 16th June 2022 except where amended or varied by separate resolution of Council.

1. Establishment of a Cotton Gin in Julia Creek

A verbal update to be provided on discussions held since the last Council Meeting, and the next steps moving forward.

Recommendation:

For Council Information

2. Social Housing and Government Housing – Update from Meeting

The Deputy Mayor, Cr. Fegan and I attended a virtual meeting with a number of State Government Staff from the Department of Communities Housing and Digital Economy (DCHDE) and the Department of Energy and Public Works (DEPW).

The meeting included discussion on an overview of the Social Housing Portfolio in Julia Creek and Priorities for housing investment in the McKinlay LGA.

There are currently vacant social houses in Julia Creek with no demand. The Deputy Mayor and I indicated an interest in purchasing vacant houses at a reasonable price to use as Council Staff housing. Follow up discussions with the Department will occur.

The Government Employee Housing (GEH) representative indicated a requirement for an additional 6 GEH's in Julia Creek. They currently have 4 vacant blocks. They are Tender ready for 3 of the houses.

Recommendation:

For Council Information



Ordinary Meeting of Council Tuesday 16th August 2022

3. **NWQROC Update**

The August NWQROC Meeting was held on Friday 5th August on zoom. Items discussed included a Regional Arts Services Network, the NWQ Regional Waste Management & Resource Recovery Plan, the WQAC Housing Solutions Study, Childcare Worker Financial Incentives, Building Better Regions Program and the NWQ Regional Biosecurity Plan.

The September Zoom Meeting has been cancelled as some key members are absent.

The next meeting in Cloncurry has been scheduled for Thursday 6th and Friday 7th October. This meeting will include the AGM.

Recommendation:

For Council Information

4. **MITEZ Meeting**

The next Mitez Meeting is being held in Cloncurry on Friday 19th August. The Mayor and I shall attend the meeting.

Recommendation:

For Council Information

5. **NWHH Board Chairman and CE Visiting Julia Creek**

The Chairman of the NWHH Board, Cheryl Vardon and the CE Craig Carey are visiting Julia Creek on Wednesday 24th August. A meeting has been arranged with some community members for 4.30pm in Council's Boardroom.

Recommendation:

For Council Information

6. **Meeting with Kynuna and McKinlay Communities**

Council traditionally visits the Kynuna and McKinlay Communities annually. A visit in late September or early October is recommended, subject to the availability of Councilor's. A suitable date is to be determined and meetings arranged in the communities.



Recommendation:

Council determines a suitable date to meet with the Kynuna and McKinlay Communities and meetings are arranged for this date.

7. LGMA Annual Conference Gladstone 6th – 8th September

I shall be attending the Local Government Managers Association (LGMA) Annual Conference in Gladstone, which is being held from the 6th to 8th September. The Conference and travel will be funded from my Professional Development budget.

Recommendation:

For Council Information

8. Julia Creek Cattle Train Loading Facility

The Mayor and I have met with DTMR Senior Officers regarding the Julia Creek Cattle Train Loading Facility. An update will be provided on the meetings.

Recommendation:

For Council Information

9. Update on Council Staff

There have been a number of movement of staff in the past month. An update will be provided to Council for your information.

Recommendation:

For Council Information

Policy/Legislative:

LG Act 2009 & LG Regulation 2012

Policies

Awards

Operational Financial and Resource Implications:

To be further advised

Consultation and engagement:

Councilors

Directors

Relevant Council staff

External agencies

InfoXpert Document ID:



10. WORKPLACE HEALTH AND SAFETY



Ordinary Meeting of Council Tuesday, 16th of August 2022

10.1 Subject: WHS Report – July 2022

Attachments: Nil

Author: WHS Officer

Date: 16 August 2022

Executive Summary:

This report outlines the general status of Work Health and Safety at McKinlay Shire Council for the period of July 2022.

Recommendation:

That Council receives the July 2022 WHS Report.

Background:

This report outlines the general status of Work Health and Safety at McKinlay Shire Council for the period of July 2022.

Detailed below are the general areas of importance to the safety of workers at McKinlay Shire Council throughout the month.

Consultation: (internal/External)

Nil

Legal Implications:

Nil

Policy Implications:

Nil

Financial and Resource Implications:

As provided in the report.

InfoXpert Document ID: 123473



Ordinary Meeting of Council Tuesday, 16th of August 2022

		Actual	Budget
3700	Workplace Health and Safety	\$3,110.20	\$194,000
	<ul style="list-style-type: none"> • Attended LGW SMS Masterclass in Cairns 6th and 7th of July • Organised LGW Claims • Organised Traffic Control Tickets to attend TMR in Cloncurry to apply for Traffic Control Licences • Checked and Maintained Metro counts on Gidgee bug Highway, Cannington Road, Combo Water hole, Old Normanton Road and Byramine Road. • Reviewed Audit Report from SIA McKinlay Shire Council Audit. • Commenced the investigation for the (1) incident for July. 		
	<ul style="list-style-type: none"> • LGW WorkCare There has been a total of 2 Claims the year with a total amount incurred of \$7,879. • Incidents in July there have been a total of (1) new incident for the month. • Outstanding Actions total of 58 outstanding Actions (in Rectification Action Plan) and, Total of 9 outstanding Actions (in Skytrust). 		



Ordinary Meeting of Council Tuesday 16th August 2022

11. CLOSE