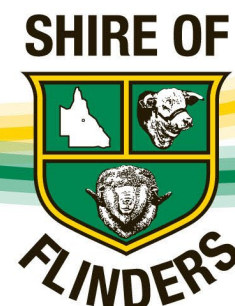


# MINUTES

24 SEPTEMBER 2025 – 9:00 AM  
McNAMARA BOARDROOM



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Acting Director of People, Safety and  
Governance  
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**MINUTES**  
**24 SEPTEMBER 2025 – 9:00 AM**  
**McNAMARA BOARDROOM**

**1. OPENING BUSINESS**

Cr Kate Peddle (Mayor) opened the meeting with the Council Prayer

Lord,  
Please guide and direct us,  
In that the decisions to be made,  
Will be for the benefit,  
Of our whole community  
Amen

**1.1 PRESENT**

**Councillors**

Mayor Kate Peddle  
Nicole Flute  
Kelly Carter  
Kerry Wells  
Shane McCarthy (Teams)  
Kim Middleton

**Staff**

Bruce Davidson – Acting Chief Executive Officer  
Misenka Duong - Director of Engineering  
Andy Smith – Acting Director of Corporate & Financial Services  
Barbra Smith – Director of Community Services & Wellbeing  
Denis McLeod – Acting Director of People, Safety and Governance  
Jackie Coleman – Executive Support Officer

**School Students**

Nil

**1.2 APOLOGIES**

Nil

**1.3 LEAVE OF ABSENCE**

Nil

**1.4 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held 27 August 2025 be taken as read and signed as correct.

**Resolution No: 4349**

**Moved** Mayor Kate Peddle

**Seconded** Cr Kelly Carter

That the Minutes of the Ordinary Meeting of Council held 27 August 2025 be taken as read and signed as correct.

Carried 6/0

# MINUTES

## 24 SEPTEMBER 2025 – 9:00 AM

### McNAMARA BOARDROOM



## **1.5 OBLIGATIONS OF COUNCILLORS**

### **1.5.1 Prescribed Conflict of Interest - Sections 150EG, 150EH & 150EI Local Government Act 2009**

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council or committee meeting (other than ordinary business matters).

When dealing with a Prescribed Conflict of Interest, Councillors must abide by the following procedures:

- A Councillor who has notified the Chief Executive Officer of a Prescribed Conflict of Interest in a matter to be discussed in a council meeting must also give notice during the meeting.
- A Councillor who first becomes aware of a Prescribed Conflict of Interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest.
- When notifying the meeting of a Prescribed Conflict of Interest, the following details must be provided:
  - if it relates to a gift or loan given by an entity - state the details of gift or loan
  - if it relates to a sponsored travel or accommodation benefit - state the benefit details
  - if it relates to a contract between the Councillor and Local Government or close associate of the Councillor – state details
  - if it relates to an application or submission - state the subject of the application or submission
  - if it relates to appointment/employment matters of Chief Executive Office position - state conflict details

The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter.

Once the Councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

### **1.5.2 Declarable Conflict of Interest - Section 150EN Local Government Act 2009**

Councillors are ultimately responsible for informing of any Declarable Conflict of Interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the LGA.

When dealing with a Declarable Conflict of Interest, Councillors must abide by the following procedures:

- A Councillor who has notified the Chief Executive Officer of a Declarable Conflict of Interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- A Councillor who first becomes aware of a Declarable Conflict of Interest in a matter during a council meeting must inform the meeting of the conflict of interest
- When notifying the meeting of a Declarable Conflict of Interest or it could be reasonably presumed that a conflict exists, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the Declarable Conflict of Interest in the public interest. The following details must be provided:
  - the nature of the Declarable Conflict of Interest
  - if it arises because of the Councillors relationship with a related party:
    - i. the name of the related party to the Councillor
    - ii. the nature of the relationship of the related party to the Councillor
    - iii. the nature of the related party's interest in the matter
  - if it arises because of a gift or loan from another person to the Councillor or a related party:
    - i. the name of the other person
    - ii. the nature of the relationship of the other person to the Councillor or related party
    - iii. the nature of the other person's interest in the matter
    - iv. the value of the gift or loan and the date the gift or loan was made.

# MINUTES

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### McNAMARA BOARDROOM



After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.

#### **1.5.3 Procedure if no Quorum for Deciding Matter because of Prescribed Conflicts of Interest of Declarable Conflicts of Interest – Section 150EU Local Government Act 2009**

- (1) This section applies in relation to a meeting if:
- (a) a matter in which 1 or more councillors have a prescribed conflict of interest or Declarable Conflict of Interest is to be decided at the meeting; and
  - (b) there is less than a quorum remaining at the meeting after any of the councillors mentioned in paragraph (a) leave, and stay away from, the place where the meeting is being held.
- (2) The local government must do 1 of the following:
- (a) delegate deciding the matter under section 257, unless the matter cannot be delegated under that section;
  - (b) decide, by resolution, to defer the matter to a later meeting.
  - (c) decide, by resolution, not to decide the matter and take no further action in relation to the matter.
- (3) The local government must not delegate deciding the matter to an entity if the entity, or a majority of its members, have personal interests that are, or are equivalent in nature to, a prescribed conflict of interest or Declarable Conflict of Interest in the matter.
- (4) A councillor does not contravene section 150EK(1), 150EM(2), 150EQ(2)(a) or (3)(a) or 150ES(5) by participating in a decision, or being present while the matter is discussed and voted on, for the purpose of delegating the matter or making a decision under subsection (2)(b) or (c).

#### **1.5.4 Closed Meeting Discussion Items – Section 254J Local Government Regulation 2012**

Council and standing committee meetings may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:

- appointment, dismissal or discipline of the CEO
- industrial matters affecting employees
- the council's budget
- rating concessions
- legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.

A Council or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillors personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a Declarable Conflict of Interest or Prescribed Conflict of Interest in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and the council must:

- delegate the matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

**Note:** None of the above will be considered, discussed, voted on or made during a closed session.

If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.



# MINUTES

## 24 SEPTEMBER 2025 – 9:00 AM

### McNAMARA BOARDROOM



To take a matter into a closed session the council must abide by the following:

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
- not make a resolution while in a closed meeting (other than a procedural resolution).

### **1.6 PETITIONS**

Nil

### **1.7 CONDOLENCES**

The family of David Brush  
The family of Charles Wootten  
The family of Graham Griffiths

### **1.8 RECOGNITIONS**

Nil

### **1.9 ACKNOWLEDGEMENT OF COUNTRY**

The Flinders Shire Council would like to acknowledge our Local First Nations People as well as the Yirendali people as the Traditional Owners and the oldest living culture of the Land on which our Council operates, and pay respect to Elders past, present and emerging.

### **1.10 COUNCILLOR MEETING ATTENDANCE**

#### Mayor Kate Peddle

•

#### Councillor Kelly Carter

- EMU Training – 04/09/2025
- Minister Mickelberg – 10/09/2025
- CopperString up-date – 16/09/2025
- Water Initiative meeting – 16/09/2025
- Briefing Session – 17/09/2025
- Citizenship Ceremony – 17/09/2025
- Council Meeting – 24/09/2025
- Robbie Katter – 24/09/2025
- CUC Official Opening – 24/09/2025

#### Councillor Kerry Wells

- Iberdrola – 03/09/2025
- Rural CAN – 03/09/2025
- EMU Training – 04/09/2025
- Pa Rooga – 08/09/2025
- ACE Power – 08/09/2025
- Briefing Session – 17/09/2025
- Council Meeting – 24/09/2025

#### Deputy Mayor Nicole Flute

- Flood Study – 28/08/2025
- Locust Taskforce – 28/08/2025
- Community Services Advisory – 28/08/2025
- Iberdrola – 03/09/2025
- EMU Training – 04/09/2025
- Pa Rooga – 08/09/2025
- Minister Mickelberg – 10/09/2025
- CopperString up-date – 16/09/2025
- NQSF – 16/09/2025
- Briefing Session – 17/09/2025
- Water Initiative Meeting – 17/09/2025
- Citizenship Ceremony – 17/09/2025
- Robbie Katter – 24/09/2025
- Council Meeting – 24/09/2025
- CUC Official Opening – 24/09/2025

#### Councillor Shane McCarthy

•

#### Councillor Kim Middleton

- Aged Care Community Meeting – 28/08/2025
- Iberdrola – 03/09/2025
- Flood Study – 03/09/2025
- EMU Training – 04/09/2025
- Ace Power – 08/09/2025
- Minister Mickelberg – 10/09/2025
- CopperString up-date – 16/09/2025

**MINUTES**  
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**McNAMARA BOARDROOM**



- Briefing Session – 17/09/2025
- Robbie Katter – 24/09/2025
- Council Meeting – 24/09/2025

Confirmed Minutes

# MINUTES

## 24 SEPTEMBER 2025 – 9:00 AM

### McNAMARA BOARDROOM



## 2. REPORTS

### 2.01 CHIEF EXECUTIVE OFFICER

#### 2.01.01 PLANNING AND DEVELOPMENT CERTIFICATES

##### **Executive Summary**

A planning and development certificate is a legal document issued by a local council, providing crucial information about a specific property's planning regulations, development approvals and any associated infrastructure agreements or charges.

Section 265 of the *Planning Act 2016* – Planning and Development Certificates states:

- (1) A person may apply to a local government for a limited, standard or full planning and development certificate for premises
- (2) The application must be accompanied by the required fee
- (3) The local government must give the certificate to the applicant within the following period after the application is made:
  - (a) for a limited certificate—5 business days;
  - (b) for a standard certificate—10 business days;
  - (c) for a full certificate—30 business days.
- (4) The certificate must include the information prescribed by regulation.
- (5) A person who suffers financial loss because of an error or omission in a planning and development certificate may claim reasonable compensation from the local government if the claim is made within 6 years after the loss is first suffered.
- (6) Section 32 applies to the claim as if—
  - (a) the claim were a compensation claim; or
  - (b) a reference to the affected owner were a reference to the person.

##### **Background**

A recent request for a Standard Planning and Development Certificate has highlighted that Council does not have a fee schedule in place for these Certificate searches.

Schedule 23 of the *Planning Regulation 2017* sets out the requirements for Limited, Standard and Full Planning Certificates.

##### **Implementation requirements**

Adoption of a fee schedule and suitable search application form, setting out the process for applying for such a certificate.

##### **Budget Implications**

In order to set a suitable fee structure for these types of certificates, a investigation has been completed to compare the advertised fees from surrounding councils and then set Councils fees as an average, as follows:

- Limited Certificate – \$ 390.00
- Standard Certificate – \$ 645.00
- Full Certificate - \$1,690.00

##### **Statutory/Compliance Matters**

- *Planning Act 2016* – Queensland
- *Planning Regulation 2017*

**MINUTES**  
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**McNAMARA BOARDROOM**



**Consultation/Engagement**

- Andrews Town Planning
- Preston Law

**Officer's Recommendation** - That Council adopt the recommended fee structure (per lot), as follows:

- Planning and Development Certificate – Limited \$390.00
- Planning and Development Certificate – Standard \$645.00
- Planning and Development Certificate – Full \$1,690.00

**Resolution No: 4350**

**Moved** Cr Kerry Wells

**Seconded** Cr Kelly Carter

That Council adopt the recommended fee structure (per lot), as follows:

- Planning and Development Certificate – Limited \$390.00
- Planning and Development Certificate – Standard \$645.00
- Planning and Development Certificate – Full \$1,690.00

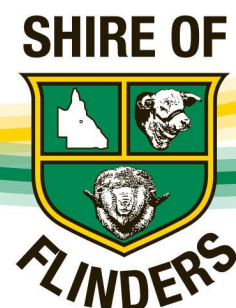
CARRIED 6/0



# MINUTES

## 24 SEPTEMBER 2025 – 9:00 AM

### McNAMARA BOARDROOM



## 2.02 CORPORATE AND FINANCE SERVICES

### 2.02.01 FINANCIAL REPORT

**Background** – In accordance with section 204 of the *Local Government Regulation 2012*, the Chief Executive Officer must present a financial report to the Council at its monthly ordinary meetings. Monthly financial reports consist of:

- i. Statement of financial performance;
- ii. Statement of financial position;
- iii. Statement of cash flows;
- iv Statement of Changes in Equity;

The following is a summary of the financial results as at 31 August 2025:

<b>1. Statement of Comprehensive Income</b>	
Total Recurrent Revenue	7,709,186
Total Recurrent Expenditure	4,403,670
<b>Net Operating Result - Surplus/(Deficit)</b>	<b>3,305,517</b>
Total Capital Income	749,240
Total Capital Expense	-
<b>Net Result - Surplus/(Deficit)</b>	<b>4,054,757</b>
<b>2. Statement of Financial Position</b>	
Total Current Assets	53,475,902
Total Non-Current Assets	263,809,257
<b>Total Assets</b>	<b>317,285,159</b>
Total Current Liabilities	6,643,603
Total Non-Current Liabilities	8,748,149
<b>Total Liabilities</b>	<b>15,391,753</b>
<b>Net Community Assets</b>	<b>301,893,407</b>
Asset Revaluation Surplus	105,465,322
Retained Surplus/(Deficiency)	196,428,085
<b>Total Community Equity</b>	<b>301,893,407</b>
<b>3. Cash Flow Statement</b>	
Cash at the beginning of the period	47,725,314
Total Payments Received	5,597,683
Total Payments Made	(9,602,915)
Cash at the end of the period	<b>43,720,081</b>

**MINUTES**  
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**Officer's Recommendation** – That in accordance with Section 204 of the *Local Government Regulation 2012*, Council receives and approves the financial report, which includes the following statements, for the period ending 31 August 2025.

- i. Statement of financial performance;
- ii. Statement of financial position;
- iii. Statement of cash flows;
- iv. Statement of changes in Equity.

**Resolution No: 4351**

**Moved** Cr Kerry Wells

**Seconded** Cr Kim Middleton

That in accordance with Section 204 of the *Local Government Regulation 2012*, Council receives and approves the financial report, which includes the following statements, for the period ending 31 August 2025.

- i. Statement of financial performance;
- ii. Statement of financial position;
- iii. Statement of cash flows;
- iv. Statement of changes in Equity.

CARRIED 6/0

# MINUTES

## 24 SEPTEMBER 2025 – 9:00 AM

### McNAMARA BOARDROOM



#### 2.02.02 LAND VALUATIONS TO REMAIN UNCHANGED FOR THE 2026/2027 FINANCIAL YEAR

##### **Executive Summary**

Council has received correspondence from the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the Department).

The Valuer-General has advised that Flinders Shire Council will not be included in the 2026 Land Valuation Program. As a result, current land valuations will remain in effect for the 2026/27 financial year.

##### **Background**

Each financial year the Department conducts a Land Valuation Program across selected local government areas. Land has steadily increased in value across Australia, consequently any future valuation adjustments are expected to result in increased land values.

##### **Discussion**

The Valuer-General has formally advised Flinders Shire Council that it has not been included in the 2026 Land Valuation Program and consequently the current land valuations will remain in effect for the 2026/27 financial year.

##### **Statutory/Compliance Matters**

- *Land Valuation Act 2010*
- *Local Government Regulation 2012*
- Flinders Shire Council Revenue Statement

##### **Financial / Budget Implications**

Council's rates revenue is dependent on land valuations. As these will remain unchanged for the next financial year, any increase in rates revenue will need to be achieved through adjustments to rates charges rather than valuation growth.

Council should consider this in its budget planning and community engagement strategies.

##### **Risk Implications**

- No increase in rates revenue in 2026/27 will occur unless rates charges are increased.
- Increased rates charges may result in reputational risks for Elected Members.
- There is currently no indication from the Valuer-General regarding Councils inclusion in the 2027 Land Valuation Program

##### **Human Rights Considerations**

All human rights considerations have been given as per Council's Human Rights Policy.

**Officer's Recommendation** - That Council notes the contents of this report. No further action is required at this time.

**Noted**

# MINUTES

## 24 SEPTEMBER 2025 – 9:00 AM

### McNAMARA BOARDROOM



#### 2.02.03 WASTE MANAGEMENT UTILITY CHARGE

##### Executive Summary

Queries have been raised about the Waste Management Utility Charge (the Charge). Some ratepayers believe that the fee is unjustified as they do not use any of the transfer stations, weighbridges, or any waste bin in the region.

##### Background

At the Special Council meeting of 16 July 2025 (Budget Meeting), Resolution 4302 approved a Waste Management Utility Charge of \$96.00 per annum per assessment on all rateable land in the region for the services and activities detailed irrespective of whether the property received a kerbside pickup.

The primary purpose of this charge was to recover the costs of managing the landfill and transfer stations. In previous years, these costs were subsidised from general rates. The introduction of the Charge allows greater transparency and the reduction of cross-subsidisation.

Since the last rates run, Council has received two registered complaints.

##### Discussion

The Revenue Statement has made it clear that the Charge is applied irrespective of whether the ratepayer uses any facilities. Protection of the environment and maintenance of environmentally stable landfills and transfers stations is a community concern and should involve all in the wider community.

Stations or properties that have their own environmentally approved dump sites could be justified in requesting that the Charge is removed. This will increase costs to the remaining ratepayers, and Council will have no assurance that they or their staff, do not use any Council facilities, including street bins or rest areas.

There is a precedence in the charging of a levy on services that may not be full utilised, but are available for use, such as Water and Sewerage Utility Charges that are raised even where the property is vacant.

The *Local Government Regulations 2012 s170 (4)(b)* states the following: “the local government’s decision about the rates and charges to be levied for the financial year made at the budget meeting for the financial year. (Note) – A local government may only decide the rates and charges to be levied for the financial year at the budget meeting for the financial year. See the Act, section 94(2).”

Council is not able to rescind or remove the Charge until the next annual budget meeting.

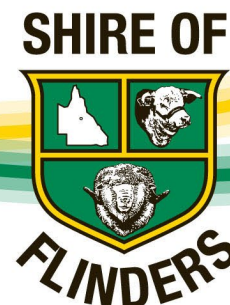
However, certain concessions may be granted to a ratepayer according to the Local Government Regulation 2012.

- Section 120 (c) allows for the granting of a concession when “the payment of the rebate or charges will cause hardship to the landowner”. Where station ratepayers have established and are maintaining bio-security approved dumps sites, the additional charge could be considered an additional financial burden.
- Section 120 (e) allows a concession where “the concession will encourage land that is of cultural, environmental, historic, heritage or scientific significance to the local government area to be preserved, restored or maintained.” Council should be encouraging landowners to be environmentally responsible.

# MINUTES

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#### Statutory/Compliance Matters

- *Local Government Act 2009, s94 (1)(b)(ii) & (2).*
- *Local Government Regulation 2012 s99* - A local government may levy utility charges on any basis the local government considers appropriate.
- *Local Government Regulation 2012 s21*, - a local government applies full cost pricing to a significant business activity as part of the reform of the activity.
- *Local Government Regulation 2012 s22* - A local government applies full cost pricing to a significant business activity by charging for goods or services at the full cost of providing the goods or services.
- *Local Government Regulation 2012, s120 (1)(e)*

#### Financial / Budget Implications

There are seventy-nine properties that are rated as Rural. If these properties are excluded from the levy, the financial implication is a negative \$7,584.00.

It should be noted that some properties classified as *Rural* may fall within town boundaries.

#### Risk Implications

Reputational Risk – There is a possibility that ratepayers may express their concerns publicly, including via social media platforms.

Financial Risk – Not implementing specific charges could result in continuing cross subsidies and non-application of the full-costing principle.

**Officer's Recommendation** – That Council consider the following options:

1. Charge to remain in place
2. Grant a concession to a ratepayer on the production of a current approved arrangement from the Department of Agriculture, Fisheries and Forestry for the establishment and maintenance of a biosecurity-approved dump site on a station
3. Increase social media and other community engagement activities specifically dealing with the Waste Management Utility Charge

#### Resolution No: 4352

**Moved** Cr Nicole Flute

**Seconded** Cr Kerry Wells

That Council approve the following, as per the Officer's Recommendation:

1. Charge to remain in place
2. Grant a concession to a ratepayer on the production of a current approved arrangement from the Department of Agriculture, Fisheries and Forestry for the establishment and maintenance of a biosecurity-approved dump site on a station
3. Increase social media and other community engagement activities specifically dealing with the Waste Management Utility Charge

CARRIED 6/0



# MINUTES

## 24 SEPTEMBER 2025 – 9:00 AM

### McNAMARA BOARDROOM



## 2.03 ENGINEERING

Nil to Present

## 2.04 COMMUNITY SERVICES AND WELLBEING

### 2.04.01 COMMUNITY GRANT PROGRAM – QUICK RESPONSE STREAM – DONATION

#### **Grant Overview**

The objectives of the Flinders Shire Council's Community Quick Response Donations Program, is designed to build relationships with community organisations to provide benefits to the Flinders Shire residents and visitors by ensuring Flinders Shire is a vibrant active community.

Allocated Budget: \$10,000

Remaining Budget: \$5,500

Application Overview:

Organisation	Event description	Event Request Type	Amount Requested
Hughenden Amateur Swimming Association Inc.	Event: Swim Club Come and Try 2025 Date: 8 October 2025	Donation	\$500.00

**Officer's Recommendation** – That Council to approve the donation request from the Hughenden Amateur Swimming Association Inc, as presented.

#### **Resolution No: 4353**

**Moved** Cr Kelly Carter

**Seconded** Cr Kerry Wells

That Council to approve the donation request from the Hughenden Amateur Swimming Association Inc, as presented.

CARRIED 6/0

**Attendance** – Andy Smith left the meeting at 9:51am for personal reasons

### 2.04.02 KENNEDY ENERGY PARK COMMUNITY BENEFIT FUND PROGRAM

**Grant Overview:** The Kennedy Energy Park Community Benefit Fund aims to leave a positive legacy in the region, through sustainable development initiatives that align with local needs.

**Allocated Budget:** \$50,000

**Application Overview:** Kennedy Energy Park representatives have approved the following applications and financial contributions.

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Organisation	Project/Event Description	Category Type	Amount Approved by KEP
Hughenden Show Society Inc.	<p><b>Project Name:</b> Various Equipment Project 1</p> <p><b>Equipment to purchase:</b></p> <ul style="list-style-type: none"> <li>PA System for announcing at our events.</li> <li>Canvas protection covers for Pavilion Hall glass cabinets.</li> <li>Custom-built bird and poultry cages on wheels.</li> <li>Equestrian jumps and various equipment.</li> <li>Pet section equipment.</li> </ul> <p><b>Amount Requested:</b> \$40,000</p>	Equipment and Infrastructure	<p>\$18,200.00</p> <p>This will support the purchase of a PA system, canvas cabinet protectors and Equestrian jumps and equipment.</p>
Richmond Early Education Centre Inc – Me and My Mum Hub, Hughenden.	<p><b>Project Name:</b> Play Safe, Play Together - At MMM</p> <p><b>Flooring Upgrade:</b> The timber floorboards at the hall where we run Me and My Mum Hub Hughenden playgroup are worn and splintered, creating safety risks for babies and young children during play. This project will sand and seal the floors with a child-safe finish, providing a smooth, hygienic, and durable surface for safe, floor-based activities.</p> <p><b>Amount Requested:</b> \$13,500</p>	Equipment and Infrastructure	\$13,500.00
Flinders Tennis Club Inc.	<p><b>Project Name:</b> Replacement of Hot Water System</p> <p><b>Hot Water System:</b> The hot water system at the tennis club no longer works. It is used for the canteen and the showers in the club. The club wishes to replace the hot water system.</p> <p><b>Amount Requested:</b> \$7,025</p>	Equipment and Infrastructure	\$7,025.00
Flinders Tennis Club Inc.	<p><b>Event Name:</b> Multi Sport Coaching Clinic - School Holidays</p> <p><b>Event Description:</b> Flinders Tennis Club will host Micheal Lloyd, a qualified tennis coach to coach at the tennis club. Michael is also qualified to coach other sports, and we have</p>	Events	\$5,036.00

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	<p>organized for him to coach other sports, including cricket and hockey at the local football grounds.</p> <p>Coaching will be offered free or at low cost (to help cover additional insurance costs). The coaching clinics will be held over 2 days during the school holidays. We will also be hosting adult coaching and competitions during this time.</p> <p><b>Amount Requested:</b> \$5,036</p>		
<b>Total</b>			<b>\$43,761.00</b>

**Officer's Recommendation** – That Council ratify the Kennedy Energy Park approved applications, as presented above.

#### Resolution No: 4354

**Moved** Mayor Kate Peddle

**Seconded** Cr Kerry Wells

That Council ratify the Kennedy Energy Park approved applications, as presented above.

CARRIED 6/0

**Attendance** – Andy Smith returned to the meeting at 9:53am

**Attendance** – Cr Nicole Flute left the meeting at 9:58am for personal reasons

## 2.05 PEOPLE, SAFETY AND GOVERNANCE

### 2.05.01 NEW EMPLOYEE CODE OF CONDUCT

#### **Executive Summary**

The current Flinders Shire Council Code of Conduct for Employees was due for review in June 2024.

A new Code of Conduct has been developed and is attached for adoption by Council as a Statutory Policy.

#### **Background**

There are two pieces of legislation that detail the requirements for each local government to have a code of conduct - the *Local Government Act 2009* and the *Public Sector Ethics Act 1994*.

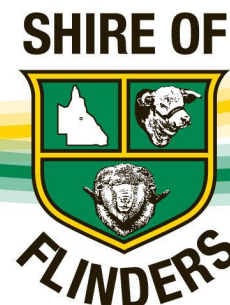
Section 13 of the *Local Government Act 2009* describes the responsibilities of local government employees:

- "13 Responsibilities of local government employees
- (1) All employees of a local government have the same responsibilities, but the chief executive officer has some extra responsibilities.
- (2) All employees have the following responsibilities -
- ...
- (h) observing the ethics principles under the *Public Sector*

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- (i) *Ethics Act 1994, section 4;*  
complying with a code of conduct under the *Public Sector Ethics Act 1994.*

Section 10 of the *Public Sector Act 1994* states the requirement for codes of conduct to apply to local governments:

#### **Division 1 Codes of conduct generally**

##### **10 Nature and purpose of codes**

- (1) *In recognition of the ethics principles and values for public service agencies, public sector entities and public officials, codes of conduct are to apply to those agencies, entities and officials in performing their official functions.*
- (2) *The purpose of a code is to provide standards of conduct for public service agencies, public sector entities and public officials consistent with the ethics principles and values.*

Local government is included in the definition of a “*public sector entity*” in the Dictionary of the *Public Sector Ethics Act 1994*.

The *Public Sector Ethics Act 1994* also describes the process that must be followed to develop and approve a Code of Conduct including that there must be a consultation process.

#### **Discussion**

Council's current Code of Conduct is flawed, and only refers to the ethics principles in general terms without full details of specific needs of the Council. Theoretically this Code of Conduct would be effective if there was a full suite of human resource management policies and procedures in place that would cover the standards of behaviour, but these were not developed. These deficiencies have led to uncertainty by staff on the expected standards of behaviour

Council's new Code of Conduct has been developed using the framework published by the Local Government Association of Queensland and drawing on my experience in drafting and reviewing of Codes of Conduct for a number of other Councils.

The Code of Conduct has been endorsed by the Executive Leadership Team, and was presented to the Joint Consultative Committee in August 2025, thus fulfilling the consultation process required under the *Public Sector Ethics Act 1994*.

Following adoption of the Code of Conduct training of existing staff will be conducted by an external provider in the first instance. An induction training program will be developed for employees on commencement of employment, and subsequent annual refresher training conducted in-house.

#### **Statutory/Compliance Matters**

- *Local Government Act 2009*
- *Public Sector Ethics Act 1994*

#### **Risk Implications**

Council currently experiences a high degree of risk as for several years employees have not been made aware of the expected standards of behaviour and have not been trained in these standards. This has led to a number of disciplinary breaches which has been detrimental to Council's workplace culture and resulted in significant staff turnover.

There have also been racial and sexual harassment complaints, which have exposed Council to vicarious liability under the *Anti-Discrimination Act 1991*.

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**Officer's Recommendation** - That Council adopt the attached Employee Code of Conduct in accordance with s16 of the *Public Sector Ethics Act 1994*.

**Attendance** – Cr Nicole Flute returned to the meeting at 10:01am

**Resolution No: 4355**

**Moved** Cr Kerry Wells

**Seconded** Mayor Kate Peddle

That Council adopt the attached Employee Code of Conduct in accordance with s16 of the *Public Sector Ethics Act 1994*.

CARRIED 6/0

**INFORMATION PAPERS**

**Resolution No: 4356**

**Moved** Cr Nicole Flute

**Seconded** Cr Kelly Carter

That Council note the Information Papers included in the meeting Agenda.

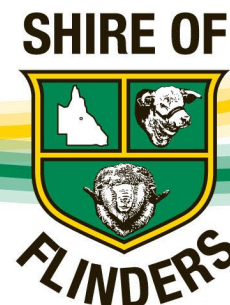
CARRIED 6/0



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### 3. CLOSED BUSINESS

S254J *Local Government Regulation 2012* - Closed Meetings

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

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

– (d) rating concessions

#### Resolution No: 4357

**Moved** Cr Kerry Wells

**Seconded** Cr Kim Middleton

That in accordance with Section 254J(3)(e) of the *Local Government Regulation 2012*, the General meeting was closed to the public at 10:09am for discussion of the following matter:

\* rating concession

CARRIED 6/0

**Attendance** – Cr Shane McCarthy left the meeting at 10:10 am and did not return to the meeting

**Attendance** – Bruce Davidson left the meeting at 10:43am for personal reasons and returned to the meeting at 10:45am

#### Resolution No: 4358

**Moved** Mayor Kate Peddle

**Seconded** Cr Kerry Wells

That in accordance with Section 254J(3)(e) of the *Local Government Regulation 2012*, the General meeting was reopened to the public at 10:46am for the taking of resolutions.

CARRIED 5/0

3.01.01

#### REQUEST FOR CONSIDERATION OF INCREASE IN ALLOCATION AND WAIVER OF EXCESS WATER CHARGES AND INTEREST – 10012581

##### Executive Summary

Council has received correspondence from a ratepayer requesting a review of the water allocation for the property and to write-off of the excess water charges and a waiver of interest charged.

##### Background

The ratepayer had received 2 excess water bills in 2024/2025 and 2025/2026 on assessment 10012581.

The ratepayer is requesting:

- I. A review of the water allocation for Rural Properties
- II. A write-off of excess water charges for 2024/2025 and 2025/2026
- III. A write-off of interest charges accrued on the outstanding excess water charges.

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#### Discussion

During a review of waters meters in 2022/2023, it was identified the rate record did not record any water connection or meter at this property. Investigations found that there was water connected to this property. Details of the meter were provided and added to the system as at the 25 July 2023.

Further investigation of Councils' records shows a connection application was received on the 13/09/2012 from the previous owners, with a response letter dated the 01/11/2012 outlining the conditions of a water connection outside of the town water supply area including the installation of a 25,000L tank, and advising that the allocation for this property would be 10 units of water.

A copy of the signed acceptance letter or new meter connection details form has not been located. Council will only make connection upon receipt of such approval and, although physical documents are missing, it has been assumed that it was approved and the water connected in 2013 based on other building and plumbing applications and approvals issued received for the construction of the dwelling. As no form with the meter details has been located the water meter details were not entered into the system and read and billed accordingly.

The ratepayer received a courtesy letter on the 17 June 2024 warning of excess water charges.

The water meter was read on the 30 June 2024 and during the period 25 July 2023 to the 30 June 2024 the ratepayer consumed 2,366 kl of water resulting in an excess water bill of \$1,282.60 which was issued on the rates notice in August 2024.

Initial communication regarding the excess water consumption was received on the 31 August 2024 via email stating that the property has never been charged water or excess water. The Rates Officer responded to this correspondence explaining the excess water charges and how it was calculated.

The ratepayer also spoke with the Director of Corporate Services and was advised that this would be investigated further and to hold off on paying the excess water and interest charges until the investigation was concluded. It was also suggested that a water meter test be performed. However, the ratepayer stated they felt this was not the issue and that their initial request was not being addressed. Consequently, the meter was not tested as recommended by Council.

The ratepayer paid the amount of \$289.50 which was from the first rates and charges run for 2025/2026. This fee excluding excess water.

As part of this investigation, it was identified that the water access charges were not being applied to the rate account, and a letter dated the 8 August 2024 was sent to the ratepayer advising that the annual water charges would be applied from the 1 January 2025.

The 2<sup>nd</sup> half rates and charges were issued on the 18 February 2025 with the annual water charge applied as per previous correspondence. The ratepayer paid \$779.50 which was the 2<sup>nd</sup> half 2024/2025 rates and charges less the brought forward balance (excess water and interest).

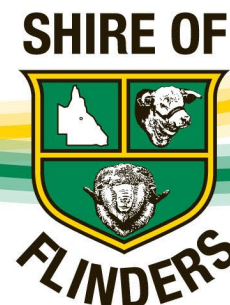
The ratepayer received a second courtesy letter dated the 17 February 2025 again warning of excess consumption based on the preliminary midyear reading.

The ratepayer received an overdue reminder letter dated the 7 April 2025, this is a standard letter that is issued to all ratepayers with outstanding rates and charges in accordance with Council Rates Debt Recovery Policy.

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The ratepayer met with Council officers on the 9 April 2025 after receiving an overdue reminder letter. The ratepayer reiterated that the 10 units water allocation was not reasonable for a rural property and advised that the carrying capacity of this property was approximately 10 head of cattle/horses or 50 head of sheep. The ratepayer stated that a large animal consumes approximately 40L of water a day (approx. 146,000L a year or 146KL). The ratepayer acknowledged that they were happy to pay for water but wanted a higher allocation. It was also discussed that we would review the allocation for rural properties and take into consideration their points, but any allocation change could only be completed as part of the budget process.

On the 10 June 2025 a second reminder letter was issued due to a balance remaining outstanding on the rate account in accordance with the Rates Debt Recovery Policy.

A review of the allocation was completed comparing similar properties and was presented at Council Budget Session for consideration of increase of allocation for rural properties as this can only be set in the budget. Council determined the allocation would remain at 10 units for Rural Residential properties.

The water meters were read on the 30 June 2025 reflecting a consumption for the period of 30/06/2024 to the 30/06/2025 being 2,466 kl. This equates to a further \$1,620.48 in excess water charges that were applied to the 2025/2026 Rates notice on the 19 August 2025.

On the 1 August 2025 the ratepayer was contacted and a follow up email confirming conversation in relation to Council's decision to not increase the allocation. In this communication it was again recommended to the ratepayer that they check the property for leaks and request the water meter be tested due to the excessively high consumption.

The ratepayer lodged a meter request on the 20 August 2025, and the meter test was conducted by the Water and Sewerage team on the 3 September 2025 where 3 individual tests of 100L were run with testing variances of -3% to 3% result. Meters testing within 5% are deemed to be accurate in accordance with Councils Water Meter and Consumption Policy. Due to continued high consumption on the property a second test of 1,000L was requested and performed on the 11 September by the Water and Sewerage Team, this test reflected a variance of 5% variance which is still within an acceptable variance but is borderline of a working meter. As neither test resulted in a roll over of the KL dials on the meter it was not able to be determined if they were functioning correctly. It was noted that the consumption between the 3 September and the 11 September equated to 5.125kl per day, suggesting that there is either a major leak at the property or the KL dials are malfunctioning.

The manufacturers estimated lifespan of a standard 20mm water meter is approximately 8-10 years. This water meter is 15 years old and in operation for approximately 12 years.

#### Legal Considerations

Section 119 of the *Local Government Regulation 2012* (LG Reg) says that:

*"119 Concession for rates or charges*

*A local government may grant a ratepayer a concession for rates or charges for land only under this part."*

The ratepayers' letter, by requesting a waiver of water charges, is requesting a concession of charges for land under section 119 of the LG Reg. Council must consider this request in accordance with the provisions of Chapter 4, Part 10 of the LG Reg.

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Section 121 of the LG Reg confirms a concession may be:

- a rebate of all or part of the rates or charges.
- an agreement to defer payment of the rates or charges; or
- an agreement to accept a transfer of unencumbered land in full or part payment of the rates or charges.

Section 122(1) of the LG Reg confirms that Council may only grant the concession by a resolution granting the concession to a stated ratepayer.

Council does not have a policy about concessions that applies in this case; Council's only applicable concessions policy applies to pensioners.

When deciding whether to apply a concession, section 120(1) of the LG Reg provides that Council may grant the concession only if it is satisfied:

- (a) the land is owned or occupied by a pensioner; or
- (b) the land is owned by:
  - (i) an entity whose objects do not include making a profit; or
  - (ii) an entity that provides assistance or encouragement for arts or cultural development; or
- (c) the payment of the rates or charges will cause hardship to the land owner; or
- (d) the concession will encourage the economic development of all or part of the local government area; or
- (e) the concession will encourage land that is of cultural, environmental, historic, heritage or scientific significance to the local government area to be preserved, restored or maintained; or
- (f) the land is used exclusively for the purpose of a single dwelling house or farming and could be used for another purpose, including, for example, a commercial or industrial purpose; or
- (g) the land is subject to a GHG tenure, mining tenement or petroleum tenure; or
- (h) the land is part of a parcel of land (a parcel) that has been subdivided and:
  - (i) the person who subdivided the parcel is the owner of the land; and
  - (ii) the land is not developed land.

It appears that the only possible ground for a concession in this case is in reliance on section 120(1)(b) or (c). This does not mean Council must grant the concession; however, if one of these factors are not present, Council cannot grant the concession. The decision about whether to grant a concession, absent a policy of Council about this, is entirely discretionary.

#### Statutory/Compliance Matters

- *Local Government Regulation 2012*
- Flinders Shire Council Revenue Statement
- Debt Recovery Policy – Rates
- Water Meter and Consumption Policy
- Human Rights Policy

#### Financial / Budget Implications

Council income and expenditure will be impacted if options 1 or 2 is adopted.

#### Consultation/engagement

- Ratepayer
- Water and Sewerage Team
- Director of Corporate and Financial Services



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#### Risk Implications

N/A

#### Human Rights Considerations

All human rights considerations have been given as per Council's Human Rights Policy.

Note that section 24 of the *Human Rights Act 2019* states:

- “24     *Property rights*
- (1)     *All persons have the right to own property alone or in association with others.*
- (2)     *A person must not be arbitrarily deprived of the person's property.”*

In this instance the ratepayer faces the potential for the sale of their property in future under the provisions of section 140 of the *Local Government Regulation 2012* should the charges remain overdue for at least 3 years. However, this does not breach the ratepayer's human rights as it is done in accordance with appropriate legislation.

**Officer's Recommendation** - For Council discussion and consideration of the following options:

#### Option 1

- Write off the excess water charges for 2023/2024 of \$1,282.60 and associated interest charges in good will.
- Write off the excess water charges for 2024/2025 of \$1,620.48 and associated interest charges in good will.
- Replace the water meter in good faith due to the age of the meter

#### Option 2

- Write off the excess water charges for 2023/2024 of \$1,282.60 and associated interest charges in good will.
- Excess water charges for 2024/2025 remain due and payable.
- Replace the water meter in good faith due to the age of the meter

#### Option 3

- Not grant a waiver of excess water charges and interest for 2023/2024 or 2024/2025.
- Replace the water meter in good faith due to the age of the meter.

#### Option 4

- Not grant a waiver of excess water charges and interest for 2023/2024 or 2024/2025.



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**Resolution No: 4359**

**Moved** Cr Nicole Flute

**Seconded** Cr Kelly Carter

After considering the Officer's recommended options, Council approve Option 2 with the following amendments, as discussed:

- Write off the excess water charges for 2023/2024 of \$1,282.60 and associated interest charges in good will
- Excess water charges and accrued overdue interest for 2024/2025 remain held in abeyance
- No further interest accrual to take place on this account until a further report has been submitted to Council following next rates levy issue in February 2026, when a decision will be resolved on the outstanding amounts
- Replace water meter due to the age

CARRIED 5/0

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The meeting closed at 10:49am

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**Kate Peddle**  
**Mayor**  
**Flinders Shire Council**

Confirmed Minutes