

MINUTES

20 SEPTEMBER 2022 – 9:00 AM
COUNCIL CHAMBERS



1. OPENING BUSINESS	3
1.1 PRESENT	3
1.2 APOLOGIES	3
1.3 LEAVE OF ABSENCE	3
1.4 CONFIRMATION OF MINUTES	3
1.5 OBLIGATIONS OF COUNCILLORS	4
1.6 PETITIONS	6
1.7 CONDOLENCES	6
1.8 RECOGNITIONS	6
1.9 ACKNOWLEDGEMENT OF COUNTRY	6
1.10 COUNCILLOR MEETING ATTENDANCE	6
2. REPORTS	8
2.01 CHIEF EXECUTIVE OFFICER	8
2.01.10 DEVELOPMENT APPLICATION – BLUE DOG DEVELOPMENTS PTY LTD	9
2.01.01 QUEENSLAND TREASURY CORPORATION	23
2.01.02 DEVELOPMENT APPLICATION – TELSTRA CORPORATION	24
2.01.03 QUEENSLAND LOCAL GOVERNMENT GRANTS COMMISSION	27
2.01.04 LOCAL GOVERNMENT REMUNERATION COMMISSION	28
2.01.05 LETTER FROM HAZEL KLEINAU – COMMONWEALTH POSTAL SAVINGS BANK	28
2.01.06 HOUSING GRANT PROGRAM POLICY	28
2.01.07 RIVERSIDE – APPOINTMENT OF CONTRACTOR	29
2.01.08 HUGHENDEN OFFSTREAM WATER STORAGE FACILITY – STAGE 1	29
2.01.09 STATE OF QUEENSLAND CONDOLENCE BOOK FOR HER MAJESTY THE QUEEN	30
2.02 CORPORATE AND FINANCE SERVICES	31
2.02.01 FINANCIAL REPORT	31
2.02.02 PROCUREMENT POLICY AND PROCUREMENT PROCEDURE	32
2.02.03 FM RADIO 87.6	33
2.02.04 QUEENSLAND AUDIT OFFICE – 2022 INTERIM REPORT ...	33
2.03 ENGINEERING	34
2.03.01 TENDER – 102.2022.5 – PRE-QUALIFIED SUPPLIERS OF GRAVEL AND OTHER RELATED PRODUCTS	34
2.03.02 GRID SUBSIDY	35

P. 07 4741 2900 F. 07 4741 1741
PO Box 274 Hughenden Q 4821
34 Gray St, Hughenden Q 4821
flinders@flinders.qld.gov.au
www.flinders.qld.gov.au

Mayor
Jane B McNamara
mayor@flinders.qld.gov.au

Deputy Mayor
Kim I Middleton
deputymayor@flinders.qld.gov.au

Cr Kelly A Carter
Cr.Carter@flinders.qld.gov.au

Cr Clarence N Haydon
Cr.Haydon@flinders.qld.gov.au

Cr Nicole G Flute
Cr.Flute@flinders.qld.gov.au

Cr Arthur W Bode
Cr.Bode@flinders.qld.gov.au

Cr Trevor G Mitchell
Cr.Mitchell@flinders.qld.gov.au

Chief Executive Officer
Hari Boppudi
ceo@flinders.qld.gov.au

Director of Engineering
Andrew Nunn
doe@flinders.qld.gov.au

Director of Corporate & Financial
Services
Melanie Wicks
dcfs@flinders.qld.gov.au

Director of Community Services
& Wellbeing
Barbra Smith
dcsw@flinders.qld.gov.au

MINUTES

20 SEPTEMBER 2022 – 9:00 AM
COUNCIL CHAMBERS



2.03.03 VEHICLE CONCRETE CROSSOVER SUBSIDY PROGRAM	36
2.04 COMMUNITY SERVICES AND WELLBEING	37
2.04.01 COMMUNITY QUICK RESPONSE DONATIONS	37
2.04.02 COUNCIL CONTRIBUTION TO SPORTING EXCELLENCE ..	38
4. PROPOSED MEETING CALENDAR.....	39

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www.flinders.qld.gov.au

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Cr.Haydon@flinders.qld.gov.au

Cr Nicole G Flute
Cr.Flute@flinders.qld.gov.au

Cr Arthur W Bode
Cr.Bode@flinders.qld.gov.au

Cr Trevor G Mitchell
Cr.Mitchell@flinders.qld.gov.au

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doe@flinders.qld.gov.au

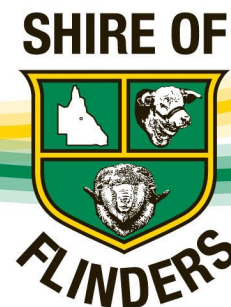
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Melanie Wicks
dcfs@flinders.qld.gov.au

Director of Community Services
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Barbra Smith
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MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



1. OPENING BUSINESS

Cr Jane McNamara (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 Jane McNamara
Kim Middleton
Kelly Carter
Clarence Haydon
Nicole Flute
Arthur Bode
Trevor Mitchell

Staff

Hari Boppudi - Chief Executive Officer
Andrew Nunn - Director of Engineering
Melanie Wicks – Director of Corporate & Financial Services
Barbra Smith – Director of Community Services & Wellbeing
Raechelle Denne – Executive Support Officer (Relieving)

School Students

Nil

Members of the Public

Kerry Wells

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 16 August 2022 be taken as read and signed as correct.

Resolution No: 3565

Moved Cr Nicole Flute

Seconded Cr Trevor Mitchell

That the Minutes of the Ordinary Meeting of Council held 16 August 2022 be taken as read and signed as correct.

CARRIED 7/0

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



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 the 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 the 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.

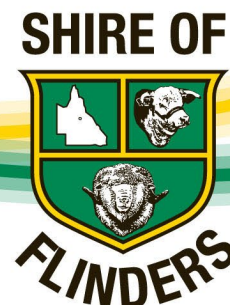
When dealing with a Declarable Conflict of Interest, Councillors must abide by the following procedures:

- 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

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



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

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



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 Josephine Cooper

Council observed a minute's silence in honour of Her Majesty Queen Elizabeth II

1.8 RECOGNITIONS

Nil

1.9 ACKNOWLEDGEMENT OF COUNTRY

The Flinders Shire Council would like to acknowledge the Yirendali people as 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 Jane McNamara

- WQAC State Government – 16/08/2022
- Corporate Plan Workshop – 17/08/2022
- RADF – 17/08/2022
- Video Mayor Message – 22/08/2022
- CAN Monthly Meeting – 23/08/2022
- NBN – 24/08/2022
- Windlab – 29/08/2022
- LGAQ Policy Executive – 30/08/2022 & 01/09/2022
- Workshop Council Owned Land – 05/09/2022
- Community Services Workshop – 05/09/2022
- Rural & Remote Workshop Forum – 07/09/2022
- LDMG Executive Meeting – 08/09/2022
- Official Opening Community Gym – 08/09/2022
- Meeting with Coordinator General – 12/09/2022
- State & Transition Models to Support River Eco-Streams (Flinders) – 13/09/2022
- DDMG Coordinating Teams Workshop – 14/09/2022
- NBN / Coordinator General / Ben North – 15/09/2022
- Transport & Air Services Meeting – 16/09/2022
- Citizenship Ceremony – 17/09/2022
- Briefing Day / Council Discussions – 19/09/2022
- Council Meeting – 20/09/2022
- MITEZ – 20/09/2022

Deputy Mayor Kim Middleton

- MITZE (Cloncurry) – 19/08/2022
- Workshop Council Owned Land – 05/09/2022
- Community Services Workshop – 05/09/2022
- Briefing Day / Council Discussions – 19/09/2022
- Council Meeting – 20/09/2022

Councillor Nicole Flute

- Corporate Plan Workshop – 17/08/2022
- Arts Advisory – 17/08/2022
- Workshop Council Owned Land – 05/09/2022
- Community Services Workshop – 05/09/2022
- Hughenden Chamber of Commerce – 05/09/2022
- LDMG Exercise & Meeting – 08/09/2022
- Briefing Day / Council Discussions – 19/09/2022
- Council Meeting – 20/09/2022

Councillor Arthur Bode

- Workshop Council Owned Land – 05/09/2022
- Community Services Workshop – 05/09/2022
- LDMG Exercise & Meeting – 08/09/2022
- Citizenship Ceremony – 17/09/2022
- Briefing Day / Council Discussions – 19/09/2022
- Council Meeting – 20/09/2022

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



Councillor Kelly Carter

- Corporate Plan Workshop – 17/08/2022
- CAN Monthly Meeting – 23/08/2022
- Briefing Day / Council Discussions – 19/09/2022
- Council Meeting – 20/09/2022

Councillor Clarence Haydon

- Corporate Plan Workshop – 17/08/2022
- Workshop Council Owned Land – 05/09/2022
- Briefing Day / Council Discussions – 19/09/2022
- Council Meeting – 20/09/2022

Councillor Trevor Mitchell

- Corporate Plan Workshop – 17/08/2022
- Workshop Council Owned Land – 05/09/2022
- Community Services Workshop – 05/09/2022
- LDMG Exercise & Meeting – 08/09/2022
- Official Opening Community Gym – 08/09/2022
- Citizenship Ceremony – 17/09/2022
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MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



2. REPORTS

2.01 CHIEF EXECUTIVE OFFICER

Resolution No: 3566

Moved Cr Trevor Mitchell

Seconded Cr Arthur Bode

That Council resolve to move forward item 2.01.10 titled Development Application – Blue Dog Development Pty Ltd to the beginning of the Chief Executive Officer's report items.

CARRIED 7/0

Attendance – Deputy Mayor Cr Kim Middleton declared a Declarable Conflict of Interest to item 2.01.10 titled Development Application – Blue Dog Development Pty Ltd (as defined by Section 150EN of the Local Government Act 2009) due to Blue Dog Development Pty Ltd operating from Deputy Mayor Cr Middleton's property for a substantial length of time and left the meeting at 9.10am taking no part in the debate or decision of the meeting.

Attendance – Cr Nicole Flute declared a Declarable Conflict of Interest to item 2.01.10 titled Development Application – Blue Dog Development Pty Ltd (as defined by Section 150EN of the Local Government Act 2009) due to being a partner in another Helicopter Mustering business within the Shire who gain benefit if this application is declined and left the meeting at 9.11am taking no part in the debate or decision of the meeting.

Attendance – Cr Clarence Haydon declared a Prescribed Conflict of Interest to item 2.01.10 titled Development Application – Blue Dog Development Pty Ltd (as defined by Section 150EG of the Local Government Act 2009) due to Cr Haydon's daughter-in-law being related to two objectors of the application and left the meeting at 9.12am taking no part in the debate or decision of the meeting.

Attendance - In accordance with Section 150EW and 150EX of the Local Government Act 2009 Mayor Jane McNamara informed Council that she has a potential Declarable Conflict of Interest to item 2.01.10 titled Development Application – Blue Dog Development Pty Ltd due to herself and part owner, Philip Wells of Blue Dog Developments Pty Ltd being distant relatives (great-grandparents of both parties were sisters).

Mayor Jane McNamara advised Council that due to the distance of relationship that she does not consider herself to have a Declarable Conflict of Interest and asked Council for her to remain in the room to chair the meeting.

Councillors considered the matter and agreed that Mayor Jane McNamara could remain in the room to chair the meeting and be involved in discussions and decisions relating to agenda item 2.01.10.

Deputations - Mayor Jane McNamara asked Mrs Kerry Wells as the appointed speaker of Blue Dog Development Pty Ltd to address the Council in relation to item 2.01.10 titled Development Application – Blue Dog Developments Pty Ltd.

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



2.01.10 DEVELOPMENT APPLICATION – BLUE DOG DEVELOPMENTS PTY LTD

Background -

FILE: FSC95
RP DESCRIPTION: LOT 4 ON RP738733
PROPERTY LOCATION: 13 HANN HIGHWAY HUGHENDEN
PROPOSAL: DEVELOPMENT PERMIT: MATERIAL CHANGE OF USE: AIR SERVICES
APPLICANT: BLUE DOG DEVELOPMENTS PTY LTD
C/- BRAZIER MOTTI
OWNERS: PHILIP THOMAS WELLS AND KERRY LEE WELLS
SUBMISSIONS: FOUR
NOTICE OF COMPLIANCE: 18 AUGUST 2022

COMMENT:

EXECUTIVE SUMMARY

Council is in receipt of application for a Development Permit for a Material Change of use involving Air Services (Helipad) at 13 Hann Highway, Hughenden, described as Lot 4 on RP738733.

The proposed Air Services triggers Impact Assessment under the Shire of Flinders Planning Scheme 2017. The application was publicly notified from 27 July to 17 August 2022 in accordance with the Planning Act 2016. Four submissions were received.

The proposed development has not demonstrated compliance with the relevant provisions of the planning scheme through the submitted material within the application. As such, it is recommended that Council refuse the proposed Air Services (Helipad) at 13 Hann Highway, Hughenden, described as Lot 4 on RP738733.

1. REFERRAL TO THE STATE ASSESSMENT AND REFERRAL AGENCY (SARA)

The application was referred to the State Assessment and Referral Agency (SARA) on 29 June 2022, based on the following trigger:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) Development application for a material change of use within 25m of a state controlled road

On 20 July 2022 SARA responded with a decision notice and conditions.

2. PUBLIC NOTIFICATION

As the development is impact assessable public notification was carried out accordance with the *Planning Act (2016)* from 27 July to 17 August 2022.

The Notice of Compliance was received, dated 18 August 2022.

Four submissions were received by Council, two properly made and two not properly made.

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



3. PROPOSAL

The application proposed an air services facility on the subject site in the form of a helipad behind the existing house and shed (Refer Figure 1).

The proposed helipad will include a 400m² shed as well as 2500 litres of on-site fuel storage.

The proposed helipad will function 3 days a week from 6am to dusk. However, no information has been provided with respect to the likely frequency of take-offs and landings.

Figure 1: Site Plan



The proposed helipad includes

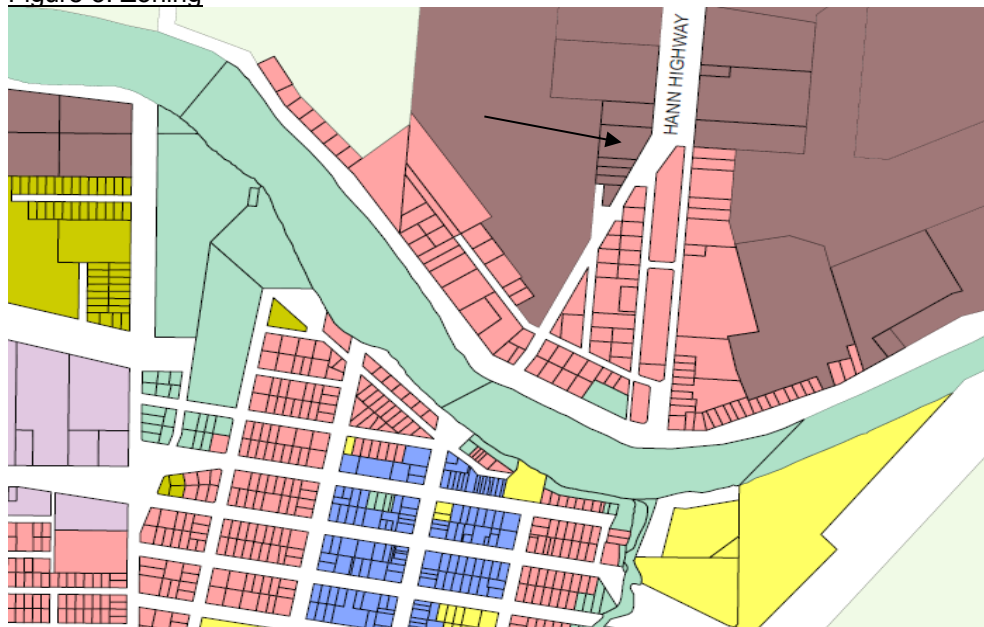
4. SITE EVALUATION

The subject site is a Rural residential allotment 1.01 Ha in area, presently containing a dwelling house and shed (Refer figure 2)

Figure 2: View of Subject site from Hann Highway



Figure 3: Zoning



The subject site is surrounded by other rural residential properties. Including a number of dwelling houses in close proximity to the proposed Helipad (Refer Figure 4)

Figure 4: Surrounding Dwellings With Distance from Proposed Helipad



MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



5. FRAMEWORK FOR ASSESSMENT

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

5.1 Assessment Benchmarks Pertaining to the Planning Regulation 2017

5.1.1 State Planning Policy

The State Planning Policy identifies the following aspects as applicable to the subject site:

- State Controlled Road (Addressed in SARA Referral)

Notwithstanding, the *Shire of Flinders Planning Scheme 2017* confirms that the State Planning Policy requirements are appropriately reflected within the Scheme, and no further assessment is required.

5.2 Assessment Benchmarks Pertaining to the Planning Scheme

The following sections relate to the provisions of the *Shire of Flinders Planning Scheme 2007*.

Planning Scheme:	<i>Shire of Flinders Planning Scheme 2007.</i>
Zone:	Rural Residential Zone
Assessment Benchmarks:	Strategic Framework; Rural Residential zone code; Industry and Infrastructure activity code; Flood Hazard Overlay code; and Major Infrastructure Overlay code.

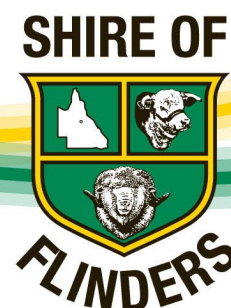
5.2.1 Strategic Framework

Assessment of the proposed use against the Strategic Framework indicates that the proposed Air services use is contrary to the Intent of a number of Strategic and Specific Outcomes in particular:

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



3.3.3 Element 2 – Safety and Amenity

3.3.3.1 Strategic Outcomes

1. Development achieves a high standard of design and liveability.
2. Development ensures the amenity and safety of the local area is preserved.
3. Flinders Shire provides safe and comfortable environments to live in, work and visit.
4. Industrial areas are located appropriately with respect to managing off-site impacts and reducing reverse amenity.
5. Further development of the road and transport network improves safety and amenity.
6. The risks from natural hazards are managed.

Specific outcomes	Land use	Applicant Response	Council Comment
SO 1 Development is located, designed and managed to: (a) maintain and where possible enhance amenity and <i>streetscape</i> quality; and (b) enhance landscape character; and (c) be compatible with other development.	LS 1.1 Development is at a scale, form and density that is consistent with the purpose and overall outcomes of each zone and development codes.	none	The proposed Air Services is incompatible with the rural residential use of the area by virtue of introducing an infrastructure activity with a high level of amenity impact as well as potential safety risks. The proposed Air Services (helipad) is inconsistent with Purpose and Overall Outcomes of the Rural Residential Zone as discussed below
SO 2 Development maintains and enhances the amenity of the local area by avoiding or minimising adverse impacts arising from: (a) noise; and (b) hours of operation; and (c) odour or other air emissions; and (d) traffic generation; and (e) lighting and signage.	LS 2.1 Amenity is managed through the various provisions within the zone and use codes.	LS 2.1 It is acknowledged that the proposed use is of non-residential nature, however the activity is infrequent with 1 to 3 operating days per week depending on season. Noise: Given the nature of the use, it is not anticipated that any mitigation measures can be implemented. It is however submitted that the activity is very infrequent with only 1 to 3 days per week and no night time flights	The proposed helipad will have significant negative impact on the local amenity due to the noise of helicopter take-offs and landings. The response has provided no justification for locating the use on the site, as opposed to other more suitable sites nearby, for example the airport. It claims no negative impact without providing any data apart from hours operation.

MINUTES
20 SEPTEMBER 2022 – 9:00 AM
COUNCIL CHAMBERS



		<p>The subject site is located adjacent to Hann Highway which is planned to be a major regional transport hub for North West Queensland. Noise implications associated with transport noise far outweighs the infrequent noise resulting from the proposed activity.</p> <p>Traffic: The activity will not result in any significant increase to traffic movements.</p> <p>Hours of operation: The activity will operate between 1 to 3 days a week depending on season and flights generally departing from 6am and returning twilight on days of operation. There will be no night time activity or on-site customer engagement.</p> <p>Odour and Air Emissions:\nThere are no known odour or air quality impacts associated with the proposed development.</p>	<p>E.g.:</p> <p>No indication of flight frequency.</p> <p>No indication of the number of helicopters to use the pad.</p> <p>No acoustic report.</p> <p>No indication on number of people arriving and leaving the site (staff and clients).</p>
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3.4.4 Element 3 Industry

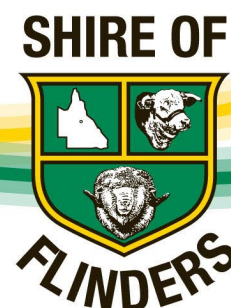
3.4.4.1 Strategic Outcomes

1. The development of new *industrial activities* within Hughenden and the villages supporting and contributing to the growing economy of the Shire.
2. The development of *industrial activities* in appropriate locations is encouraged.
3. The attraction of new *industrial activities* is supported by the provision of adequate, easily serviced and appropriately zoned land.
4. *Industrial activities* are located to avoid impacts on the safety and amenity of *sensitive land uses*.
5. The viability of *industrial activities* is protected from the encroachment of incompatible uses.
6. Appropriately designed and located *industrial activities* may be supported in the Rural zone where ancillary and complementary to *rural activities*.

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



3.4.4.2 Specific outcomes and land use strategies

Specific outcomes	Land use strategies	Applicant	Council comment
SO 2 Development makes provision for appropriate separation distances and/or appropriate buffers to <i>sensitive land uses</i> .	LS 2.1 The distribution of zones ensures that developments that may be incompatible with other uses are appropriately located.	none	<p>The application is proposing to introduce an incompatible infrastructure activity within a rural residential area with no justification whatsoever for the location.</p> <p>Within 3km of the site (by road) is Hughenden Airport within the Special Purpose Zone. This is the facility set aside for such uses.</p> <p>Irrespective of amenity impacts, having a commercial helipad within 150m of four neighbouring houses with the closest being within 50m presents profound safety concerns with no attempt in the application to address this.</p>

5.2.2 Planning Scheme Codes

(a) Rural Residential Zone code

The development is inconsistent with the purpose and overall outcomes on the Rural Residential Zone Code, in particular, the following Overall Outcome:

- (1) Development maintains and enhances rural residential amenity and does not result in adverse impacts from, noise, dust, odour, lighting and other locally specific impacts.

Applicant Response

Refer Response to Strategic framework LS2.1 above

Council comment

The proposed air services will constitute a potentially high impact infrastructure activity within a Rural Residential area without sufficient justification for the location given the close proximity of the airport.

The application has provided no data with respect to the likely frequency of flights nor any data to demonstrate that the amenity of the local area will not be significantly impacted. For example, data with respect to the acoustic impact of each flight.

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



(b) *Industry and Infrastructure Activities Code*

The development is inconsistent with the purpose and overall outcomes on the Industry and Infrastructure Activities Code, in particular, the following Overall Outcomes:

- (1) Development is of a type, scale and intensity compatible with its location and nearby land uses.
- (2) Development occurs only on land that is suited to the development and operation of *industry and Infrastructure activities*.
- (3) *Industry and Infrastructure activities* are adequately separated from *sensitive land uses*, and land located in the General residential zone and Rural residential zone to minimise the likelihood of environmental harm occurring.
- (4) *Industry and Infrastructure activities* maintain safety to people and natural features.
- (5) Development contributes to a high standard of amenity on-site and off-site.

Applicant Response

Refer Response to Strategic framework LS2.1 above

Council Comment – Response to each overall outcome

Council Response - Overall Outcomes (1) – (3) and (5)

The proposed air services will constitute a potentially high impact infrastructure activity within a Rural Residential area without sufficient justification for the location given the close proximity of the airport.

The application has provided no data with respect to the likely frequency of flights nor any data to demonstrate that the amenity of the local area will not be significantly impacted. For example, data with respect to the acoustic impact of each flight.

The development is not considered compatible with the location given the lack of separation to sensitive receptors (houses).
There are 4 houses within 150m and one within 50m.

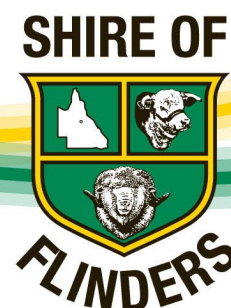
Council Response - Overall Outcome (4)

A commercial helipad within 150m of four neighbouring houses with the closest being within 50m presents profound safety concerns with no attempt in the application to address this.

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

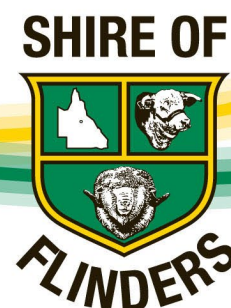
COUNCIL CHAMBERS



Assessment against the performance and acceptable outcomes of the Industry and Infrastructure Activities Code

Performance outcomes	Acceptable outcomes	Applicant Response	Council Comments
Amenity and Safety			
PO 1 Development does not adversely impact on the existing or future amenity of adjoining and nearby land uses, including, but not limited to the impacts of: <ul style="list-style-type: none"> (a) air pollution; and (b) noise; and (c) odour; and (d) dust; and (e) other emissions. 	AO 3.1 Development achieves the air quality design objectives set out in the <i>Environmental Protection (Air) Policy 2008</i> . AO 3.2 Development achieves the acoustic quality objectives for <i>sensitive receptors</i> set out in the <i>Environmental Protection (Noise) Policy 2008</i> . AO 3.4 Impacts from dust produced on-site do not extend beyond the boundaries of the <i>site</i> . AO 3.5 Where not within the Medium impact industry and Special purpose zones, development: <ul style="list-style-type: none"> (a) does not result in adverse impacts at or beyond the boundary of the <i>site</i> due to noise that exceeds 3dB(A) above the background level between Monday to Saturday (during the period commencing at 6am and ending at 6pm on the same day); and (b) does not produce audible noise at or beyond the boundary of the <i>site</i> at any other time than indicated in (a) above; and 	AO3.1 - AO3.2 No applicant response AO3.4 The applicant indicates the use will not generate dust AO3.5 The applicant claims the use will not negatively impact on neighbouring properties with no data or justification to back this up, apart from a 3 day a week timetable for the use. AO3.6 The applicant is proposing a 1.8m acoustic fence at the boundary	AO3.1-3.2 and 3.5 Where an industrial or infrastructure use is proposed in a residential zone, compelling justification indicating impacts to amenity are avoided or at acceptable levels must be provided. The applicant has not provided any information to this effect. The use is likely to cause significant noise impacts three days a week on multiple occasions each day (of unspecified frequency) up to 10 minutes each landing. This considered unacceptable for the Rural Residential Zone and likely to be noncompliant with the <i>Environmental Protection (Noise) Policy 2008</i> . The applicant has not provided data to demonstrate otherwise. AO3.4 The air movement from helicopter landing and take-off are likely to produce significant amounts of dust. This is likely to affect neighbouring properties.

MINUTES
20 SEPTEMBER 2022 – 9:00 AM
COUNCIL CHAMBERS



Performance outcomes	Acceptable outcomes	Applicant Response	Council Comments
	<p>(c) does not involve an Environmentally Relevant Activity (ERA).</p> <p>AO 3.6 Development on a <i>site</i> that has a common boundary with an existing <i>sensitive land use</i>, or a property in the General residential, Community facilities zone or Rural residential zone:</p> <p>(a) has a 1.8 metre high solid fence along the entire common boundary; and</p> <p>(b) ensures every side and rear wall of a building that faces a common boundary does not contain openings that may allow noise emissions; and</p> <p>(c) screens all noise emitting devices, such as air-conditioning equipment, pumps and ventilation fans; and</p> <p>(d) provides acoustic screening between all areas where activities are permitted to occur outside of the building and the common boundary.</p>		<p>AO 3.6 A 1.8m acoustic fence is likely to provide little to no acoustic mitigation for neighbouring properties</p> <p>The applicant has provided no information to demonstrate the effectiveness of such an acoustic fence.</p>

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



(c) *Major infrastructure overlay code*

The application has been assessed against the provisions of the Major Infrastructure Overlay Code and is considered consistent.

(d) *Flood Hazard overlay code*

The applicant has not attempted to address the flood hazard overlay code. In addition, no plans with respect to the design of the proposed shed and helicopter pad have been provided which can be used to assess against the Code.

In particular:

- Any indication whether construction of the shed and helipad require any filling or excavation.
- Demonstration the structures will not impede flood flow or negatively impact neighbouring properties (**PO1 and PO2 table 8.2.3.2**).

6. SUBMISSION SUMMARY

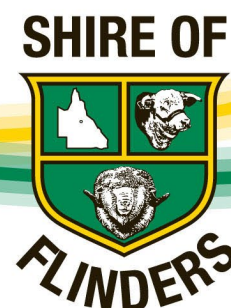
A total of four submission were received, two properly made and two not properly made, these submissions are summarised as follows:

Submitter	Address	Issues	Date	Properly Made
Brenda Townley	52 Hann Highway. Hughenden	<ul style="list-style-type: none"> • Noise of aircraft taking off and landing impacting quality of life • Safety for local residents due to helicopter take off and landing close to dwellings • Privacy issues due to low flying helicopters over their property 	16 August	Yes
Brett and Erin Townley	PO Box 98 Hughenden Q 4821	<ul style="list-style-type: none"> • Noise of aircraft taking off and landing impacting quality of life • Impact of noise on animals (horses) • Risk of damage to property due to downwash from helicopters 	16 August	No – no property address given
Jodie Coward	PO Box 32 Hughenden Qld 4821	<ul style="list-style-type: none"> • Noise of aircraft taking off and landing impacting quality of life 	16 august	No – no property address given
Troy and Marissa Crompton	36 Dalrymple Road Hughenden 4821	<ul style="list-style-type: none"> • Noise of aircraft taking off and landing impacting quality of life • Impact of noise on animals (horses) 	16 august	Properly made

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



Submitter	Address	Issues	Date	Properly Made
		<ul style="list-style-type: none"> Risk of damage to property due to downwash from helicopters 		

The following table provides a summary and assessment of the issues raised by submitters. The applicant has submitted a response to the issues raised in the submissions dated 7 September 2022.

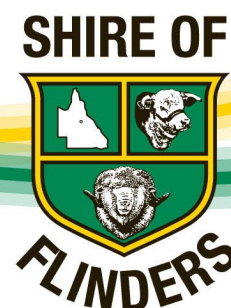
The table below summarises the issues, including the applicant's and Council's response.

ISSUES	APPLICANT COMMENTS	COUNCIL RESPONSE
Noise of aircraft taking off and landing impacting quality of life, including effects on animal	<p>As stipulated in the planning application, the operations would primarily involve services for cattle mustering across the region and comprise three Hughenden based helicopters.</p> <p>The activity will operate between 1 to 3 days a week depending on season and flights generally departing from 6am and returning twilight on days of operation. There will be no night-time activity.</p> <p>To address potential noise impacts, the applicant proposes to install a 1.8m high colourbond fence along the side boundaries of the subject site. Buffer planting (trees and hedging) is also proposed inside the fence line to further screen the activity. This outcome can be secured by a condition of approval.</p> <p>One submitter raised the length of noise during take-off and indicated that warm up takes about 30 minutes. With respect to take-off and landing, the applicant has advised that helicopters require a 2-10 minutes warm up/cool down period. This period varies between helicopters but does not exceed 10 minutes and is in accordance with relevant operating manuals for the operating helicopters.</p>	<p>The use is likely to cause significant noise impacts three days a week on multiple occasions each day (unspecified frequency) up to 10 minutes each landing. This is considered unacceptable for the zone and likely to be noncompliant with the <i>Environmental Protection (Noise) Policy 2008</i>.</p> <p>The applicant has not provided data to demonstrate otherwise.</p> <p>The 1.8m acoustic fence proposed by the applicant is unlikely to provide significant acoustic mitigation for neighbouring properties</p> <p>The applicant has provided no information to demonstrate the effectiveness of such a fence.</p>
Safety for local residents due to	No response	Having multiple helicopter take-offs and landings a day (of unspecified

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



ISSUES	APPLICANT COMMENTS	COUNCIL RESPONSE
helicopter take-off and landing close to dwellings		frequency) 3 days a week within 150m of four neighbouring houses with the closest being within 50m presents profound safety concerns. The applicant has not attempted to address this issue or provide any data demonstrating this would be safe.
Risk of damage to property due to downwash from helicopters	The applicant proposes a flight path to the west avoiding flying over neighbouring houses.	The flight path is noted but no data is provided demonstrating that this would be sufficient to avoid downwash on neighbouring properties.
Privacy issues due to low flying helicopters over their property	The applicant proposes a flight path to the west avoiding flying over neighbouring houses.	Again, the flight path is noted. However, elevated views of the backyards of the closest neighbours is still likely at the closes approach at take-off and landing. Therefore, there is a reasonable argument that this will result in negative amenity for these neighbours.

7. STATEMENT OF REASONS

The subject application for Air Services (Helipad) has triggered Impact Assessment in the Rural Residential Zone in accordance with Table 5.5.9

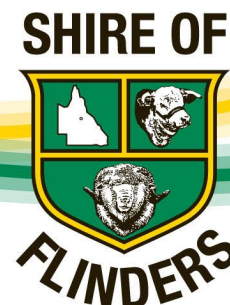
Pursuant to the *Planning Act 2016*, assessment of the Development Application for a Development Permit for Material Change of Use - Air Services (Helipad) at 13 Hann Highway, Hughenden, described as Lot 4 on RP738733 has indicated that it does not comply with the relevant Assessment Benchmarks under the *Shire of Flinders Planning Scheme 2017*:

- 1) The development is inconsistent with the Strategic Framework - 3.3.3, Element 2 – Safety and Amenity – Specific Outcome – 01 in that the development:
 - (a) Is incompatible with the rural residential use of the area by virtue of introducing an infrastructure activity with a high level of likely amenity impact as well as safety risks.
 - (b) Is inconsistent with Purpose and Overall Outcomes of the Rural Residential Zone.
- 2) The development is inconsistent with the Strategic Framework - 3.3.3, Element 2 – Safety and Amenity – Specific Outcome – 02 in that the development will have significant negative impact on the local amenity due to the noise of helicopter take-offs and landings.
- 3) The development is inconsistent with the Strategic Framework - 3.4.4 Element 3 Industry – Specific Outcome – 01 in that the development does not make sufficient provision for appropriate separation distances and/or appropriate buffers to *sensitive land uses*.
- 4) The development is inconsistent with the purpose and overall outcomes of the Rural Residential Zone Code, in particular, Overall Outcome (1) in that the development will undermine local rural residential amenity due to adverse impacts from, noise and dust.
- 5) The proposed Air Services (helipad) activity is inconsistent with the purpose and overall outcomes of the Industry and Infrastructure Activities Code, in that the development:

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



- (1) Is of a type, scale and intensity incompatible with its location and nearby land uses.
- (2) Is proposed on land in the Rural Residential Zone which is unsuited to the development and operation of *industry* and *Infrastructure activities*.
- (3) Lacks adequate separation from *sensitive land uses*
- (4) Presents unacceptable risks for nearby *sensitive land uses*.
- (5) Will undermine amenity on-site and off-site.
- 6) The proposal does not comply with the Performance Outcome PO3 of the Industry and Infrastructure Activities Code Table 9.3.4.1, in that the development:
 - (a) Is likely to cause significant noise impacts three days a week on multiple occasions each day (unspecified frequency) up to 10 minutes or more each landing. This is to an extent which is considered beyond which is acceptable for the Rural Residential Zone and likely to be noncompliant with the provisions of the *Environmental Protection (Noise) Policy 2008*.
 - (b) The air movement from helicopter landings and take-off are likely to produce significant amounts of dust, which is likely to affect neighbouring properties.
 - (c) A 1.8m acoustic fence is unlikely to provide significant acoustic mitigation for neighbouring properties
- 7) The applicant has not demonstrated compliance with the Flood Hazard Overlay Code.
- 8) The applicant has not demonstrated sufficient grounds to support the proposed development despite the abovementioned conflicts.
- 9) The applicant has not demonstrated a need for Air Services on the subject site in the rural Residential Zone, given the close proximity of Hughenden Airport (approx. 3km away by road)
- 10) The proposed development could not otherwise be conditioned to achieve compliance with the abovementioned conflicts.

RECOMMENDATION:

1. That Council refuse the Material Change of Use application involving Air Services (Helipad) at 13 Hann Highway, Hughenden, described as Lot 4 on RP738733.
2. That Decision Notices be issued in accordance with s63 of the *Planning Act 2016* to the Applicant, submitter/s and referral agencies.

Frank Andrews - Andrews Town Planning - September 2022

Resolution No: 3567

Moved Mayor Jane McNamara

Seconded Cr Arthur Bode

1. That Council refuse the Material Change of Use application involving Air Services (Helipad) at 13 Hann Highway, Hughenden, described as Lot 4 on RP738733.
2. That Decision Notices be issued in accordance with s63 of the *Planning Act 2016* to the Applicant, submitter/s and referral agencies.

Section 150FA (2)(e) of the *Local Government Act 2009*

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates - the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Mayor Cr. Jane McNamara, Cr. Kelly Carter, Arthur Bode and Cr. Trevor Mitchell.

How each eligible councillors voted:

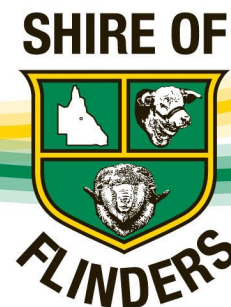
Each councillor voted in favour of the motion.

CARRIED 4/0

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



Attendance – Mrs Kerry Wells left the meeting at 9.41am and did not return to the meeting.

Attendance – Deputy Mayor Cr Kim Middleton and Councillors Nicole Flute and Clarence Haydon returned to the meeting at 9.42am.

Adjournment – Mayor Jane McNamara adjourned the meeting at 9.42am for morning tea.

Resolution No: 3568

Moved Cr Arthur Bode

Seconded Cr Clarence Haydon

That the Council reopen the General Council Meeting at 9.56am.

CARRIED 7/0

2.01.01

QUEENSLAND TREASURY CORPORATION

Background – Letter received from Queensland Treasury Corporation advising Council that the University of Queensland's School of Economics is launching new scholarship opportunities for Aboriginal and Torres Strait Islander people. They are asking Council's assistance with identify candidates by raising awareness directly with the principals of schools in our Shire.

Officer's Recommendation – That Council write to the Hughenden State School to raise the awareness of the Scholarship opportunities, enclosing a copy of the Queensland Treasury Corporation letter for their information.

Resolution No: 3569

Moved Cr Trevor Mitchell

Seconded Cr Nicole Flute

That Council receive the letter from Queensland Treasury Corporation for discussion.

CARRIED 7/0

Resolution No: 3570

Moved Cr Trevor Mitchell

Seconded Cr Nicole Flute

1. That Council write to all five schools within the Flinders Shire to raise the awareness of the Scholarship opportunities, enclosing a copy of the Queensland Treasury Corporation letter for their information.
2. That Council write a letter of thanks to the University of Queensland's School of Economics and also request a full list of scholarships that are currently available to all citizens.

CARRIED 6/1

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



2.01.02 DEVELOPMENT APPLICATION – TELSTRA CORPORATION

Background –

DESCRIPTION:	LOT 1 ON UD41
PROPERTY LOCATION:	3462 LUDGATE ROAD PRAIRIE
PROPOSAL:	MATERIAL CHANGE OF USE – TELECOMMUNICATION FACILITY
APPLICANT:	TELSTRA CORPORATION C/- DOWNER EDI LIMITED
OWNERS:	JODY MURRAY AND SCOTT MURRAY
SUBMISSIONS:	N/A
PROPERLY MADE:	25/07/2022

EXECUTIVE SUMMARY

The application is seeking an approval of an application for a Material Change of Use – Telecommunication Facility.

The proposed development is a telecommunications tower designed to reliable mobile phone services in the area. The proposed location is Uanda Station

The proposed telecommunication tower will be a 20m high monopole mast topped by a 1.7m aerial. (Refer Figure 1). The proposed facility includes associated facilities and equipment at the base not exceeding 30m² in area at the base of the tower.

The proposed tower is to be located within a vacant area near an existing dwelling house (Refer Figure 2).

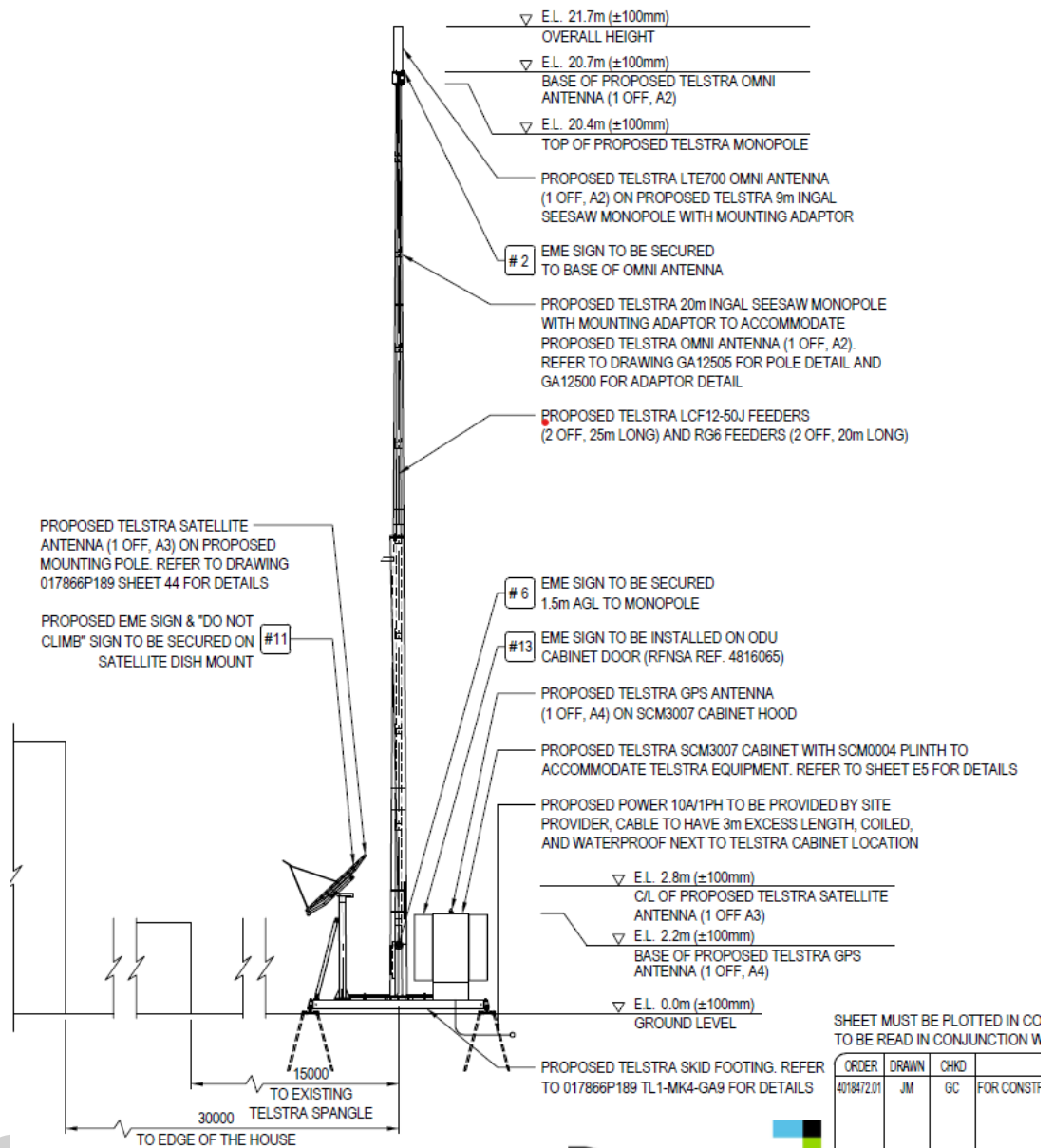
MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



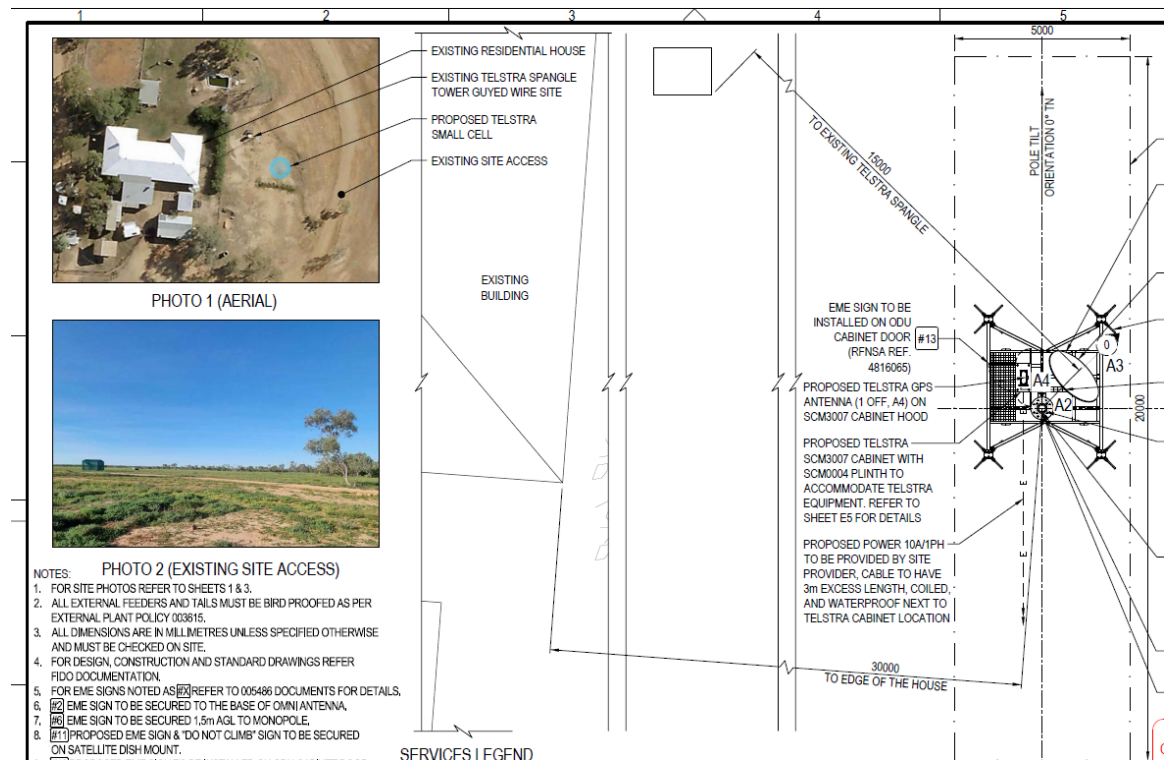
Figure 1: Proposed Tower Elevation



MINUTES 20 SEPTEMBER 2022 – 9:00 AM COUNCIL CHAMBERS



Figure 2: Location of Proposed Facility on Subject Site



PLANNING CONSIDERATIONS

The subject land is located in the Rural Zone.

Material Change of Use for Telecommunication Facility is Code assessable.

The following components of the Planning Scheme are considered as relevant to the assessment of this application:

- Rural Zone Code.
- Industry and Infrastructure Activities Code

The application has been assessed against the above sections of the Flinders Shire Planning Scheme V1.1(2018) and is considered generally consistent.

REFERRAL TO THE STATE ASSESSMENT AND REFERENCE AGENCY (SARA)

N/A

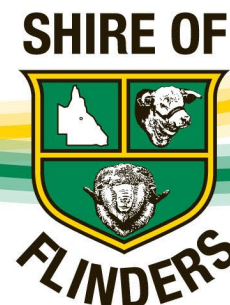
PUBLIC NOTIFICATION

N/A

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



Recommendation - The development application for a Development Permit for a Material Change of Use – Telecommunication Facility on land described as Lot 1 on UD41, situated at 3462 Ludgate Road, Prairie be approved subject to the following plans (Refer Attachment 1):

Q117206 Sheet 1	dated 06 July 2022
Q117206 Sheet 2	dated 06 July 2022
Q117206 Sheet 3	dated 06 July 2022
Q117206 Sheet 4	dated 06 July 2022

and the attached conditions of approval (Attachment 2).

Attachment 1 - Approved Plans
Attachment 2 - Development Conditions
Attachment 3 - Summary of Appeal Rights

Resolution No: 3571

Moved Cr Kim Middleton

Seconded Cr Arthur Bode

The development application for a Development Permit for a Material Change of Use – Telecommunication Facility on land described as Lot 1 on UD41, situated at 3462 Ludgate Road, Prairie be approved subject to the following plans (Refer Attachment 1):

Q117206 Sheet 1	dated 06 July 2022
Q117206 Sheet 2	dated 06 July 2022
Q117206 Sheet 3	dated 06 July 2022
Q117206 Sheet 4	dated 06 July 2022

and the attached conditions of approval (Attachment 2).

Attachment 1 - Approved Plans
Attachment 2 - Development Conditions
Attachment 3 - Summary of Appeal Rights

CARRIED 7/0

Attendance – Cr Clarence Haydon left the meeting for personal reasons at 10.22am.

2.01.03

QUEENSLAND LOCAL GOVERNMENT GRANTS COMMISSION

Background – The Queensland Local Government Grants Commission have advised Council that they will be attending the LGAQ 126th Annual Conference and is available for individual Council meetings on Monday 17 and Tuesday 18 October 2022.

The topic for discussion at the meeting would be any aspect of Councils Assistance Grant and the meeting request must include a summary of our discussion topics and meeting attendees.

Officer's Recommendation – For Council discussion.

Resolution No: 3572

Moved Cr Nicole Flute

Seconded Cr Kelly Carter

That Council arrange workshop to compile a list of discussion topics and authorise Cr Kelly Carter and Cr Nicole Flute to meet with the Queensland Local Government Grants Commission to present and discuss raised topics.

CARRIED 6/0

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



Attendance – Cr Clarence Haydon returned to the meeting at 10.24am.

2.01.04 LOCAL GOVERNMENT REMUNERATION COMMISSION

Background – The Local Government Remuneration Commission is commencing the annual remuneration review process to determine the remuneration to be paid to Mayors, Deputy Mayors and Councillors from 01 July 2023. The Commission is inviting email submissions in relation to remuneration for Councillors of local governments to inform the Commission's deliberations.

The Commission will also be available during the LGAQ 126th Annual Conference for a meeting with Council on Monday 17 October 2022 only, for deputations.

Officer's Recommendation – For Council discussion.

Resolution No: 3573

Moved Cr Kelly Carter

Seconded Cr Trevor Mitchell

That Council note the invitation received from the Local Government Remuneration Commission, and no further action is required.

CARRIED 7/0

2.01.05 LETTER FROM HAZEL KLEINAU – COMMONWEALTH POSTAL SAVINGS BANK

Background – Letter received seeking Council's support in relation to the establishment of a Commonwealth Postal Savings Bank.

Officer's Recommendation – For Council discussion.

Resolution No: 3574

Moved Cr Arthur Bode

Seconded Cr Kelly Carter

That Council write a letter of support for the proposed project and await further information on the matter.

CARRIED 7/0

2.01.06 HOUSING GRANT PROGRAM POLICY

Background – The Housing Grant Program Policy will be presented at Council Meeting for consideration by Council.

Officer's Recommendation – For Council discussion.

Resolution No: 3575

Moved Cr Kim Middleton

Seconded Cr Trevor Mitchell

That Council adopt the Housing Grant Program Policy as presented.

CARRIED 7/0

Attendance – Cr Kelly Carter left the meeting for personal reasons at 10.38am and returned to the meeting at 10.42am.

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



2.01.07 RIVERSIDE – APPOINTMENT OF CONTRACTOR

Background – Tender assessment for the lease of Riverside Station, Hughenden has been completed by the Independent Review Panel. Recommendation Report presented for Council adoption.

Officer's Recommendation – That Council receive and note the Recommendation Report and authorise the Chief Executive Officer to enter into a lease for the Tender Offer submitted by Page & Co Pty Ltd ATF the Page Family Trust, for first year rental of \$265,000.00 (Ex GST) with annual rental increase as per Schedule E – 1. Reference Schedule, for a period of 5 years with the option of renewal as set out in the Reference Schedule.

Resolution No: 3576

Moved Cr Arthur Bode

Seconded Cr Clarence Haydon

That Council receive and note the Recommendation Report and authorise the Chief Executive Officer to enter into a lease for the Tender Offer submitted by Page & Co Pty Ltd ATF the Page Family Trust, for first year rental of \$265,000.00 (Ex GST) with annual rental increase as per Schedule E – 1. Reference Schedule, for a period of 5 years with the option of renewal as set out in the Reference Schedule.

CARRIED 7/0

2.01.08 HUGHENDEN OFFSTREAM WATER STORAGE FACILITY – STAGE 1

Background – The Hughenden Offstream Water Storage Facility has been a priority of Flinders Shire Council as an enabling project to support the ongoing development of irrigated cropping in the region and supplementation of the cattle industry for fodder growing.

It is Council's intention to seek Expressions of Interest (EOI) from Contractors for the construction of the proposed facility on Lot 164 on DG179. This involves the construction of a 7,000ML single cell embankment storage. State Government funding of \$25.6 million has been allocated to Council for commencement of the project.

Officer's Recommendation – That Council authorise the Chief Executive Officer to commence the Expressions of Interest Process for the construction of the Hughenden Offstream Water Storage Facility on the land described as Lot 164 on DG179.

Resolution No: 3577

Moved Cr Kim Middleton

Seconded Cr Clarence Haydon

That Council authorise the Chief Executive Officer to commence the Expressions of Interest Process for the construction of the Hughenden Offstream Water Storage Facility on the land described as Lot 164 on DG179.

CARRIED 7/0

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



2.01.09

STATE OF QUEENSLAND CONDOLENCE BOOK FOR HER MAJESTY THE QUEEN

Background – The Acting Deputy Director-General of the Department of State Development, Infrastructure, Local Government and Planning has advised Council that the official State of Queensland Condolence Book for Her Majesty The Queen is open with Buckingham Palace indicating that online 'Messages of Support and Condolence' are preferred over the use of physical condolences. The book will then be collated and forwarded via Government House Queensland for transmission to Buckingham Palace.

The Department has invited Council to adopt the State of Queensland Condolence Book in lieu of physical books and submit our Condolences via the online portal. Closing date for submissions is 9:00am on Friday 23 September 2022.

Officer's Recommendation – That Council approve for the Mayor to submit an online submission to the State of Queensland Condolence Book for Her Majesty The Queen.

Resolution No: 3578

Moved Mayor Jane McNamara

Seconded Cr Trevor Mitchell

1. That Council approve for the Mayor to submit an online submission to the State of Queensland Condolence Book for Her Majesty The Queen.
2. That Council invite the local community members to make a submission and if community member requires assistance to submit their condolences can attend the Flinders Shire Public Library and have a Council Officer assist them.

CARRIED 7/0

Attendance – Hari Boppudi left the meeting for personal reasons at 10.52am.

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



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:

- Statement of financial performance;
- Statement of financial position;
- Statement of cash flows;
- Statement of Changes in Equity;

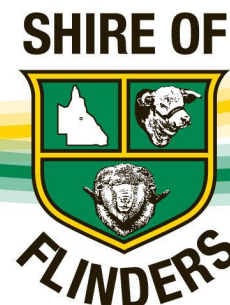
The following is a summary of the financial results as at 31 August 2022:

1. Statement of Comprehensive Income		
	\$,000	
Total Recurrent Revenue	6,924	17%
Total Recurrent Expenditure	5,681	14%
Net Operating Result - Surplus/(Deficit)	1,243	97%
Total Capital Income	204	2%
Total Capital Expense	-	-
Net Result - Surplus/(Deficit)	1,447	11%
2. Statement of Financial Position		
	\$,000	
Total Current Assets	47,789	164%
Total Non-Current Assets	252,080	93%
Total Assets	299,869	100%
Total Current Liabilities	6,298	140%
Total Non-Current Liabilities	10,363	109%
Total Liabilities	16,661	119%
Net Community Assets	283,208	99%
Asset Revaluation Surplus	95,988	107%
Retained Surplus/(Deficiency)	187,220	96%
Total Community Equity	283,208	99%
3. Cash Flow Statement		
	\$,000	
Cash at the beginning of the period	41,550	152%
Total Payments Received	12,437	27%
Total Payments Made	(10,862)	23%
Cash as the end of the period	43,125	167%

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



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 2022.

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

Resolution No: 3579

Moved Cr Kim Middleton

Seconded Cr Arthur Bode

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 2022.

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

CARRIED 7/0

Attendance – Hari Boppudi returned to the meeting at 10.56am.

2.02.02

PROCUREMENT POLICY AND PROCUREMENT PROCEDURE

Appendix 2.02.02

Background – Council has previously developed a procurement policy and procedures to expand on the legislative requirements as set out in the Local Government Act 2009 and the Local Government Regulations 2012. These are idiosyncratic and reflect Council's location, size and procurement needs. The policy and procedures should be reviewed and updated annually or sooner should the need arise. The following documents are amended as per the requirements to review and update them annually.

Amended Policies:

- Procurement Policy
- Procurement Procedure

Officers Recommendation – That Council adopt the following policy and procedure, as presented:

- Procurement Policy
- Procurement Procedure

Resolution No: 3580

Moved Cr Trevor Mitchell

Seconded Cr Clarence Haydon

That Council adopt the following policy and procedure, as presented:

- Procurement Policy
- Procurement Procedure

CARRIED 7/0

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



2.02.03 FM RADIO 87.6

Background – Council is in the process of reviewing the FM Radio contracts for the Shire. The current contract for FM 87.6 was executed on 03 July 1998 with Western Visitor Radio for the purpose of TAB Radio for broadcasting horse racing. A search of the ACMA Register has identified that the equipment is located at the Royal Hotel in Moran Street, Hughenden.

There is opportunity that FM Radio 87.6 could be utilised to broadcast other stations that would be of benefit to the entire Shire community and cease broadcasting TAB horse racing as ABC Radio currently provided this broadcasting.

Officer's Recommendation – For Council discussion.

Resolution No: 3581

Moved Cr Arthur Bode

Seconded Cr Kelly Carter

That Council legally cease the contract with Western Visitor Radio and investigate other opportunities to utilise FM Radio 87.6 for broadcasting other stations that would be of benefit to the entire Shire community.

CARRIED 7/0

2.02.04 QUEENSLAND AUDIT OFFICE – 2022 INTERIM REPORT

Background – Under Section 213 of the Local Government Regulation 2012 Council must present a copy of the Interim Report for the financial year ending 30 June 2022, detailing results of interim work performed to 30 April 2022, as received from Queensland Audit Office.

Officer's Recommendation – That Council receive and note the 2022 Interim Report received from the Queensland Office, as presented.

Resolution No: 3582

Moved Mayor Jane McNamara

Seconded Cr Trevor Mitchell

That Council receive and note the 2022 Interim Report received from the Queensland Office, as presented.

CARRIED 7/0

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



2.03 ENGINEERING

Attendance – Deputy Mayor Cr Kim Middleton declared a Declarable Conflict of Interest to item 2.03.01 titled Tender – 102.2022.5 – Pre-Qualified Suppliers of Gravel and Other Relation Products (as defined by Section 150EN of the Local Government Act 2009) due to being the owner of a property where a quarry is located and left the meeting at 11.07am taking no part in the debate or decision of the meeting.

2.03.01

TENDER – 102.2022.5 – PRE-QUALIFIED SUPPLIERS OF GRAVEL AND OTHER RELATED PRODUCTS

Background – Tender 102.2022.5 closed on 6 July 2022. Three tenders were received on Vendorpanel. The summary of the tenders will be tabled at the meeting.

Officer's Recommendation – That Council receive and note the list of the Tenders, as presented by the Director of Engineering and authorise the Chief Executive Officer to enter into a contract with the contractors that are recommended in the report.

Resolution No: 3583

Moved Cr Clarence Haydon

Seconded Cr Arthur Bode

That Council receive and note the list of the Tenders, as presented by the Director of Engineering and authorise the Chief Executive Officer to enter into a contract with the contractors that are recommended in the report.

Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates - the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Mayor Cr. Jane McNamara, Cr. Kelly Carter, Cr Clarence Haydon, Cr. Nicole Flute, Cr. Arthur Bode, Cr. Trevor Mitchell.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

CARRIED 6/0

Attendance – Deputy Mayor Cr Kim Middleton returned to the meeting at 11.11am.

Attendance – Melanie Wicks left the meeting at 11:16am for personal reasons and returned to the meeting at 11:18am

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



2.03.02

GRID SUBSIDY

Background – Council advertised the Shire Grid Upgrade/Replacement Subsidy Program which closed on Tuesday, 23 August 2022. We have received 13 applications wanting to upgrade/replace 13 grids in total. The list of applications received are below:

<u>Road</u>	<u>Location</u>	<u>Number of Grids</u>	<u>Boundary Grid</u>
Old Muttaborra Road	65km from Muttaborra Sign on Flinders Highway	1	Cameron Downs/ Ensay Boundary
Old Muttaborra Road	69km from Muttaborra Sign on Flinders Highway	1	Sutton Downs/ Ensay Boundary
Strathroy Road		1	Barragunda/ Braemar Boundary
Sutton Downs	77km from Flinders Highway Cameron Downs Sign	1	NO
Strathallen Road	Boundary	1	NO
Old Muttaborra Road	82.5km South of Hughenden	1	Sutton Downs/ Barenya
Mt Desolation		1	NO
Montele Road		1	Montele/Annabelle Boundary
Montele Road		1	Montele new home
Old Richmond Road		1	Washpool
Prairie/Muttaborra Road	145km South of Prairie	1	Tower Hill/ Inveresk Boundary
Etna Road		1	NO
Prairie Road	Approx. 20km South of Prairie	1	Charley Creek/Launceston Boundary

Officer's Recommendation – That Council receive and note the list of the applications as presented and authorise the Director of Engineering to notify the applicants about the outcome and complete the works as per the Council Policies and Procedures.

Resolution No: 3584

Moved Cr Arthur Bode

Seconded Cr Trevor Mitchell

That Council resolve to re-table this item to the October 2022 Council Meeting, as more information is required to make a final decision on applications.

CARRIED 7/0

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



Attendance – Cr Clarence Haydon left the meeting for personal reasons at 11.26am and returned to the meeting at 11.27am

Attendance – Cr Kelly Carter declared a Prescribed Conflict of Interest to item 2.03.03 titled Vehicle Concrete Crossover Subsidy Program (as defined by Section 150EG of the Local Government Act 2009) due to being an owner of a concrete business who could potentially gain a financial benefit from the project and left the meeting at 11.27am taking no part in the debate or decision of the meeting.

2.03.03

VEHICLE CONCRETE CROSSOVER SUBSIDY PROGRAM

Background – Council advertised the Vehicle Concrete Crossover Subsidy Program which closed on Tuesday, 23 August 2022. We have received two applications. The list of applications received is below:

NAME	ADDRESS
John & David Driver	6 Moran Street
Shelley & Michael Steadman	28 Dalrymple Road

Officer's Recommendation – That Council receive and note the list of the applications as presented and authorise the Director of Engineering to notify the applicants about the outcome and complete the works as per the Council Policies and Procedures.

Resolution No: 3585

Moved Cr Trevor Mitchell

Seconded Cr Clarence Haydon

That Council receive and note the list of the applications as presented and authorise the Director of Engineering to notify the applicants about the outcome and complete the works as per the Council Policies and Procedures.

Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates - the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Mayor Cr. Jane McNamara, Deputy Mayor Cr Kim Middleton, Cr Clarence Haydon, Cr. Nicole Flute, Cr. Arthur Bode, Cr. Trevor Mitchell.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

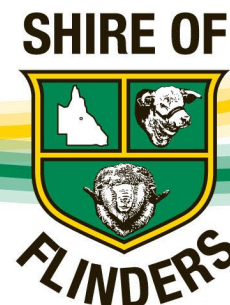
CARRIED 6/0

Attendance – Cr Kelly Carter returned to the meeting at 11.30am.

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS



2.04 COMMUNITY SERVICES AND WELLBEING

Attendance - Mayor Jane McNamara declared a Declarable Conflict of Interest to item 2.04.01 titled Community Quick Response Donations (as defined by *Section 150EN of the Local Government Act 2009*) due to being the Vice President of the Lions Club of Hughenden and left the meeting at 11.31am taking no part in the debate or decision of the meeting.

Councillors Kelly Carter and Nicole Flute advised that they are both members and volunteers of the Lions Club of Hughenden, both Councillors remained in the meeting due to not being Executive Members of the club.

2.04.01

COMMUNITY QUICK RESPONSE DONATIONS

Background – 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.

This program aims to support community organisations in Flinders Shire by:

- Providing mentoring opportunities to community organisations to strengthen their organisation;
- Promoting community awareness and value of cultural and community events and festivals;
- Enhancing the profile and appeal of the region and attracting new visitors to the region by a diverse events and festivals program;
- Facilitating community interaction and stakeholder relationships with Flinders Shire Council;
- Generating local economic activity and development

Organisation	Event Description	Amount Requested	Recommendation
Cameron Down State School P & C	Trivia Night - Battle Your Brains	\$350.00	Recommended
Campdraft 4 A Cause	Annual Campdraft 4 A Cause - Saturday Night Entertainment	\$500.00	Recommended
Lions Club of Hughenden	1RAR Army Band Performance – FREE Community Event	\$500.00	Recommended

Officer's Recommendation – That Council approve the applications as presented above.

MINUTES

20 SEPTEMBER 2022 – 9:00 AM

COUNCIL CHAMBERS

Resolution No: 3586

Moved Cr Nicole Flute

Seconded Cr Kelly Carter

That Council approve the applications as presented above.

Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates - the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Deputy Mayor Cr Kim Middleton, Cr Kelly Carter, Cr Clarence Haydon, Cr. Nicole Flute, Cr. Arthur Bode, Cr. Trevor Mitchell.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

CARRIED 6/0

Attendance – Mayor Jane McNamara returned to the meeting at 11.33am.

2.04.02

COUNCIL CONTRIBUTION TO SPORTING EXCELLENCE

Background – The Quick Response Contribution to Sporting Excellence is a program to help foster and support our local participations in representational sports. The program is to assist with costs associated with attending events.

Applicant Name	Event Description	Amount Requested	Recommendation
Mac Hamilton	Mac was selected into the North West 10 – 12yrs Athletic Team to represent our region at the QSS 10 – 12yrs State Championships in Brisbane from 11th – 12th October 2022. He will be competing in shot put and relays. Mac is asking for financial assistance for travel, accommodation and uniforms required from the championships.	\$500.00	Recommended

Officer's Recommendation – That Council approve the applications as presented above.

Resolution No: 3587

Moved Cr Clarence Haydon

Seconded Cr Nicole Flute

That Council approve the applications as presented above.

CARRIED 7/0

MINUTES
20 SEPTEMBER 2022 – 9:00 AM
COUNCIL CHAMBERS



4. PROPOSED MEETING CALENDAR

<i>DATE</i>	<i>TIME</i>	<i>MEETING VENUE</i>	<i>TOPIC</i>
Monday 19 September 2022	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 20 September 2022	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 10 October 2022	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 11 October 2022	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 14 November 2022	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 15 November 2022	9:00am – 12:30pm	Council chambers	Council Meeting
Monday 12 December 2022	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 13 December 2022	9:00am – 12:30pm	Council Chambers	Council Meeting

MINUTES
20 SEPTEMBER 2022 – 9:00 AM
COUNCIL CHAMBERS



The meeting closed at 11.35am

Jane McNamara
Mayor
Flinders Shire Council

Confirmed Minutes

COUNCIL POLICY

Procurement Policy

POLICY TITLE:	Procurement Policy
POLICY NUMBER:	45
REVISION NUMBER:	13
TRIM REFERENCE:	SF14/411- R22/790
RESOLUTION NUMBER:	
POLICY TYPE:	Statutory
APPROVING OFFICER:	Council Adoption
DATE OF ADOPTION:	20 September 2022
TIME PERIOD OF REVIEW:	1 Year
DATE OF NEXT REVIEW:	20 September 2023
RESPONSIBLE DEPARTMENT:	Finance & Control
LINK TO CORPORATE PLAN:	Our Governance - Transparent, Accountable and Engaged Governance

1. OBJECTIVE

The objective of this Policy is to outline Council's commitment to ensuring value for money, probity and accountability of Council's procurement outcomes. It enables Council to take a strategic approach to procurement and contracting activities by identifying potential opportunities whilst managing adverse risks.

This policy, together with the procurement procedures, sets out Council's framework for its procurement and contracting activities in a manner that complies with applicable legislation, including s104 of the *Local Government Act 2009 (Qld)* and s198 of the *Local Government Regulation 2012 (Qld)*.

2. DEFINITIONS

Aggregation significant amounts are spent in aggregate on one supplier, or for one service, over time, this is done to achieve greater savings by leveraging this aggregate spend, rather than treating each discrete arrangement as a separate procurement exercise, whether undertaken competitively or not Council's must practice aggregation where possible.

Contract Delegated Authority means the authority that the Chief Executive Officer (CEO) delegates to a Council officer, in accordance with the Register of Delegations, for the purposes of signing a contract on Council's behalf.

Contract Management is the process of managing contract creation, execution and analysis to maximize operational and financial performance while reducing financial risk.

Council means Flinders Shire Council (FSC).

Excluded Supplier means a supplier or service provider that is exempt from the requirement to apply the Local Preference Objective under this policy. Typically, these are suppliers and service providers where Council has little or no choice but to contract with, for example suppliers or services providers in the following categories: major ICT, specialist health technologies, specialist capital works machinery and equipment, government Departments such as telecommunications and postage services.

Financial Delegated Authority means the financial level that the CEO delegates to a Council officer, in accordance with the Register of Delegations, for the purposes of approving expenditure of Council's monies. For the avoidance of doubt, Financial Delegated Authority does not authorise officers to sign any contract on Council's behalf (See Appendix 1).

Local Business or Industry means is beneficially owned and operated by persons who are residents and ratepayers of Flinders Shire (LGA) as defined under the *Local Government Act 2009* (s8(2)); or is a registered business or individual that has its principal place of business within the Flinders Shire; or otherwise has a place of



COUNCIL POLICY

Procurement Policy

business within the boundaries of Flinders Shire and where possible, employs persons who are residents or ratepayers of the Flinders Shire.

Local Preference Score means the score given to an entity or individual based on their business location and use of local contractors and suppliers.

Local Preference Weighting means the weighting applied to the Local Preference score; including what benefit that a supplier can bring to the local region through direct and indirect channels.

Order splitting is the act of splitting purchase orders to avoid financial procurement thresholds of quotes or in any way attempting to split the full purchase cost across different or multiple requisitions or budget items.

Petty cash generally these are items with a value of less than \$10 to a maximum of \$200 and should be made using petty cash where possible, items frequently required should be held in stores to reduce administrative costs in processing repeat orders.

Price threshold test means the tender price is within the threshold that Council is willing to pay, over and above the preferred tenderer's price to support local businesses.

Procurement means all purchasing, supply and contracting arrangements undertaken between Council and another party for the provision of goods and/or services.

Purchase Order means the official document used by Council to record the purchase of goods and services. It contains Council's Standard Terms and Conditions, is produced by Council's finance system and electronically signed by the CEO.

Probity means evidence of ethical behaviour, and can be defined as complete and confirmed integrity, uprightness, and honesty in procurement activity.

Team member means all employees of Council, whether employed on a permanent, temporary, or part-time basis and includes volunteers and employees of businesses and entities contracted to provide services to, or on behalf of Council.

Variation refers to a financial deviation from the original contract value. Contract could be Council's purchase order or an agreement signed by a delegated Council Officer. Variation procedures for contracts are as follows can be found in Council's procurement procedures. *Note: Variations should not exceed 15% of the original contract price and for contracts over \$200,000, more than 15% must be approved by Council.*

3. APPLICATION

This policy applies to Council's procurement activities.

4. SOUND CONTRACTING PRINCIPLES

Council conducts its procurement and contracting activities to advance the strategic priorities and outcomes of Council's Corporate Plan whilst achieving value for money with probity and accountability. In particular Council is committed to ensuring that all procurement activities:

- comply with Council's legal and statutory obligations;
- are carried out in a professional manner promoting accountability and transparency;
- minimise procurement costs while maintaining value;
- drive value through Council's local supplier base;
- encourage industry and supplier innovation, where appropriate;
- promote environmentally and socially responsible procurement practices;
- and maintain public confidence in Council's procurement activities.



COUNCIL POLICY

Procurement Policy

Council is committed to applying a principles-based approach to all procurement activities consistent with the Sound Contracting Principles which are:

4.1 Value for Money

Team members will ensure that all procurement and contract management activities achieve the most advantageous outcomes for Council (which balances meeting Council's objectives and the business requirement with efficiency, quality, risk, environmental impact, and total acquisition cost).

4.2 Open and Effective Competition

Unless an exception is made in accordance with the Local Government Regulation 2012 Division 3, Council will:

- 4.2.1 advertise tenders in accordance with the *Local Government Regulation 2012 Division 2-Entering into Particular Contracts* for contracts exceeding **\$200,000** or expressions of interest where Council resolves that it would be in the public's best interest to do so.
- 4.2.2 obtain a minimum of three written quotations for purchases between **\$15,000** and **\$200,000**:
- 4.2.3 where possible obtain a minimum of three written quotations for purchases between **\$5000** and **\$15,000**:
- 4.2.4 where possible obtain a minimum of two written quotations for purchases between **\$1000** and **\$5000**: and
- 4.2.5 obtain at least one quotation (verbal or written) for purchases between \$0 and \$1000.

All threshold values are exclusive of GST and there may be instances where the responsible officer believes it is prudent to obtain more quotations.

Suppliers wishing to do business with Council will be given every reasonable opportunity to do so, subject to satisfying Council's requirements and all relevant evaluation criteria (which may include but not be limited to demonstrated technical ability, environmental impact, company profile, professional references, quality assurances, insurances and total acquisition cost).

4.3 Default Contracting Procedures

Council has not decided to apply a strategic approach to its procurement activities as outlined in Part 2 of Chapter 6 of the Local Government Regulation 2012 at this time.

Council will operate under the default contracting procedures outlined in Part 3 of Chapter 6 of the Local Government Regulation 2012 which sets out prescribed requirements for medium sized contractual arrangements, large sized contractual arrangements, and valuable non-current asset contracts.

4.4 Procurement thresholds

Purchases expected to be worth less than \$5,000	
< \$1,000	At least one verbal or written quote (or estimate) is to be obtained and recorded on the field requisition or purchase order where possible. Note: <i>Purchases to be made from a local supplier where possible.</i>
≥ \$1,000 to < \$5,000	Where possible, a minimum of two (2) written quotes must be obtained and recorded or provide evidence that two or more quotes have been sought. Verbal quotes may be accepted but they must be followed up with emailed or written verification. Note: <i>At least one (1) quote shall be sought from a local supplier where possible. Where there is more than one (1) local supplier all should be considered.</i>



COUNCIL POLICY

Procurement Policy

Purchases expected to be \$5,000 or more but less than \$15,000	
≥ \$5,000 to <\$15,000	<p>Where possible, a minimum of three (3) fully documented written quotes must be sought and recorded.</p> <p>Verbal quotes may be accepted but they must be followed up with emailed or written verification.</p> <p>Note: <i>At least one (1) quote shall be sought from a local supplier where possible. Where there is more than one (1) local supplier all should be considered.</i></p>

Purchases expected to be \$15,000 or more but less than \$200,000	
<p>** Medium-sized contractual arrangement. <i>Procurement should be undertaken using the default contracting procedures set out under Chapter 6 Part 3 Sections 224 (2), 225 of the Local Government Regulation 2012**.</i></p>	
≥ \$15,000 to <\$200,000	<p>At least three (3) written quotes are to be sought, where possible, and recorded.</p> <p>At this level it is mandatory under Chapter 6, Part 3 Section 225 of the <i>Local Government Regulation 2012</i> that a minimum of three written quotations, whenever possible, be sought from suppliers/providers which the Council considers can meet its requirements. Tenders may also be invited for the supply of goods/services, the value of which falls within this category if the Chief Executive Officer or officer so delegated is of the opinion that this course of action would be desirable.</p> <p>Note: <i>At least one (1) quote shall be sought from a local supplier where possible. Where there is more than one (1) local supplier all should be considered.</i></p>

Purchases expected to be \$200,000 or more	
<p>**Large-sized contractual arrangement. <i>Procurement should be undertaken using the default contracting procedures set out under Chapter 6 Part 3 Section 224 (3), 226 and 228 of the Local Government Regulation 2012**.</i></p>	
≥ \$200,000*	<p>Public tender required.</p> <p>Note: <i>Subject to Exceptions under Section 229 to 235 of the Regulations.</i></p>

Note: For purchases of \$200,000 or more that do not involve a Preferred Supplier Arrangement (Section 233 of the Regulations) or LGA (Section 235 of the Regulations) tenders must be sought in accordance with the Local Government Regulation 2012.

4.5 The Development of Competitive Local Business and Industry

Council is committed to supporting and developing local business and industry Council has implemented the following list that provides guidance for Council team members when purchasing future goods, services and/or works.

- Encourage local suppliers to do business with FSC actively seek out and encourage them to submit a bid when they are qualified and meet the requirements; and
- Ensuring comparisons include freight costs to the delivery point; and
- Ensuring that purchases and projects are not structured to exclude local suppliers; and
- Avoid non-standard technical requirements that local suppliers are unable to meet; and
- Ensure local suppliers are given equal opportunities to respond and are treated without prejudice; and

COUNCIL POLICY

Procurement Policy

- Officers should utilise Council's local preference scoring matrix (*as per below*)
- Encourage businesses to register on 'Local-Buy' to help them streamline the tender process

The preference weighting to be applied as a guide to the quoted price is shown in the table below. These preference weightings can be applied to each procurement contract. These preference weightings can be applied by increasing the non-local supplier's price.

Table 1 – Local Preference Scoring Matrix

Contract Value	Local Preference Weighting/\$Amount	Maximum Cost
Up to \$200,000	10%	Capped at \$10,000
>\$200,000	10%	Council Resolution
Exceptional Cases	1.5%	

Quotes or tenders less than \$50,000 (ex GST)

All quotes or tenders less than \$50,000 (ex GST), will be sought from local businesses only. However, where there is reasonable justification that local businesses cannot supply, or are deemed not capable, or do not provide value for money, then non-local businesses will be invited to quote or tender.

Quotes or tenders greater than \$50,001 (ex GST)

All quotes or tenders greater than \$50,001 (ex GST) Council will undertake an evaluation. The first stage evaluates non-price and price criteria. The second stage considers Council's preference scoring.

Quotes or tenders greater than \$200,000 (ex GST) or more in a financial year or over the proposed term of the contractual arrangement. Procurements of this size are a large-sized contractual arrangement and should be undertaken using the default contracting procedures set out under Chapter 6 Part 3 Section 224 (3), 226 and 228 of the *Local Government Regulation 2012*.

Purchases expected to be \$200,000 or more	
≥ \$200,000*	Public tender required. Note: Subject to Exceptions under Section 229 to 235 of the Regulations.

For purchases of \$200,000 or more that do not involve a Preferred Supplier Arrangement (Section 233 of the Regulations) or LGA (Section 235 of the Regulations) tenders must be sought in accordance with the *Local Government Regulation 2012*.

Procurement may be undertaken by considering the sound contracting principles before making any decision and using any of the processes for exceptions for medium sized and large sized contracts as set out in the regulations identified in section 9. *Related Legislation*.

Wherever the lowest price is not selected the delegate must document the basis for the decision to go to a local supplier via the preference route.

In exceptional cases, where the procurement of a particular items results in **several separate annual contracts** the local preference weighting for *Exceptional Cases* is to be applied on each separate purchase.

Council seeks to encourage strong competition at a local level for supply of goods and services and to maintain an active local economy with consequent community benefit by applying a major/minor rule to local suppliers where the bulk of supply will be based on competitive price, reliability, quality, timeliness of supply and all other relevant criteria; and a minority will be based on encouraging suppliers to earn more Council orders with more competitive pricing in the future.



COUNCIL POLICY

Procurement Policy

ILLUSTRATION (COMPETATIVE PRICING)

Major Rule Supplier A – Highly competitive and is awarded most contracts.

Minor Rule Supplier B – Competitive to Highly competitive and is awarded some contracts.

SCENARIO

- Supplier A has received several contracts to the value of \$600,000 during the year
- Supplier B has received one contract to the value of \$60,000
- A new contract is being awarded
 - Supplier A submits a price of \$84,600
 - Supplier B submits a price of \$85,000
- All other criteria assessed as being equal
- The contract may be awarded to Supplier B to retain competitive local business.

Note: All assessments will be based on the information provided at the date the tender closes.

4.6 Environmental Protection

Council will advance the sustainable use of resources and aim to minimise adverse impacts on the environment and human health through its procurement activities.

Council endeavours to favour purchasing decisions that improve markets for environmentally preferred products, enhance environmental quality, are resource responsible and directly contribute to sustainability.

Council will purchase environmentally preferred products whenever their performance, quality and total acquisition cost is equal to or better than comparable products.

4.7 Ethical Behaviour and Fair Dealing

Team members must ensure that all procurement activities are carried out in a professional manner and comply with the Code of Conduct and in accordance with Council's Procurement policy and procedures, always ensuring the procurement processes are transparent so that suppliers are seen to be treated equally.

Only team members with the appropriate financial delegated authority can approve purchase orders, and only those with the appropriate contract delegated authority can make, vary or discharge contracts on behalf of Council. Officers involved in the procurement process avoid and/or declare, to their supervisor, any conflicts of interest or material personal interest, consistent with the Code of Conduct and the *Local Government Act 2009*.

Council's expectations in relation to our suppliers align to the Ethical Standards Mandate under the Queensland Procurement Policy.

5. USE OF A PUBLIC NOTICE FOR PROCUREMENTS BELOW THE THRESHOLD

Council may undertake a public tender where the value of goods, services or works **does not** reach the threshold sums. In these situations, it is important to manage the associated risks and ensure greater levels of transparency sections 226 and 228 do not preclude Council from conducting tenders under the threshold amounts.

6. SOLE SUPPLIER

There may be situations where there is a single supplier of goods or services who can carry out the work or supply materials or products. It is acknowledged that council has limited access in some instances to a competitive market, this will vary especially in the context of FSC's physical location.

To remain transparent council could consider advertising via a public notice for the goods or services which may result in the one supplier responding, hence Council is free to enter into a contract with that supplier (*ever mindful of its obligation to obtain value for money*).

7. EMERGENCIES

Because of an emergency Council may enter into a contract, the value of which reaches the threshold amounts, for provision of goods, services or works without first putting the contract to public tender if the council resolves that the contract must be entered into due to the emergency. The CEO has this delegated power for reasons of avoiding delays in responding to any emergency/s.

The Act does not define what constitutes an emergency therefore for the purposes of these guidelines the literal meaning of the term is applied '*an emergency should be taken to be a sudden or unexpected occurrence requiring immediate action*'.

8. RELATED LEGISLATION

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Public Sector Ethics Act 1994*
- *Crime and Corruption Act 2001*
- *Criminal Code Act 1899*

By Section

- *Quote or tender consideration plan (Section 230 of the Regulations)*
- *Approved Contractor List (Section 231 of the Regulations)*
- *Pre-Qualified Suppliers (Section 232 of the Regulations)*
- *Preferred Supplier Arrangements (Section 233 of the Regulations)*
- *LGA Arrangement (Section 234 of the Regulations)*
- *Other Exceptions (Section 229 to 235 of the Regulations)*
- *Procurement policy Section 198*
- *Tender process Sections 226 and 228 of the Regulations*
- *Competitive local business Section 104(3)(c) L.G. Act*

Associated Internal Documentation

- *Procurement Procedure*
- *Employee Code of Conduct*
- *Disciplinary Policy*
- *Fraud and Corruption Prevention Policy*
- *Corporate Plan*
- *Operational Plan*
- *Gifts and Benefits Policy*
- *Delegation Register*

9. REVIEW TRIGGER

This policy will be reviewed for its effectiveness and consistency in-line with relevant legislation, by the Director of Corporate & Financial Services and through Council resolution. Reviews of this policy will occur as required and by necessity, or annually in accordance with s198 of the Local Government Regulation 2012.

10. RESPONSIBILITY

This policy is to be:

- (1) implemented by Director of Corporate & Finance Services (DCFS); and
- (2) reviewed and amended in accordance with the "Review Triggers" by the Governance Officer in consultation with the DCFS.

11. APPROVAL

Adopted at the September Council Meeting - Resolution Number _____.

COUNCIL POLICY
Procurement Policy

APPENDIX 1 – Financial Delegations by Position (Including GST)

Position	Delegation (Including GST)
Chief Executive Officer	Unlimited
Director Corporate and Financial Services	\$220,000
Director of Engineering	\$220,000
Director Community Services and Wellbeing	\$220,000
Finance Manager	\$55,000
Senior Project Engineer	\$55,000
Senior Civil Works Coordinator	\$55,000
Senior Operational Works Coordinator	\$55,000
Community Care Coordinator	\$11,000
Senior Fleet Services Coordinator	\$11,000
Rural Lands Coordinator	\$11,000
Human Resources Manager	\$11,000
Road Maintenance Supervisor	\$11,000
Safety Systems Manager	\$11,000
Community Services Team Coordinator	\$11,000
Building Supervisor	\$5,500
Road Construction Supervisor 1	\$5,500
Road Construction Supervisor 2	\$5,500
Concrete Supervisor 2	\$5,500
Water & Sewerage Supervisor	\$2,200
Parks & Gardens Supervisor	\$2,200