



**I hereby give notice that an Ordinary Meeting of Council will be held on:**

**Date:** Wednesday, 19 July 2023  
**Time:** 9:00AM  
**Location:** Council Chamber  
Mission Road  
Gununa

# **BUSINESS PAPER**

## **Ordinary Council Meeting**

**19 July 2023**

**Gary Uhlmann**  
**Chief Executive Officer**

To empower our Community – Our people  
To feel solid and strong like the rock in Mundalbe  
To taste and hear the breaking waves of change  
To establish clean, safe, healthy lifestyles togetherness  
Pride and respect for each other in our culture, achievements and successes.  
To see and smell the compassion and peacefulness of our community

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**1 OPENING OF MEETING****2 ACKNOWLEDGEMENT OF COUNTRY**

I would like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Lardil people of Mornington Island and pay our respects to Elders past and present. We would also like to acknowledge the Kaiadilt, Yangkaal, Waanyi, Gangalidda and Garrawa people who share our homelands.

**3 PRESENT****4 LEAVE OF ABSENCE****5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF****6 CONDOLENCES AND MEMORIALS**

**7 CONFIRMATION OF MINUTES****7.1 CONFIRMATION OF MINUTES - COUNCIL MEETING - 14 JUNE 2023**

**Author:** Chief Executive Officer

**Attachments:** 1. Council Meeting Minutes - 14 June 2023

**OFFICER'S RECOMMENDATION**

That the Minutes of the Council held on Wednesday 14 June 2023 be received and the recommendations therein be adopted.

**MINUTES OF MORNINGTON SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MISSION ROAD, GUNUNA  
ON WEDNESDAY, 14 JUNE 2023 AT 9:00AM**

**1 OPENING OF MEETING**

The meeting was opened by Mayor Kyle Yanner at 9:03am.

**2 ACKNOWLEDGMENT OF COUNTRY**

I would like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Lardil people of Mornington Island and pay our respects to Elders past and present. We would also like to acknowledge the Kaiadilt, Yangkaal, Waanyi, Gangalidda and Garawa people who share our homelands.

**3 PRESENT**

Mayor Kyle Yanner, Deputy Mayor Cr David Barnes, Cr Roxanne Thomas, Cr Robert Thompson Gary Uhlmann, Skye Price, Brett de Chastel, Geoffrey Rewald, Daniel Dixon, and Rhianne Williams (via TEAMS minute taking)

**4 LEAVE OF ABSENCE****RESOLUTION 2023/81**

Moved: Cr Robert Thompson

Seconded: Cr Roxanne Thomas

That the apology received from Cr Dwayne Rogers be accepted and leave of absence granted.

**CARRIED 4/0**

**5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF**

Nil

**6 CONDOLENCES AND MEMORIALS**

A minute's silence was undertaken for the loved ones who have passed.

## 7 CONFIRMATION OF MINUTES

### 7.1 CONFIRMATION OF MINUTES - COUNCIL MEETING - 17 MAY 2023

#### RESOLUTION 2023/82

Moved: Cr Robert Thompson  
Seconded: Mayor Cr Kyle Yanner

That the Minutes of the Council held on Wednesday 17 May 2023 be received and the recommendations therein be adopted.

**CARRIED 4/0**

Deputy Mayor abstained.

## 8 DEPUTATIONS

National Indigenous Australians Agency (NIAA) presentation to Council on the upcoming vote for the 2023 Australian Indigenous Voice referendum.

At 9:47 am, Cr Robert Thompson left the meeting.

At 9:48 am, Cr Robert Thompson returned to the meeting.

At 9:49 am, Mayor Cr Kyle Yanner left the meeting.

At 9:54 am, Mayor Cr Kyle Yanner returned to the meeting.

At 9:56 am, Cr Roxanne Thomas left the meeting.

At 9:58 am, Cr Roxanne Thomas returned to the meeting.

## 9 ACTION SCHEDULE

#### RESOLUTION 2023/83

Moved: Deputy Mayor Cr David Barnes  
Seconded: Cr Robert Thompson

That Council receive and note the report and authorise the removal of the items recommended for removal and include the June items.

**CARRIED 4/0**

At 10:26 am, Mayor Cr Kyle Yanner left the meeting.

At 10:31 am, Mayor Cr Kyle Yanner returned to the meeting.



**RECEPTION & CONSIDERATION OF OFFICERS REPORTS****10 MAYOR AND COUNCILLORS REPORTS****10.1 MAYOR AND COUNCILLORS VERBAL REPORTS****RESOLUTION 2023/84**

Moved: Cr Roxanne Thomas

Seconded: Cr Robert Thompson

That Council receive and note Mayor and Councillors verbal reports.

**CARRIED 4/0**

**11 CHIEF EXECUTIVE OFFICER'S REPORTS****11.1 CHIEF EXECUTIVE OFFICER VERBAL REPORT****RESOLUTION 2023/85**

Moved: Cr Robert Thompson

Seconded: Cr Roxanne Thomas

That Council receive and note the Chief Executive Officer's verbal report and the Council's Governance Advisor presentation on good governance for June 2023.

**CARRIED 4/0**

Deputation – National Indigenous Australians Agency (NIAA) presentation to Council on the upcoming vote for the 2023 Australian Indigenous Voice referendum.

At 11:58 am, Cr Robert Thompson left the meeting.

At 11:59 am, Mayor Cr Kyle Yanner left the meeting.

At 12:02 pm, Mayor Cr Kyle Yanner returned to the meeting.

Deputation finished – 12:02pm

**12 STAFF REPORTS - WORKPLACE HEALTH AND SAFETY**

Nil

**13 STAFF REPORTS - GOVERNANCE AND COMMUNICATIONS**

Item 18.1 and 18.2 moved forward for Chief Financial Officer to present to Council.

**18.1 FINANCIAL REPORT****RESOLUTION 2023/86**

Moved: Deputy Mayor Cr David Barnes

Seconded: Cr Roxanne Thomas

That Council note and receive the Finance Department report for June 2023.

**CARRIED 3/0**

**18.2 WESTPAC CORPORATE CARDS****RESOLUTION 2023/87**

Moved: Cr Roxanne Thomas

Seconded: Deputy Mayor Cr David Barnes

That Council endorse Westpac Corporate Credit Cards for the following designated parties:

Gary Uhlmann

Mayor Kyle Yanner

Ian McCarthy

Skye Price

Geoffrey Rewald

Daniel Dixon

**CARRIED 3/0**

**13.1 SPECIAL HOLIDAYS 2024****RESOLUTION 2023/88**

Moved: Deputy Mayor Cr David Barnes

Seconded: Cr Roxanne Thomas

That Council;

1. Endorse proposed 2024 Special Holiday dates including Mount Isa Show Day, Friday 21 June 2024; Gununa Show Day, Friday 6 September 2024; and Memorial Day, Monday 25 November 2024 (in lieu of Sunday 24 November 2024); and send correspondence to the Office of Industrial Relations with proposed by no later than 3 July 2023.
2. That the prospect of a local show celebration be deferred for discussion with the incoming Council, during early 2024.

**CARRIED 3/0**

**14 STAFF REPORTS - TECHNICAL SERVICES**

Nil

**15 STAFF REPORTS - INFRASTRUCTURE SERVICES****15.1 TECHNICAL AND INFRASTRUCTURE SERVICES REPORT****RESOLUTION 2023/89**

Moved: Deputy Mayor Cr David Barnes

Seconded: Cr Roxanne Thomas

That Council note and receive the Technical and Infrastructure Services Department report for June 2023.

- Mayor, Councillors and CEO applaud roads team on efforts.

**CARRIED 3/0**

At 1:37 pm, Mayor Cr Kyle Yanner left the meeting.

At 1:41 pm, Mayor Cr Kyle Yanner returned to the meeting.

**16 STAFF REPORTS - HOUSING REPORT****16.1 HOUSING REPORT****RESOLUTION 2023/90**

Moved: Cr Roxanne Thomas

Seconded: Deputy Mayor Cr David Barnes

That Council:

1. note and accept this Report.; and
2. under Item 3.2, approve the site concept drawing for the new Single Men's Units on Lot 926 Lardil Street;
3. under Item 3.3.1, approve the Second Visitors Accommodation to be built on Lot 921 Mukakiya Street subject that the W4Q 2020-2021 grant funding of \$1,300,000.00 is approved to be transferred from 191 Cemetery Road new Council house and Tavern outdoor area including ablution upgrade; and
4. under Item 3.3.1, approve to reconfigure a lot development from 1 lot into 2 lots (i.e., rezoning and subdivision); of Lot 921 Mukakiya Street on SP270889; and
5. under Item 3.3.1, approve to submit a Material Change of Use development application and the establishment of the 'Workforce Accommodation' (Second VAC Project) of Lot 921 Mukakiya Street on SP270889; and
6. under Item 3.3.1, approve concept C-Finalised drawings for the new Second Visitors Accommodation.

**CARRIED 3/0**

**17 STAFF REPORTS - FACILITIES****17.1 FACILITIES REPORT****RESOLUTION 2023/91**

Moved: Deputy Mayor Cr David Barnes

Seconded: Cr Roxanne Thomas

That Council note and receive the Facilities Department report for June 2023.

**CARRIED 3/0**

**17.2 PROPOSED PERIMETER FENCE AT TRADITIONAL WELLBEING CENTRE****RESOLUTION 2023/92**

Moved: Cr Roxanne Thomas

Seconded: Deputy Mayor Cr David Barnes

That Council:

1. Note and accept the report related to perimeter fencing at the traditional Wellbeing Centre
2. Endorse installation of a new 2400 millimetre high fence around the boundaries of Lot 118 Lardil Street on SP270889 and Lot 117 Dijinkiya Street on SP270889; and
3. Endorse operational funds expenditure for purchase and installation of the new fence, if grant funding cannot be secured.

**CARRIED 3/0**

**18 STAFF REPORTS - FINANCIAL SERVICES**

Item - 18.1 Financial Report – addressed at another part in Council agenda.

**19 STAFF REPORTS - COMMUNITY DEVELOPMENT REPORT****19.1 NATIONAL SOCIAL HOUSING SURVEY****RESOLUTION 2023/93**

Moved: Deputy Mayor Cr David Barnes

Seconded: Cr Roxanne Thomas

That Council receive and note the report related to the National Social Housing Survey and endorse a Lonergran Research visit to Mornington Island the week commencing Monday 26 June 2023.

**CARRIED 3/0**

**19.2 COMMUNITY DEVELOPMENT REPORT****RESOLUTION 2023/94**

Moved: Cr Roxanne Thomas

Seconded: Deputy Mayor Cr David Barnes

That Council note and accept the Community Development report for June 2023.

**CARRIED 3/0**

**20 STAFF REPORTS - HUMAN RESOURCES**

Nil

**21 CONFIDENTIAL REPORTS**

Nil

**22 NEXT MEETING**

The next meeting will be held on 19 July 2023.

**23 CLOSURE**

Mayor Yanner closed the meeting at 2:00pm.

Gary Uhlmann  
Chief Executive Officer

Minutes Confirmed:

Mayor .....

Date: 14/06/2023

Gary Uhlmann  
Chief Executive Officer

**8 DEPUTATIONS**

10:00am Arilla Indigenous Consulting | Young Offender Support Services model  
Sam Wilde  
Michael Cedar  
Steve Holden

11:00am Office of Fair Trading | Liquor Gaming & Fair Trading  
Nawar Matti  
Chris McKenzie

**9 ACTION SCHEDULE****9.1 ACTION ITEMS AS AT 19 JULY 2023**

**Author:** Director of Corporate & Community Services

**Attachments:** 1 Action Schedule

**PURPOSE (EXECUTIVE SUMMARY)**

To provide Council with an updated version of the Mornington Shire Council's Action Schedule.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

At each ordinary meeting of Council, when resolutions are passed that require any action, those resolutions are included in Council's Action schedule for attention of the appropriate officer or elected member.

At each ordinary meeting of Council, the Action Schedule is tabled to outline those actions that have been taken in accordance with Council resolutions.

**FINANCIAL & RESOURCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That the Action Schedule as tabled be updated and that completed items be removed.





Action Sheets Report				Printed: Monday, 17 July 2023 5:15:40 PM	
Division: Committee: Officer:				Date From: Date To:	
TASK NAME	RESOLUTION NUMBER	RESOLUTION DATE	RESOLUTION	ASSIGNED TO	UPDATES
State Government Funding - \$2.35 million for community housing	<a href="#">2020/24</a>	22/01/2020	<p><b>RESOLUTION 2020/24</b></p> <p>Moved: Cr Jane Ah Kit Seconded: Cr Bob Thompson</p> <p>That provide advice and direction on:</p> <ol style="list-style-type: none"> <li>That Council act as principal contractor for the roll out of the \$2.35 million housing program,</li> <li>That Council nominate – construction of a new 3 bedroom dwelling at 152 Lardil Street, “shovel ready” works at proposed sub-division at lots 925 and 926 Lardil Street and “plug ins” as works to be carried out under the program,</li> <li>That Council provide estimates of funding breakdown for each of the 3 separate components of the \$2.35 million housing program as soon as details become available to the Department of Housing and Public Works (HPW),</li> <li>That Council nominate the following funding requirements for the program - 30% payment when signing the agreement, 60% payment when design and land have been finalised and 10% payment on completion,</li> <li>That Council endorse HPW to continue as the tenancy management body for Mornington Island, including the additional housing provided by this program.</li> </ol> <p><b>CARRIED 3/0</b></p>	Director of Housing and Facilities	<p><b>14 Sep 2022 11:33am Williams, Rhianne</b></p> <p>13 November 2020 - A meeting with the Technical Working Group (TWG) revealed that this project has not progressed as Council has elected to undertake the proposed works. Due to the significant change over in staff this had not been relayed to the new Council. The agreed works are made up of 3 projects; 1. New 3 bedroom house on 152 Lardil St – existing house to be demolished by DHPW, 2. Civil and infrastructure works on Lots 925 &amp; 926, 3. Provide plug ins for up to 10 properties – 8 currently proposed, Preparations will now begin to progress this project as a priority. 9 February 2021 - Council has now determined to provide 2 x 3 bedroom duplexes on Lot 152 Lardil St . Plugins to be used for the remaining funding. , Further works associated with Lots 925 &amp; 926 to be transferred to the next program of \$7.328M. , 21 April 2021 - ongoing, 18 May 2021 - Planning is now for 5 bedroom houses across the board, June - Discussed at Tech Working Group meeting, progressing with 5 bedroom concept with extra toilet., July - Update given at this meeting - 5 Bedroom duplex was approved. The plugins and duplex scheduled to begin next month., September - Letter sent to Minister and Director General approving long delays in approving design and seeking from the state government greater local autonomy. , Meetings held with State Directors between the Mayor, Housing Manager and Acting CEO. The 5 bedroom units can now be finalised November: Demolition of 152 Lardil including asbestos removal will be started in next month to allow for two 5 bed duplexes planned , December: Demolition of 152 Lardil scheduled to commence 10 January 2022</p> <p><b>16 Jun 2023 3:31pm Williams, Rhianne</b></p> <p>Council has approved a 2 x 5 bedroom duplex to be built at 152 Lardil Street and one 2 bedroom plug-in with bathroom and kitchen at 30 Lardil Street • Council through the Queensland Government Department of Housing has been engaged by QBuild to remove the existing Community house from 152 Lardil Street block so that a new community dwelling can be constructed on the block. • There is a Council resolution approving construction of 2 duplexes each containing 5 bedrooms per duplex at 152 Lardil Street and a new plug-in at 30 Lardil Street. • Council has selected a design drawing from a number of different design options for the 2 x 5 bedroom duplex. • Council's tender for design and construction has concluded. A contract has been finalised with a builder to construct the duplex and the one plug-in. • Construction should be complete by 31 December 2023. IN PROGRESS</p>
PRELIMINARY DISCUSSION ON ILUA FOR GRAC LAND	<a href="#">2021/07-32</a>	21/07/2021	<p><b>RESOLUTION 2021/07-32</b></p> <p>That Council authorise Acting CEO to commence investigation to establish a Indigenous Land Use Agreement ( ILUA) with Carpentaria Land Council Corporation (CLAC).</p> <p>Moved: Cr. Thompson Seconded: Cr. Barnes <b>Carried 3/0</b></p>	Chief Executive Officer	<p><b>09 Nov 2021 11:27am Mitchell, Elizabeth - Reallocation</b></p> <p>Action reassigned to Seiler, Adam by Mitchell, Elizabeth - Reassigned to CEO</p>
GUNANA SWIMMING POOL	<a href="#">2021/</a>	15/09/2021	<p><b>RESOLUTION 2021/56</b></p> <p>That Council seek formal support from Education Queensland for the land and long term undertaking for the operation and maintenance of the swimming pool and associated facilities.</p> <p>Further that Council provide a copy of the swimming pool proposal to the Government Champions seeking their support.</p> <p>Further that Council seek grant funding for the construction of the swimming pool complex, and on receipt of funding Council's consultants undertake stakeholder and</p>	Chief Executive Officer	<p><b>16 Jun 2023 3:34pm Williams, Rhianne</b></p> <p>A pool funding strategy is being considered. Water availability needs to be considered. An ocean pool and splash park are also potential options.</p>

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Division: Committee: Officer:			Date From: Date To:		
community consultation as part of the final design.  Moved: Cr Thompson Seconded: Mayor Yanner <b>CARRIED 5/0</b>					
Traffic Calming Request Wardirkan Street	<a href="#">2021/76</a>	20/10/2021	<b>RESOLUTION 2021/76</b>  Moved: Cr Dwayne Rogers Seconded: Cr Bob Thompson  That Council notes and receives this report, and;  that Council supports the installation of the traffic calming devices for Wardirkan Street Mornington Island from existing operational funding.  <b>CARRIED 4/0</b>	Executive Manager, Infrastructure and Technical Services	<b>09 Jun 2023 5:39pm Williams, Rhianne</b> Procurement of traffic calming materials competed and delivered to Island, stored at warehouse. Installation to be completed by June 30  <b>14 Jul 2023 4:43pm Williams, Rhianne</b> Delay on install due to incorrect fixings provided by supplier. Correct fixings are in transit to Island, expecting delivery in July for install completion first week of August.
Mornington Island Commercial Market Garden		24/03/2022	<b>RECOMMENDATION</b>  That Council receive and note the Report.	Chief Executive Officer	<b>19 Nov 2022 2:35pm Williams, Rhianne</b> Update re; Market Garden
Report on the Queensland Indigenous Waste Management Strategy - Situational Analysis identifying a Staged Implementation Strategy for Waste Management at the Gununa Waste Refuse	<a href="#">2022/67</a>	20/04/2022	<b>RESOLUTION 2022/67</b>  That Council include the attached Report for discussion with Minister Scanlon Minister for Environment and the Great Barrier Reef and Mornington Shire Government Champion, at the next Government Champions meeting in early May, 2022.  Moved: Cr Dwayne Rogers Seconded: Cr Roxanne Thomas <b>CARRIED 4/0</b>	Councillor	<b>09 Jun 2023 5:39pm Williams, Rhianne</b> Not entirely sure that this specific action took place, however, the MSC Waste Management Strategy and the Regional Waste Management plan are currently under review. MSC will amend their waste strategy to be more inline with specific requirements that are suited to the conditions. This also dovetails into the DES Circular Economy grant projects which are currently being undertaken.  <b>14 Jul 2023 4:42pm Williams, Rhianne</b> Waste Audit has been completed on Island. Audit report will inform the sizing and type of facilities that will be incorporated into Transfer Station Design. Transfer Station being fully supported by the DES Circular Economy Funding initiatives.
Indigenous Suicide Postvention Service		18/05/2022	<b>RESOLUTION 2022/90</b>  That the Mayor, on behalf of Council, invites both the StandBy and Thirilli Services to Mornington Island to meet with the community and further explain their services and to conduct any relevant training sessions.  Moved: Deputy Mayor David Barnes Seconded: Cr Dwayne Rogers  <b>CARRIED 4/0</b>	Chief Executive Officer	<b>03 Apr 2023 10:24am Williams, Rhianne</b> follow up with agency about community visit



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Street Sweeper	<a href="#">2022/116</a>	15/06/2022	<b>RESOLUTION 2022/116</b> Moved: Cr Dwayne Rogers Seconded: Cr Robert Thompson That Council approve the purchase of the Dust Water Tank in 2022/23 financial year and that Council's future budget allow for the purchase of a fully fledged sweeper vacuum truck at an estimated cost of \$300,000.00. <b>CARRIED 3/0</b>	Director of Engineering	<b>09 Jun 2023 5:40pm Williams, Rhianne</b> Council currently has a unit under hire, funded by the DRFA grant funds as part of the QRA roads program. However, Tech Services are actively working towards purchase of unit to maintain town roads and airport runway. <b>14 Jul 2023 4:42pm Williams, Rhianne</b> Council in negotiation with KOR equipment to purchase and transition hire unit on Island to MSC asset. Capex approval will be sought once purchase price agreed.
Long Term Community Plan	<a href="#">2022/111</a>	15/06/2022	<b>RESOLUTION 2022/111</b> Moved: Cr Robert Thompson Seconded: Cr Dwayne Rogers That Council accept the report and Council organise a workshop to discuss plan. <b>CARRIED 3/0</b>	Chief Executive Officer	<b>19 Nov 2022 3:08pm Williams, Rhianne</b> Long term community plan workshop update ?
Airport Rolling Door	<a href="#">2022/126</a>	20/07/2022	<b>RESOLUTION 2022/127</b> Moved: Cr Dwayne Rogers Seconded: Cr Robert Thompson Deputy Mayor David Barnes discussed a matter regarding the roller door in the Airport. It isn't functioning within the Rex office and requires new options/replacement. <b>RECOMMENDATION</b> That Council approve replacement door for Rex office. <b>CARRIED 4/0</b>	Deputy Mayor	<b>17 Aug 2022 8:21am Williams, Rhianne</b> That Council approve replacement door for Rex office. <b>09 Jun 2023 5:41pm Williams, Rhianne</b> Materials procured and on Island to make amendments to the roller door function – to be installed by end of July 2023
School Safe Zone	<a href="#">2022/127</a>	20/07/2022	<b>RESOLUTION 2022/128</b> Moved: Cr Dwayne Rogers Seconded: Cr Robert Thompson Deputy Mayor David Barnes requested School Safe Zone be added to the Action Schedule following the Deputy Mayor site inspection with Council's Group Manager of Infrastructure and School principle in this regard. <b>CARRIED 4/0</b>	Deputy Mayor	<b>09 Jun 2023 5:40pm Williams, Rhianne</b> Funding application was declined for the alternative slip way, to be placed on Marn Marn Katha St. However, extra traffic calming materials have been procured (see resolution 2021/76) which will be installed <b>14 Jul 2023 4:41pm Williams, Rhianne</b> See resolution 2021/76.
OpusXenta visit to Mornington Island to develop Cemetery Records and Establish Burial Register	<a href="#">2022/163</a>	21/09/2022	<b>RESOLUTION 2022/163</b> Moved: Deputy Mayor David Barnes Seconded: Cr Roxanne Thomas That Council receive and note the Report, and that Council hold a Community Day to gather further burial records from families for Council's Burial Register. <b>CARRIED 5/0</b>	Chief Executive Officer	<b>19 Nov 2022 3:14pm Williams, Rhianne</b> Action sheet update

Action Sheets Report			Printed: Monday, 17 July 2023 5:15:40 PM		
Division: Committee: Officer:			Date From: Date To:		
Waste Management Report - Councillor Rogers Report	<a href="#">2022/157</a>	21/09/2022	Councillor	<b>09 Jun 2023 5:42pm Williams, Rhianne</b> 1. Sewer ponds aerators are still intermittently functioning. DES have been advised of problematic issues. To be serviced ahead of wet season 2023/24. Funding being sought for permanent STP facility on island to eliminate environmental impact on the marine environment from raw sewerage discharge. This concept is supported by DES., 2. Minor rectification works under ICCIP funding completed – trash baskets, electrical upgrades and pump replacements. BoR R6 – Sewerage Pump Station upgrades – Tender documentation loaded on to Vendor panel Friday 2nd June, submissions close on 7th July for assessment., 3. Leachate system cleaned and maintained when contractor on island to carry out maintenance on the sewer system (April 2023). Leachate collection system operational. Discussion with DES for future funding to HDPE line the leachate collection dam to eliminate groundwater contamination., All items updated in monthly Council report <b>14 Jul 2023 4:40pm Williams, Rhianne</b> 1. Aerator servicing and pond maintenance has been completed in May/June 2023. Funding opportunities still being investigated for permanent STP facilities., 2. Tender assessment completed for the SPS upgrade program. Currently finalising project details with selected tenderer., 3. Closed.	
Market Garden Update	<a href="#">2022/200</a>	26/10/2022	Chief Executive Officer	<b>RESOLUTION 2022/200</b> Moved: Cr Robert Thompson Seconded: Cr Dwayne Rogers That Council note the report and confirm the actions of the Acting CEO in authorising the Stage 3 works as outlined in the "Farmacist" and University of Queensland on-site Commercial Market Garden Project a cost of \$13,920. Further, that Council nominate that the site adjacent to the Arts Centre as the preferred location for the Pilot Market Garden project proposal. <b>CARRIED 5/0</b>	
Building Our Regions (BOR) Grant – Replacement Of Sewerage Pump Stations	<a href="#">2022/199</a>	26/10/2022	Chief Executive Officer	<b>RESOLUTION 2022/199</b> Moved: Cr Dwayne Rogers Seconded: Cr Robert Thompson That Council receive and note the Report and thank the Minister for Regional Development and Manufacturing and Minister for Water for the \$1,975,000 grant to upgrade and refurbishment the existing sewer pump stations. <b>CARRIED 4/0</b>	

Action Sheets Report			Printed: Monday, 17 July 2023 5:15:40 PM		
Division: Committee: Officer:			Date From: Date To:		
Community Development Report - Storyboard	<a href="#">2022/235</a>	23/11/2022	<b>RESOLUTION 2022/235</b> Moved: Deputy Mayor Cr David Barnes Seconded: Mayor Cr Kyle Yanner That Council provide support for the purchase and installation of a Storyboard at the Old Village as set out in the report. <b>CARRIED 5/0</b>	Community Development Coordinator	<b>20 Jun 2023 2:16pm Williams, Rhianne</b> Steel signage has been fabricated and community stakeholders are finalising interpretation content including images and text. Civil works team is on standby to install signage at the Old Village when it is delivered to Mornington Island. IN PROGRESS
Temporary Library at the Rural Transaction Centre	<a href="#">2022/227</a>	23/11/2022	<b>RESOLUTION 2022/227</b> Moved: Cr Dwayne Rogers Seconded: Cr Roxanne Thomas That Council note and accept this Report; and await funding under the Local Roads Community Infrastructure Program the set-up of the Rural Transaction Centre for the Temporary Library. <b>CARRIED 5/0</b>	Director of Housing and Facilities	<b>20 Jun 2023 2:14pm Williams, Rhianne</b> This action has not proceeded. Significant stocks of furniture and other items are being stored in the two vacant office spaces at the Rural Transaction Centre.
Office of Independent Assessor Investigation		14/12/2022	<b>RECOMMENDATION</b> The following Councillors declared a conflict of interest: <ul style="list-style-type: none"> <li>□ Mayor Kyle Yanner due to subject of inappropriate conduct</li> <li>□ Cr Roxanne Thomas related person to Mayor Kyle Yanner</li> <li>□ Cr Robert Thompson being a Board Member of Junkuri Laka Wellesley Island Aboriginal Law Justice and Governance Corporation and interviewed as part of the Investigation.</li> <li>□ Cr Dwayne Rogers being a Board Member of Junkuri Laka Wellesley Island Aboriginal Law Justice and Governance Corporation.</li> </ul> <b>The matter could not be dealt with due to lack of quorum.</b>	Chief Executive Officer	
Aurecon Final Gununa Growth Options Study and Runway Realignment Study	<a href="#">2022/250</a>	14/12/2022	<b>RESOLUTION 2022/250</b> Moved: Deputy Mayor Cr David Barnes Seconded: Cr Dwayne Rogers That Council receive and note the Report and that a strategy be developed for representations to the Australian and Queensland State Government with the highest priority to address the urgent need for additional residential land is Gununa. <b>CARRIED 5/0</b>	Chief Executive Officer	<b>20 Jun 2023 2:13pm Williams, Rhianne</b> Preliminary report provided to CEO 2 May 2023. Documents to undertake final airport runway realignment review are with the Airport Compliance Manager. IN PROGRESS <b>14 Jul 2023 4:39pm Williams, Rhianne</b> Review still in progress.



Action Sheets Report			Printed: Monday, 17 July 2023 5:15:40 PM		
Division: Committee: Officer:			Date From: Date To:		
Changes to Kuba Natha Hostel Residential Aged Care Management Arrangements	<a href="#">2022/249</a>	14/12/2022	<b>RESOLUTION 2022/249</b>  Moved: Deputy Mayor Cr David Barnes Seconded: Cr Robert Thompson  That Council receive and note the Report, and further, that a meeting be arranged with the Service Delivery Division, Aging and Aged Care Group, Australian Department of Health and Aged Care in regard to the changes to Kuba Natha Residential aged Care Management Arrangements.  <b>CARRIED 5/0</b>	Chief Executive Officer	<b>20 Jun 2023 2:12pm Williams, Rhianne</b> Update from a meeting with the Service Delivery Division, Aging and Aged Care Group, Australian Department of Health and Aged Care in regard to the changes to Kuba Natha Residential aged Care Management Arrangements Status report to be provided for Council at July Ordinary Council meeting. IN PROGRESS
Mayor's Northern Territory Report	<a href="#">2023/41</a>	22/03/2023	<b>RESOLUTION 2023/41</b>  Moved: Cr Dwayne Rogers Seconded: Cr Roxanne Thomas  That Council approve and note Mayor's report.  Further that Council form partnership with Roper Gulf Council in a bid to: <ul style="list-style-type: none"> <li>┐ Lobby and visit other communities and other Mayors.</li> <li>┐ Focus on the lifting of prohibition / changes to the rules around prohibition in each LGA to suit their individual community's needs. We need to stop the band aid effects and forcing people out of their communities - keep them at home away from trouble and homelessness; and</li> </ul> And that Council CEO explore the Tiwi Islands Council, liquor licence drinking structure and ferry service model for Mornington Island. <b>CARRIED 5/0</b>	Mayor	<b>20 Jun 2023 2:10pm Williams, Rhianne</b> Tiwi Island Council liquor license drinking structure and ferry service model is yet to be provided for Mornington Shire Council. IN PROGRESS

**RECEPTION & CONSIDERATION OF OFFICERS REPORTS**

**10 MAYOR AND COUNCILLORS REPORTS**

Nil

**11 CHIEF EXECUTIVE OFFICER'S REPORTS****11.1 CHIEF EXECUTIVE OFFICER VERBAL REPORT**

**Author:** Chief Executive Officer

**Attachments:** Nil

**PURPOSE (EXECUTIVE SUMMARY)**

The purpose of this report is to provide the Council with an update for the month of June 2023.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION****FINANCIAL & RESOURCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council receive and note the Chief Executive Officer's verbal report for July 2023.



**11.2 TORRES CAPE INDIGENOUS COUNCIL ALLIANCE (TCICA) MEETING COMMUNIQUE - JULY 2023**

**Author:** Chief Executive Officer

**Attachments:** 1 Communique - July 2023

**PURPOSE (EXECUTIVE SUMMARY)**

The Torres Cape Indigenous Council Alliance (TCICA) met in Cairns during early July 2023. This report includes the communique released from the group, for Councillor awareness.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

The Torres Cape Indigenous Council Alliance met in Cairns on 4 and 5 July 2023 to discuss matters including opportunities to improve local government efficiency and performance, reforms to community-based employment programs, health system reform, local government remuneration, and to decide on several motions to be submitted to the upcoming Local Association of Queensland Annual Conference.

Specific topics during the two meeting included the TCICA 2023 – 2026 Strategic Plan; Indigenous Councils Sustainability Project; Remote Jobs Reform; TORCH Health Reforms; Local Government Remuneration; LGAQ Conference motions; general business related to regional shows; draft Far North Queensland Infrastructure Plan; Regional Planning Committee (Cape York Regional Plan); and RFDS Mental Health Services.

The next meeting of TCICA is scheduled for 6 and 7 September 2023, to be held in Cairns.

**FINANCIAL & RESOURCE IMPLICATIONS**

The 2023-24 Torres Cape Indigenous Council Alliance (TCICA) membership fee is \$11,000 (inclusive of GST).

**RECOMMENDATION**

That Council note and accept the Torres Cape Indigenous Council Alliance meeting Communique from July 2023.



## Meeting Communiqué – July 2023

The Torres Cape Indigenous Council Alliance met in Cairns on 4 and 5 July to discuss matters including opportunities to improve local government efficiency and performance, reforms to community-based employment programs, health system reform, local government remuneration, and to decide on several motions to be submitted to the upcoming Local Government Association of Queensland Annual Conference.

The meeting was the Alliance's third for 2023, with two more meetings remaining for the year.

### **TCICA 2023 -2026 Strategic Plan**

Members discussed the final draft Strategic Plan, with the final document to be circulated for endorsement.

### **Indigenous Councils Sustainability Project**

Representatives from PwC Indigenous Consulting presented to TCICA the themes emerging from discussions with leaders to understand the challenges facing Indigenous councils, with a focus on critical infrastructure and corporate services functions.

This DSDILGP-funded project is focussed on considering options to improve the long-term sustainability of Indigenous local governments by reviewing and identifying opportunities to improve how councils deliver, own, operate and maintain critical water and waste water infrastructure; and manage their corporate services functions, including finance, asset management, procurement, governance, and human resources.

The project builds on the work TCICA is doing with Queensland Treasury Corporation to understand business improvement opportunities, with TCICA identifying standardised processes and joint procurement as two opportunities for immediate focus. Far North Queensland Regional Organisation of Councils will be invited to TCICA's September meeting to discuss their pathway towards identifying joint procurement opportunities.

The PwC Indigenous Consulting team will continue individual Council consultations throughout July and commence validation sessions in mid to late August.

### **Remote Jobs reform**

Representatives from the National Indigenous Australians Agency updated TCICA on the progress of reforms to the Community Development Program (CDP). It is the Minister's preference that First Nations-led organisations participate in the program;

there is no obligation by the Government to continue with existing providers once current agreements expire on 31 October 2024.

Key principles of the reform are that programs must be community-led, they must meet community needs, provide real jobs, proper wages and conditions, and create pathways for individuals toward long term careers.

Members were encouraged to engage with their CDP providers to co-design placed-based models that will work best in their communities.

The 1000 Jobs Scheme is not impacted by CDP reforms and will continue to run in parallel with the reforms.

#### **TORCH Health Reforms**

Members discussed the TORCH health reforms and Statement of Intent with representatives from the Queensland Aboriginal and Islander Health Council, Queensland Health, and the Commonwealth's Department of Health. Leaders were encouraged to participate in the Summit planned for late August or early September, where it is intended that the State and Commonwealth Health Ministers formally sign the Statement of Intent, along with TCICA and other key stakeholders. The Statement of Intent is not a binding document, its purpose is to signal support for the intent of the project.

It was noted that not all Councils are endorsing the TORCH project at this stage, with Mayors seeking the opportunity for their full councils to consider the reforms. QAIHC will help support Councils with this process.

#### **Local Government Remuneration**

Mr Bob Abbot, Chair of the Local Government Remuneration Commission briefed Members on the Commission's Category Review, noting that 2015 was the year the categories were last changed. The Commission is focussed on developing a fit for purpose framework to guide future decision-making while ensuring categories are fair and equitable. The Commission understands the increased demands on Councils, which will be considered when determining categories and remuneration levels.

The proposed framework for categorisation is based on a primary criterion (council revenue) and four modifying criteria (population growth, population dispersion, Socio-Economic Indexes of Areas (SEIFA) and industry impacts).

Leaders discussed the additional responsibilities they have as Deed of Grant in Trust (DOGIT) Trustees and the increased burden on them. Councils should take the opportunity to participate in the review process to raise this issue and identify how much work is involved in managing DOGIT responsibilities. A consultation paper outlining the review process and proposed categorisation framework was sent to all Mayors and Councillors on Monday 3 July.

#### **LGAQ Conference Motions**

Leaders discussed potential motions to be put before the LGAQ Annual Conference in October. Several other motions were discussed during the recent Indigenous Leader's Forum, which individual councils have already agreed to submit.

New motions to be submitted include a motion calling for financial assistance for negotiating and reviewing Indigenous Land Use Agreements, to better support



councils and Traditional Owners negotiate fair agreements for land and materials for community infrastructure, a review of the Land Act and Aboriginal Land Act to help facilitate better outcomes, and an opportunity for a motion on allowing bylaws.

All motions must be submitted to LGAQ by 9 August. LGAQ provided advice to Councils on the process for motions development by email on 6 Jul.

### **General Business**

#### *Regional shows*

Members raised an opportunity to collaborate to attract regional shows. Most communities are not currently on the show circuit and whilst they may get a public holiday, they miss out on attending a show in their town. Mornington Shire Council has been approached by a show operator who is keen to explore opportunities with Councils. This will be discussed further during TCICA's next meeting in September.

#### *Planning Scheme Reviews*

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships has provided advice regarding the need for Councils to update their planning schemes over the next three years. The total cost of updating schemes is around \$19 million including the various studies needed to support the planning schemes. The funding is not currently within DSDATSIP's budget, so advocacy will be needed to ensure the funding is available to complete the reviews as they arise.

DSDATSIP will be invited to TCICA's September meeting to discuss this matter further.

#### *Draft Far North Queensland Infrastructure Plan*

Cape York and Cairns region members were reminded of the opportunity to review and input into the Draft Far North Queensland Infrastructure Plan, which was circulated by DSDILGP via email on 28 June.

#### *Regional Planning Committee (Cape York Regional Plan)*

Cape York members were reminded of the Regional Planning Committee meeting scheduled for 20 June. The two hour meeting was originally to be held in Cooktown however DSDILGP has now moved to Cairns, with members now able to participate either in person or via video conference.

#### *RFDS Mental Health Services*

Members discussed diminishing ability of RFDS to provide mental health services across the region due to a reduction in the value of funding over time. RFDS has not had an increase to its funding for this service since 2019 and can no longer provide the same level of service to communities. TCICA agreed to write to the State and Commonwealth Health Ministers to call for funding for valuable services such as mental health support to be indexed and passed on. Members also discussed the need for regional trauma response teams, with TCICA to also write on this matter.

#### *Next meeting*

The next meeting of TCICA is scheduled for 6 and 7 September, to be held in Cairns.

**12 FINANCIAL SERVICES****12.1 FINANCIAL REPORT**

**Author:** Chief Financial Officer

**Attachments:** 1 Statement of Financial Position and Balance Sheet

**PURPOSE (EXECUTIVE SUMMARY)**

To provide Council with a financial report as required under section 204 of the Local Government Regulation 2012.

The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year.

This report provides the following attachments as supporting information for June 2023:

- Balance sheet
- Statement of financial position

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

The income and expenditure statement show a trading SURPLUS for the year of \$2,585,145 after deducting depreciation of \$5,903,599.

However, due to the state of the financial records, this will vary as we review all the transactions that have occurred and not been recorded during the 2023 financial year. We have undertaken a full review of Grant Funding and Commercial Leases which should improve this result as we acquit grants against expenditure and raise income from leases that have not been invoiced.

The financial records are now being examined to ensure correct allocations

Q Build invoicing has been a high priority and will continue into the next few months to clear the backlog of jobs completed.

Last week 39 old (180-523 days) invoices were raised for work completed totalling \$96k. We still have 77 invoices that are over 180 days which we are trying to resolve.

Matters of concern have included:

- Commercial leases have not been invoiced
- Rates and Charges on Commercial properties have not been invoiced.
- Acquittal of grants not properly recorded.
- Customers have not been invoiced
- Debtors have not been followed up in a timely basis to ensure recovery
- Creditor invoices have not been entered into the financial records in a timely basis.

We are now raising a Administration fee on all grants of 15% to cover Council's administration and management costs.

The rectification of the financial records has been a involved process and has covered every aspect of Council's operations.

The valuation of Councils Assets was completed 2 weeks ago and we have received a draft valuation of our roads, fencing, bridges, airport, sewerage and water supply.

We expect the draft valuation of our buildings to be available in the next 4 weeks. This is the first valuation of Council's assets since 2017

Financial analysis has revealed a number of critical issues:

1. Grant management
2. Cashflow management
3. Invoicing
4. Debt recovery
5. Project Management
6. Budget
7. Proper reporting to Council
8. Vehicle and equipment replacement strategy
9. Commercial Lease Management
10. Stock Control

### **FINANCIAL & RESOURCE IMPLICATIONS**

Council programming and business as usual activities have been occurring within grant funded and nominal budgetary guidelines.

### **RECOMMENDATION**

That Council note and receive the Finance Department report for July 2023.

MORNINGTON ISLAND SHIRE COUNCIL  
JUNE 2023 COUNCIL MEETING

**ABRIDGED BALANCE SHEET**

**Assets**

Cash at Bank	8,410,557
QTC	4,284,260
Debtors	4,035,104
Avdata	159,436
	<u>16,889,357</u>

**Notes**

Restricted Funds \$3.4m  
Restricted Funds \$2.6m  
I would estimate that \$1.5m is not recoverable (see note below)  
Doubtful debts of \$14k

**Liabilities**

Creditors	1,779,366
Retentions	57,731
GST	-432,330
PAYG	1,572,947
Employee Entitlements	441,973
	<u>3,419,687</u>

Includes \$480k builder's claim on Civic Centre  
Q Build  
Will be resolved as BAS's are settled  
As above  
Annual leave and LSL

Top 10 Debtors	Total	Over 90 days	Notes
1 Australian Indigenous Security	545,547	325,553	Negotiations underway to settle the amount
2 Q Build	475,374	114,569	Slowly processing all old jobs to be invoiced
3 H C Construction	434,036	143,840	Dispute over a previous contract
4 Gununamanda	351,451	323,328	All trade on 7 days payment
5 BYNOE	288,246	284,171	Dispute over lease charges
6 Gidgee	178,940	7,246	Current charges for Age care and VAC
7 Department of Enviroment	107,662	0	Part of Grant payment on Garbage truck
8 N & J Building	100,991	100,991	Charges from a prior contract
9 Gulf Regional Aboriginal Corporation	92,084	92,804	Have queried the charges
10 SBSM Investments	83,409	83,409	Tracking down, acted as consultants on QRA work
<b>Total</b>	<b><u>\$2,657,740</u></b>	<b><u>\$1,475,911</u></b>	

**Creditors**

1 Ergon	\$275,818	We have written to Ergon and requested a 50% write off of the invoice Payment of remaining 50% to be over 12 months Auditors have agreed to take the majority of these costs up in the 2022 financials.
2 Australian Indigenous Security Service	\$365,000	Invoices incurred prior to June 2022 and not entered into Xero These will be taken up in the 2022 financial statements.

MORNINGTON ISLAND SHIRE COUNCIL  
JUNE 2023 COUNCIL MEETING

Statement of Financial Position		YTD End of Month Reporting - June 2023		
	Actual \$	Budget \$	Variance \$	Comments
<b>Revenue</b>				
<b>Recurrent Revenue</b>				
Fees & Charges	3,523,642	3,241,011	282,631	Fees coorectly charge
Sales Revenue - Building Construction	3,155,886	10,114,440	-6,958,554	Budget was overestimated based on capacity and accommodation
Sales Revenue - Enterprises	2,258,462	3,391,319	-1,132,857	Invoicing of services provided by Council being addressed
Accommodation	1,954,444	2,861,404	-906,960	Invoices now being reveiwed weekly
Grants, Subsidies, Contributions & Donations	7,875,124	5,935,161	1,939,963	FAGS paid 100% in advance
<b>Total Recurrent Revenue</b>	<b>18,767,558</b>	<b>25,543,335</b>		
<b>Capital Revenue</b>				
Capital, Grants, Subsidies, Contributions & Donations	7,022,261	10,875,996	-3,853,735	Over estimated in budget
Capital Income	0	0	0	
<b>Total Capital Revenue</b>	<b>7,022,261</b>	<b>10,875,996</b>		
Rental income	409,330	1,033,094	-623,764	A full review of all commercial leases is being undertaken .
Interest received	206,076	40,885	165,191	Due to Grants not acquitted and a higher interest rate.
Airport Landing & Passenger fees	483,638	445,000	38,638	The airport landing and passenger charges have never been properly recorded in the financial records of the Council.
Other income	0	15,628	-15,628	
	<u>1,099,044</u>	<u>1,534,607</u>		
<b>Total Revenue</b>	<b><u>26,888,863</u></b>	<b><u>37,953,938</u></b>		
<b>Expenses</b>				
<b>Recurrent Expenses</b>				
Employee Benefits	8,197,198	9,420,560	-1,223,362	As a result of positions unfilled
Materials & Services	10,202,921	13,020,949	-2,818,028	Contract services and grants not completed or acquitted.
<b>Total Recurrent Expenses</b>	<b>18,400,119</b>	<b>22,441,509</b>		
Capital expenses	689	0	689	
<b>Total Expenses</b>	<b>18,748,016</b>	<b>22,441,509</b>		
<b>Net Operating Surplus/ (Deficit) Before Depreciation</b>	<b>8,488,744</b>	<b>15,512,429</b>		
<b>Less: Non Cash Expenditure</b>				
Depreciation	5,903,599	5,952,347		
<b>Net Operating Surplus/ (Deficit)</b>	<b><u>\$2,585,145</u></b>	<b><u>\$9,560,082</u></b>		
			<b>Depreciation</b>	
			Buildings	1,149,684
			Sewerage	251,680
			Roads	3,002,635
			Water	484,898
			Plant & Vehicles	337,040
			Other	591,545
			Furniture & Equipment.	86,117
				<u>5,903,599</u>



**12.2 CONSTRUCTION OF PUBLIC LIBRARY****Author:** Chief Financial Officer**Attachments:** Nil**PURPOSE (EXECUTIVE SUMMARY)**

The purpose of this report is to provide Council with an update of the construction of a new library.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

Original grant funding for construction of a new library from the Queensland Government Department of Local Government, Racing and Multicultural Affairs was \$5,317,692, awarded in August 2019. Due to a delay in starting this project, the Department requires the project to be completed by 31 December 2023.

Engagement of HC Building and Construction will enable the deadline to be upheld. Alternatively, if Council needs to wait until HC Building and Construction finalise the Administration Centre project, there will be insufficient time to engage another builder to complete library construction works by the designated Queensland Government deadline.

**FINANCIAL & RESOURCE IMPLICATIONS**

<b>CIVIC CENTRE AND LIBRARY</b>		
<b>Reconciliation of Expected Costs</b>		
<b>Expenditure to date</b>	2,190,982.17	
<b>Claim 8</b>	298,749.27	
<b>Variation (glass panels &amp; kitchen)</b>	106,119.28	
<b>Balance to be claimed</b>	1,343,047.43	
<b>Professional fees</b>	25,000.00	
<b>Less Concrete Blocks</b>	-12,000.00	To be confirmed
	3,951,898.15	
<b>Library</b>	1,598,214.95	
<b>Estimated Variations</b>	25,000.00	
	1,623,214.95	
<b>Total Cost</b>	5,575,113.10	

<b>Grant Available</b>	5,317,692.00	
<b>Interest Earned</b>	68,536.40	
<b>Total Funds</b>	5,386,228.40	
<b>Shortfall</b>	\$188,884.70	
In the original proposal Council was to contribute \$500,000 towards the construction of the buildings		

This shortfall and the fit out of the buildings have been factored into the 2024 budget.

### RECOMMENDATION

That Council endorse construction of the public library (Indigenous Knowledge Centre) for the agreed cost of \$1,598,214.95; and that H.C. Building and Construction Pty Ltd be awarded the contract for works, with a completion date of 15 December 2023.

**13 GOVERNANCE AND COMMUNICATIONS****13.1 APPOINTMENT OF DEPUTY MAYOR FROM JULY 2023**

**Author:** Director of Corporate & Community Services

**Attachments:** Nil

**PURPOSE (EXECUTIVE SUMMARY)**

The intention of this report is to enable Council to formally acknowledge Councillor David Barnes' contributions as Deputy Mayor; recognise Councillor Barnes' recent resignation from the Deputy Mayor role; declare the office of Deputy Mayor vacant; and facilitate a formal process for a new Deputy Mayor appointment.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

Councillor David Barnes provided written advice of his resignation from the office of Deputy Mayor, Friday 30 June 2023, effective immediately.

As such, Council has an obligation to declare the office of Deputy Mayor vacant and appoint a new Deputy Mayor.

Without any subsequent resignation or declaration of the office of Deputy Mayor being declared vacant, the appointment should continue until the next quadrennial Local Government election, in March 2024.

**Ballot process**

Councillors can nominate themselves, or each other. If a Councillor nominates another, that other Councillor will need to accept the nomination. There is no requirement for any nomination to be seconded by another Councillor.

If there are multiple Councillors nominating for the position of Deputy Mayor at the meeting, a ballot process will be undertaken to determine the preferred candidate. The process for the ballot will be that Councillors will be asked to vote for their preferred candidate for the position of Deputy Mayor. This can be undertaken by way of open voting, or secret ballot. It is recommended that open ballot occur. As required by the *Local Government Act 2009*, a resolution to appoint the Deputy Mayor will be determined by a show of hands.

**FINANCIAL & RESOURCE IMPLICATIONS**

The Deputy Mayor's endorsed remuneration from 1 July 2023 is \$66,231. There are no additional financial or resource impacts from appointment of a Deputy Mayor.

**RECOMMENDATION**

That Council:

1. Thank and acknowledge Councillor David Barnes for his efforts and contributions undertaking the role of Deputy Mayor.
2. That, in accordance with section 165(3) of the *Local Government Act 2009*, the office of Deputy Mayor be declared vacant.
3. That, in accordance with section 165(5) of the *Local Government Act 2009*, Councillor [xx] be appointed as Deputy Mayor from 19 July 2023.

**13.2 SUSTAINABILITY FRAMEWORK FOR LOCAL GOVERNMENT**

**Author:** Director of Corporate & Community Services

**Attachments:** 1 Letter from Director-General re; Local Government Sustainability Framework  
2 ENCLOSURE - Sustainability Framework Financial Management (Sustainability) Guideline 2023 version 1 FINAL

**PURPOSE (EXECUTIVE SUMMARY)**

This report provides Council with information regarding a new Local Government Sustainability Framework commencing on 1 July 2023. The framework applies to all Councils across Queensland. Previously, all Councils were required to report annually on three (3) sustainability indicators, but the new framework has expanded that to 9 different sustainability indicators.

While the new rules apply from 1 July 2023, in practice, they are only required to be formally reported on from the time of 2023/24 annual reporting (including the financial statements), as well as the 2024/25 budget process. Nevertheless, there is an opportunity for our Council to develop these indicators during the next twelve months. It will be useful to monitor our performance, particularly against several of the indicators that are very relevant to our Council's circumstances and context.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION***Previous sustainability indicators*

All Councils in Queensland currently need to report on three existing sustainability indicators. This reporting is required as part of the annual budget process; and as a part of the annual financial statements (which are reported in the annual report). The three current indicators include:

1. Operating surplus – is the Council's bottom line positive or negative? This current measure includes depreciation.
2. Debt servicing ratio – is the Council able to manage its debt (not applicable to those Councils without debt including our Council)
3. Asset sustainability ratio – is the Council spending sufficient funds on replacing and maintaining its existing assets.

*Proposed new sustainability indicators*

After two years of research and consultation, the state government has released a new suite of sustainability indicators. There are obviously challenges in creating sustainable indicators that are equally applicable for all 77 councils in Queensland ranging from large urban councils to remote and indigenous Councils.

The new sustainability indicator framework now has nine financial measures. These are set out in the extract from the guidelines below.

It is important to note that not all these measures will be applicable to our Council. For example, indicator number 9 will not apply as our Council does not have debt. Further, some of the indicators are not within a Council's control but are simply used for context. Indicator number 2 relating to population growth is an example of that.

There is a lot of detail in the sustainability framework guideline but the key financial measure issues for our Council are set out in the accompanying table.

#	Type	Measure	Rationale
1	Financial Capacity	Council Controlled Revenue Ratio <sup>^</sup>	Capacity to generate revenue internally
2	Financial Capacity	Population Growth Ratio <sup>**^</sup>	Population growth/decline pressures on council
3	Operating Performance	Operating Surplus Ratio	Holistic overview of council operating performance
4	Operating Performance	Operating Cash Ratio	Cash operating performance (less depreciation and other non-cash items)
5	Liquidity	Unrestricted Cash Expense Cover Ratio	Unconstrained liquidity available to council
6	Asset Management	Asset Sustainability Ratio	Capital renewals program performance
7	Asset Management	Asset Consumption Ratio	Extent to which assets are being consumed
8	Asset Management	Asset Renewal Funding Ratio <sup>**^</sup>	Asset replacement program performance
9	Debt Servicing Capacity	Leverage Ratio	Ability to repay existing debt

### *Key issues for our Council*

The key issues for our Council include:

- the State government intends to use these financial indicators to monitor individual Council performance.
- the State government also intends to undertake benchmarking comparing different categories of Council. For the purpose of this sustainability framework, our Council has been grouped with the other indigenous councils (called Tier 8 in the guidelines) for future benchmarking purposes.
- Indicator Number 1 (Council controlled revenue ratio) is simply a contextual measure that identifies how much control a Council has over its revenue sources. For our Council, we are heavily dependent upon external grants with limited capacity to raise our own revenue. It has limited application to our Council.
- Indicator Number 2 (population growth rate) is another contextual measure and is more relevant to major urban councils. The State government will provide these population estimates each year as part of its population forecasting service. It has limited application to our Council.
- Indicator Number 3 (operating surplus ratio) is similar to the existing reporting requirement. It identifies whether the Council is operating at a surplus or deficit. This includes accounting for depreciation.
- Indicator Number 4 (operating cash ratio) is a new sustainability indicator which has good application to our Council. It excludes depreciation from the calculation and effectively determines whether or not the Council is operating with a surplus or deficit on a cash basis rather than an accrual accounting method. This will be a very good ratio for our Council to monitor and is a more realistic measure for indigenous councils than indicator number 3.

- Indicator Number 5 (unrestricted cash expense cover ratio). This measure will tell us how many months of (unrestricted) cash we have had on hand to pay our bills. It is measured on a monthly basis – for example, a Council may have enough cash in the bank to pay all of their bills for the next 6 months even if no additional revenue was received. A Council of our size will be required to have a minimum of 4 months of unrestricted cash reserves.
- Indicator Number 6 (asset sustainability ratio) is similar to the existing reporting requirement. It identifies whether a Council is allocating enough expenditure to maintain its existing assets. It effectively requires Council to spend at least 90% of their depreciation expense on asset renewal.
- Indicator Number 7 (asset consumption ratio) is a new requirement linked to asset management. It effectively measures the age of Council assets to determine the rate at which existing assets are being consumed. For example, if a Council asset has a life of 20 years but is already 10 years old, then the asset consumption ratio is 50%. This needs to be applied across all of Council asset classes and the target range is more than 60%.
- Indicator Number 8 (asset renewal funding ratio) is a new requirement also linked to asset management. However, it is important to note that this does not commence until 2027/28 for indigenous councils. It indicates whether or not a Council is following its asset management plans over the forecast 10 year period.
- Indicator number 9 (leverage ratio). This ratio only relates to those councils who have debt, so it does not apply to our Council.

Overall, the new sustainability framework is an improvement on the existing arrangements. For our Council, we could begin reporting to Council on a quarterly basis the following three indicators: -

- operating surplus ratio (the current ratio which includes depreciation)
- operating cash ratio (better reflecting the importance of cash flow monitoring for our Council)
- unrestricted cash expense cover ratio (monitoring whether we have enough unrestricted cash in the bank to cover our expenses going forward).

These three indicators will give the Council a better handle on our financial sustainability and reporting this to Council on a quarterly basis will assist in monitoring financial issues.

From the end of this financial year, we will need to add additional indicators that focus on asset management – the asset sustainability ratio and the asset consumption ratio. All of the new indicators must be reported on in the 2023/24 annual report and for the 2024/25 budget.

It should be noted that an addition to the financial type indicators as outlined above, the State government is also looking to monitor a range of non-financial indicators when examining the sustainability of a Council. These include: -

1. Council meetings – are meetings being held that follow due process, are minutes accurate, are conflicts of interest being managed appropriately etc?
2. Workforce Management – is there stability at the CEO and executive team level?
3. Complaints Management/media attention – are there a significant number of complaints being made about Council that are upheld (e.g. Office of the Independent Assessor) or is there adverse media regarding Council conduct?
4. Key documents – does the Council have in place key documents such as corporate and operational plans, budgets, asset management plans etc?

5. Audit functions – does the Council have an internal audit function or does the Council have significant audit deficiencies identified by the Queensland Audit Office?
6. Grant funding delivery – is the Council managing its grants within required timeframes and reporting accordingly?

### **FINANCIAL & RESOURCE IMPLICATIONS**

There are no direct financial implications for our Council per se but there will be significant work involved in establishing new reporting arrangements. For the 2023/24 financial year, it is suggested that we phase in reporting so that indicators relating to cash flow which are particularly relevant to our Council are reported on a quarterly basis. This will include information about Council's unrestricted cash reserves which is critical to our financial sustainability.

### **RECOMMENDATION**

That Council:

1. Note the introduction of a new suite of sustainability indicators for local government in Queensland which will apply, from a timing perspective, from the 2023/24 annual report and the 2024/25 budget; and
2. Request staff to begin to include, on a quarterly basis, additional information as a part of Council reports which contains information about operating surplus ratio, operating cash ratio; and unrestricted cash expense cover.





Department of  
State Development, Infrastructure,  
Local Government and Planning

Our ref: MBN23/524

30 June 2023

Mr Gary Uhlmann  
Chief Executive Officer  
Mornington Shire Council  
ceo@mornington.qld.gov.au

Dear Mr Uhlmann

I am writing to provide an update about the establishment of a new Local Government Sustainability Framework (LGSF) for Queensland councils.

As you are aware, the new LGSF will establish a holistic approach to monitoring council sustainability that considers five key areas – operating environment, finances, asset management, governance, and compliance.

The new LGSF will formally commence on 1 July 2023 with the establishment of the *Financial Management (Sustainability) Guideline* (Statutory Guideline), which will prescribe nine ratios to monitor council financial and asset management performance.

I am pleased to advise that the process amending the Local Government Regulation 2012 and the City of Brisbane Regulation 2012 to refer to the new Statutory Guideline is now complete. A copy of the Statutory Guideline is available on the Department of State Development, Infrastructure, Local Government and Planning's (the department) website. Also available on the website is a range of supporting information about the LGSF, including frequently asked questions.

Additionally, to support the new Statutory Guideline, the Queensland Audit Office (QAO) recommended that the department develop and own a risk framework that helps the department, councils and other stakeholders understand the sustainability risk of councils. I am pleased to advise that the department has completed the development of the risk framework.

The department's approach to developing the risk framework is founded on the following key principles:

- Sustainability is more than financial - financial sustainability risks need to be considered holistically in combination with other key elements of council sustainability.
- Sustainability is a long-term objective - achieving sustainability takes time and concerted effort and there will be times when councils may experience sustainability pressures that affect short-term results.

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- Not all sustainability risks are created equal – some of the measures are of higher importance from a risk perspective relative to others and councils which do not meet the targets for these measures have a higher level of financial sustainability risk.
- It is important to compare councils on a 'like with like' basis – Queensland's local government sector is diverse, and councils have differing financial and non-financial circumstances and challenges.
- Incentivise positive behaviors and avoid perverse outcomes - the department is seeking to establish a sustainability reporting framework which encourages council leaders to understand the drivers of long-term sustainability and pursue positive outcomes.

A copy of the risk framework is also available on the department's website.

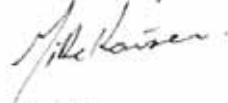
It is important to note that the financial measures are just one part of the new LGSF with the framework taking a holistic approach, covering the financial and non-financial elements influencing sustainability.

There will be no public reporting on the non-financial elements of the framework, including governance and compliance. This is business as usual for councils. However, considering all these elements will help us to better understand and respond to council sustainability challenges.

Additionally, please note that Ms. Nikki Boyd MP, Assistant Minister for Local Government, has written to your council's Mayor advising them of the finalised guideline for the new financial measures of the framework and the new risk framework.

I have asked Mr Stephen Robbins, Executive Director (Finance, Performance and Programs), in Local Government Division of the department to assist you with any further queries. You may wish to contact Mr Robbins on telephone 0436 840 013 or by email at [stephen.robbs@dsdilgp.qld.gov.au](mailto:stephen.robbs@dsdilgp.qld.gov.au).

Yours sincerely



Mike Kaiser  
**Director-General**

Enc (4)

cc Mr Ian McCarthy  
Chief Finance Officer  
Mornington Shire Council  
[ian.mccarthy@mornington.qld.gov.au](mailto:ian.mccarthy@mornington.qld.gov.au)

# Financial Management (Sustainability) Guideline

Guideline 2023 version 1



Department of State Development, Infrastructure, Local Government and Planning

The Department of State Development, Infrastructure, Local Government and Planning connects industries, businesses, communities, and government (at all levels) to leverage regions' strengths to generate sustainable and enduring economic growth that supports well-planned, inclusive and resilient communities.

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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

Copies of this publication are available on our website at [www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au) and further copies are available upon request.

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Financial Management (Sustainability) Guideline

Department of State Development, Infrastructure, Local Government and Planning

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## The Guideline

This Financial Management (Sustainability) Guideline (the Guideline) has been developed following consultation with local governments and other stakeholders on the *Local Government Sustainability Framework discussion paper*.

The Guideline supersedes the Financial Management (Sustainability) Guideline 2013 and is to be used in the calculation of the relevant financial sustainability measures specified in the Local Government Regulation 2012 and the City of Brisbane Regulation 2012.

Local governments are required to calculate and publish the relevant financial sustainability measures on both a council and consolidated basis (where applicable).

This Guideline takes effect from the 2023-24 annual statutory financial reporting period and the 2024-25 financial year budget process as illustrated below and will continue until superseded.



## Updates from 2013 Guideline

As it has been ten years since the previous Guideline was released, the Department has undertaken a significant review of its sustainability monitoring and reporting framework, including consultation with key stakeholders and the local government sector. The Department has considered this feedback in conjunction with analysis undertaken by key stakeholders in the development of the new Guideline.

Key changes in the 2023 Guideline include:

- » Grouping of similar councils for sustainability monitoring and reporting purposes to better reflect the varied drivers and circumstances of the sector.
- » Removal of the Net Financial Liabilities Ratio due to consistent feedback about its limited usefulness to stakeholders, especially for councils with no debt.
- » Expanding the number of relevant financial sustainability measures from three to nine to include additional measures of financial capacity, operating performance, liquidity, asset management, and debt servicing capacity. Three ratios will be for contextual purposes only.
- » Revision of targets for each measure based on each council's allocated grouping, including a small number of contextual measures with no targets that are not required to be audited each year.

This Guideline has been developed in consultation with councils and key stakeholders.

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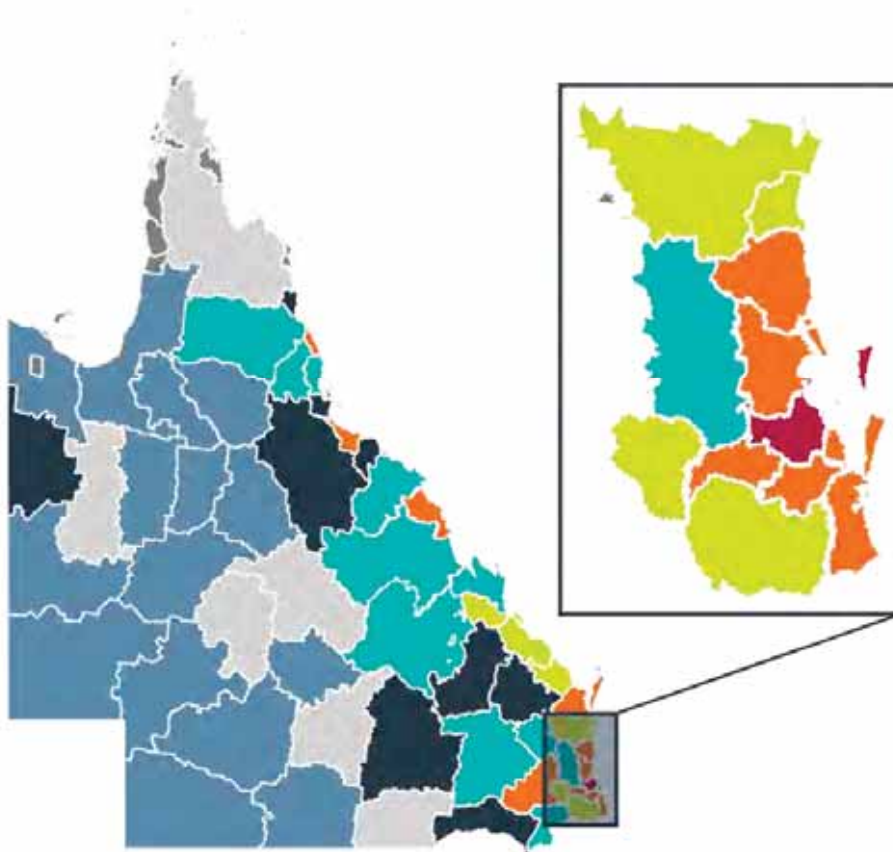
## Sustainability Groupings

Queensland has one of the most diverse local government sectors in Australia, covering a large geographic area. Across the State, individual councils face a unique set of financial, service delivery and community need circumstances and are impacted by a wide range of social and economic drivers.

In recognition of this diversity, the Department has allocated each council to a category for sustainability reporting and monitoring purposes. These categories are based on the remoteness of the local government area as reported by the Australian Bureau of Statistics, and population, with a separate category for Indigenous councils in recognition of their unique legislative and financial circumstances. Grouping councils allows for the establishment of fit-for-purpose targets for each monitoring measure.

The Department recognises that council populations fluctuate from year to year and change over time which may result in a movement across Tiers. For this reason, the allocation of councils to Tiers will be reviewed as part of updates to the Guideline every three years, with councils remaining in their assigned tier between Guideline updates. The Department will advise councils and publish on its website any changes to Tiers at that time of the next Guideline update in 2026.

The summary of sustainability reporting groups is set out in **Table 1**, and a more detailed list of which local governments are contained within each Tier is in **Appendix A**.



Financial Management (Sustainability) Guideline

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Department of State Development, Infrastructure, Local Government and Planning

**Table 1:** Sustainability reporting groupings of councils

Tier	Remoteness Area Factor	Population Band <sup>2</sup>	No. of Councils	
1	Major Cities	1,000,000+	1	
2	Major Cities Inner Regional Outer Regional	100,000-999,999	11	
3	Major Cities Inner Regional	40,000-99,999	7	
4	Inner Regional Outer Regional	20,000-39,999	11	
5	Outer Regional Remote	10,000-19,999	9	
6	Remote Very Remote	2,000-9,999	7	
7	Very Remote	0-1,999	15	
8	Indigenous	<10,000	16	

<sup>1</sup> Remoteness Area Factor classified as more than 50% of the LGA's population residing in that area.

<sup>2</sup> Population figures as per the Australian Bureau of Statistics most recent estimates.

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## Sustainability Measures

The following are the financial sustainability measures for the Queensland local government sector, to be calculated and published by every council as part of their annual statutory financial reporting process. Depending on the individual council's circumstances, they will be required to report a minimum of eight and maximum of nine ratios.

#	Type	Measure	Rationale
1	Financial Capacity	Council Controlled Revenue Ratio <sup>^</sup>	Capacity to generate revenue internally
2	Financial Capacity	Population Growth Ratio <sup>*^</sup>	Population growth/decline pressures on council
3	Operating Performance	Operating Surplus Ratio	Holistic overview of council operating performance
4	Operating Performance	Operating Cash Ratio	Cash operating performance (less depreciation and other non-cash items)
5	Liquidity	Unrestricted Cash Expense Cover Ratio	Unconstrained liquidity available to council
6	Asset Management	Asset Sustainability Ratio	Capital renewals program performance
7	Asset Management	Asset Consumption Ratio	Extent to which assets are being consumed
8	Asset Management	Asset Renewal Funding Ratio <sup>**^</sup>	Asset replacement program performance
9	Debt Servicing Capacity	Leverage Ratio	Ability to repay existing debt

<sup>\*</sup>Data source - ABS category number 3235.0 (Population by Age and Sex, Regions of Australia) This ratio is calculated for the previous financial year i.e., FY2022-23 will report FY21-22 population growth. The Department will advise the councils of the figures to use for this ratio.

<sup>\*\*</sup>The transition periods for the Asset Renewal Ratio for council groupings can be found in the Asset Renewal Funding Ratio section.

<sup>^</sup> The Council-Controlled Revenue Ratio, Population Growth Ratio, and Asset Renewal Funding Ratio are contextual measures, which are published but not audited.

To normalise the impacts of one-off events, all ratios with the exception of the unrestricted cash expense cover ratio and the asset renewal funding ratio are reported on a rolling five-year average basis, as well as a single-year result. This will provide more context about the long-term trend of these ratios.

The Queensland Audit Office (QAO) will audit measures 3, 4, 5, 6, 7, and 9 (for those councils which report it, explained below), regardless of their grouping. These measures highlight the core council financial sustainability areas of operating performance, liquidity, asset management and debt servicing capacity.

Councils with Queensland Treasury Corporation (QTC) debt or other loans as at the reporting date are required to report on measure 9 (the Leverage Ratio), which is also audited by the QAO as noted above.

- Councils that repay the entirety of their debt balances within the current reporting period are also not required to report this measure for that financial year however will still need to calculate and publish the five-year average.
- Councils which have held no QTC debt or other loans during the preceding five financial years are not required to report this measure.

Measures 1, 2, and 8 are contextual measures to be reported by all councils regardless of their grouping and will be used for contextual purposes only. These measures will provide further information about a council's financial capacity and asset management, however, are not required to be audited.



## Department of State Development, Infrastructure, Local Government and Planning

The Asset Renewal Funding Ratio (ARFR) will be implemented over a phased transition period to recognise the differing circumstances and capacities of councils with their asset management. Tier 1 and 2 councils will be expected to report the ARFR from the 2023-24 financial year, while Tier 3 to 8 councils will gradually transition to reporting this measure over time (see ARFR section below outlines transition timeframes).

During the transition period, the department will work with councils to improve their asset management capability to enable them to report on this ratio in time.






**Appendices B and C** contains suggested reporting formats for councils to use when publishing their current- and long-term financial sustainability statements. Councils may also report any additional measures they feel provide additional information to stakeholders about their financial sustainability.

More information about each individual measure, including its calculation, interpretation, and target bands for each respective sustainability grouping, can be found on the following pages.



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## 1. Council Controlled Revenue Ratio

<b>Type</b> 	Financial Capacity
<b>Overview</b> 	Council-controlled revenue is an indicator of a council's financial flexibility, ability to influence its operating income, and capacity to respond to unexpected financial shocks.
<b>Interpretation</b> 	<p>A higher council-controlled revenue ratio indicates a stronger ability to generate operating revenue without relying on external sources. Councils with a high ratio generally have a healthy rate base and are better able to respond to unexpected financial obligations such as natural disaster recovery.</p> <p>A lower council-controlled revenue ratio indicates that a council has limited capacity to influence its operating revenue and that it is more reliant on external (and usually less reliable) sources of income such as operational grant funding, sales and recoverable works contracts, and rental income.</p>
<b>Calculation</b> 	$\frac{\text{Net Rates, Levies and Charges add Fees and Charges}}{\text{Total Operating Revenue}}$ <p>See <b>Definitions</b> below for more information about the inputs for this measure.</p>
<b>Targets</b> 	As council-controlled revenue is a contextual measure, there are no targets specified for this ratio.
<b>Reporting</b> 	<p>This measure is required to be calculated and published by all councils.</p> <p>This measure is to be reported as both a <b>single-year result</b> and a <b>five-year average result</b>.</p> <p>To support the user's interpretation of the council's result for this measure councils are required to provide a narrative identifying key drivers and contributing factors (that may or may not be beyond a council's control).</p> <p>See <b>Appendices B and C</b> for example reporting formats.</p>



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## 2. Population Growth Ratio

<b>Type</b> 	Financial Capacity
<b>Overview</b> 	Population growth is a key driver of a council's operating income, service needs, and infrastructure requirements into the future.
<b>Interpretation</b> 	<p>A growing council population indicates a greater capacity to generate its own source revenue through rates as well as statutory charges. Population growth also puts additional pressure on councils to invest in new community infrastructure to support service needs.</p> <p>Conversely, a council with a shrinking population base will have increasingly limited opportunities to generate operating revenue through its rateable property base, and over time will need to adjust its capital and operating spending decisions to reflect the reducing utilisation of its infrastructure and community assets.</p>
<b>Calculation</b> 	$\frac{\text{Prior year estimated population}}{\text{Previous year estimated population}} - 1$ <p>The Department will publish population figures for councils to determine this ratio. See <b>Definitions</b> below for more information about the inputs for this measure.</p>
<b>Targets</b> 	As population growth is a contextual measure, there are no targets specified for this measure.
<b>Reporting</b> 	<p>This measure is required to be calculated and published by all councils.</p> <p>This measure is to be reported as both a <b>single-year result</b> and a <b>five-year average result</b>.</p> <p>To support the user's interpretation of the council's result for this measure councils are required to provide a narrative identifying key drivers and contributing factors (that may or may not be beyond a council's control).</p> <p>See <b>Appendices B and C</b> for example reporting formats.</p>

Department of State Development, Infrastructure, Local Government and Planning

### 3. Operating Surplus Ratio

Type	Operating Performance																				
Overview	<p>The operating surplus ratio is an indicator of the extent to which operating revenues generated cover operational expenses. Any operating surplus would be available for capital funding or other purposes.</p>																				
Interpretation	<p>An operating surplus ratio above 0% is an indication that council is managing its finances within its existing funding envelope and generating surplus funds for capital funding or other purposes.</p> <p>An operating surplus ratio below 0% is an indication that a council's operating expenses exceed its revenue. An operating deficit in any one year is not a cause for concern if, over the long term, a council achieves a balanced operating result or small surplus. Operating deficits over the long term affect a council's ability to internally fund its capital requirements and other initiatives as and when they fall due, potentially requiring external funding support.</p>																				
Calculation	<div><div>Operating Result</div><div>Total Operating Revenue</div></div> <p>See <b>Definitions</b> below for more information about the inputs for this measure.</p>																				
Targets	<p>The target bands for this measure for each local government group apply only to the <b>five-year average result</b>, and are as follows:</p> <table><thead><tr><th>Group</th><th>Target Band</th><th>Group</th><th>Target Band</th></tr></thead><tbody><tr><td>Tier 1</td><td>Greater than 0%</td><td>Tier 5</td><td>Greater than -2%</td></tr><tr><td>Tier 2</td><td>Greater than 0%</td><td>Tier 6</td><td>Contextual</td></tr><tr><td>Tier 3</td><td>Greater than 0%</td><td>Tier 7</td><td>Contextual</td></tr><tr><td>Tier 4</td><td>Greater than 0%</td><td>Tier 8</td><td>Contextual</td></tr></tbody></table>	Group	Target Band	Group	Target Band	Tier 1	Greater than 0%	Tier 5	Greater than -2%	Tier 2	Greater than 0%	Tier 6	Contextual	Tier 3	Greater than 0%	Tier 7	Contextual	Tier 4	Greater than 0%	Tier 8	Contextual
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Department of State Development, Infrastructure, Local Government and Planning

## 4. Operating Cash Ratio

Type	Operating Performance																				
Overview	<p>The operating cash ratio is a measure of a council's ability to cover its core operational expenses and generate a cash surplus excluding depreciation, amortisation, and finance costs.</p>																				
Interpretation	<p>A positive operating cash ratio indicates that a council is generating surplus cash from its core operations, which suggests that council has the ability to self-fund its capital expenditure requirements.</p> <p>A negative operating cash ratio is a significant indicator of financial sustainability challenges and potential future liquidity issues as, all other things being equal, a negative result means that a council's cash position is declining and revenues are not offsetting the cost of core operational requirements.</p>																				
Calculation	<div><div>Operating Result add Depreciation and Amortisation add Finance Costs</div><div>Total Operating Revenue</div></div> <p>See Definitions below for more information about the inputs for this measure.</p>																				
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Department of State Development, Infrastructure, Local Government and Planning

## 5. Unrestricted Cash Expense Cover Ratio

Type	Liquidity																				
Overview	<p>The unrestricted cash expense cover ratio is an indicator of the unconstrained liquidity available to a council to meet ongoing and emergent financial demands, which is a key component to solvency. It represents the number of months a council can continue operating based on current monthly expenses.</p>																				
Interpretation	<p>A higher unrestricted cash expense cover ratio indicates that a council has sufficient free cash available to contribute to the cost of future planned and unplanned expenditures such as infrastructure investment or disaster recovery. An excessively high ratio may be indicative of cash hoarding, poor cash management, or large upcoming capital investment requirements.</p> <p>A low ratio suggests limited unconstrained liquidity available to council to use for capital investment or in an emergency. For councils with efficient cash management practices and strong borrowing capacity, this is not a concern. Where a council also has a negative operating cash ratio, a very low or negative unrestricted cash expense cover ratio is an indicator of potential solvency concerns.</p>																				
Calculation	$\frac{(\text{Total Cash and Equivalents} + \text{Current Investments} + \text{Available Ongoing QTC Working Capital Facility Limit} - \text{Externally Restricted Cash})}{(\text{Total Operating Expenditure} - \text{Depreciation and Amortisation} - \text{Finance Costs})} \times 12$ <p>See <b>Definitions</b> below for more information about the inputs for this measure.</p>																				
Targets	<p>The target bands for this measure for each local government group apply only to the <b>single year result</b>, and are as follows:</p> <table><thead><tr><th>Group</th><th>Target Band</th><th>Group</th><th>Target Band</th></tr></thead><tbody><tr><td>Tier 1</td><td>Greater than 2 months</td><td>Tier 5</td><td>Greater than 4 months</td></tr><tr><td>Tier 2</td><td>Greater than 2 months</td><td>Tier 6</td><td>Greater than 4 months</td></tr><tr><td>Tier 3</td><td>Greater than 3 months</td><td>Tier 7</td><td>Greater than 4 months</td></tr><tr><td>Tier 4</td><td>Greater than 4 months</td><td>Tier 8</td><td>Greater than 4 months</td></tr></tbody></table>	Group	Target Band	Group	Target Band	Tier 1	Greater than 2 months	Tier 5	Greater than 4 months	Tier 2	Greater than 2 months	Tier 6	Greater than 4 months	Tier 3	Greater than 3 months	Tier 7	Greater than 4 months	Tier 4	Greater than 4 months	Tier 8	Greater than 4 months
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Reporting	<p>This measure is required to be calculated and published by all councils.</p> <p>This measure is to be reported as a <b>single-year result only</b>.</p> <p>To support the user's interpretation of the council's result for this measure, councils are required to provide a narrative identifying key drivers and contributing factors (that may or may not be beyond a council's control).</p> <p>See <b>Appendices B and C</b> for example reporting formats.</p>																				



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## 6. Asset Sustainability Ratio

Type	Asset Management																				
Overview	<p>The asset sustainability ratio approximates the extent to which the infrastructure assets (see <b>Definitions</b>) managed by a council are being replaced as they reach the end of their useful lives.</p> <p>An asset sustainability ratio close to 100% suggests that a council is spending enough on the renewal of its assets to compensate for the deterioration in its asset base as loosely proxied by its reported depreciation, with outcomes too far below this level being potentially indicative of underspending against capital replacement requirements.</p>																				
Interpretation	<p>However, as this measure uses depreciation in lieu of more rigorous asset planning data, it does not account for councils with large investments in new capital assets such as those with strongly growing population bases. In these instances, a lower asset sustainability ratio is not of concern provided a council is meeting the capital needs of its current and future community.</p>																				
Calculation	$\frac{\text{Capital Expenditure on Replacement of Infrastructure Assets (Renewals)}}{\text{Depreciation Expenditure on Infrastructure Assets}}$ <p>See <b>Definitions</b> below for more information about the inputs for this measure.</p>																				
Targets	<p>The target bands for this measure for each local government group apply only to the <b>five-year average result</b>, and are as follows:</p> <table><thead><tr><th>Group</th><th>Target Band</th><th>Group</th><th>Target Band</th></tr></thead><tbody><tr><td>Tier 1</td><td>Greater than 50%</td><td>Tier 5</td><td>Greater than 90%</td></tr><tr><td>Tier 2</td><td>Greater than 60%</td><td>Tier 6</td><td>Greater than 90%</td></tr><tr><td>Tier 3</td><td>Greater than 80%</td><td>Tier 7</td><td>Greater than 90%</td></tr><tr><td>Tier 4</td><td>Greater than 80%</td><td>Tier 8</td><td>Greater than 90%</td></tr></tbody></table>	Group	Target Band	Group	Target Band	Tier 1	Greater than 50%	Tier 5	Greater than 90%	Tier 2	Greater than 60%	Tier 6	Greater than 90%	Tier 3	Greater than 80%	Tier 7	Greater than 90%	Tier 4	Greater than 80%	Tier 8	Greater than 90%
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## 7. Asset Consumption Ratio

Type	Asset Management																				
Overview	<p>The asset consumption ratio approximates the extent to which council's infrastructure assets (see <b>Definitions</b>) have been consumed compared to what it would cost to build a new asset with the same benefit to the community.</p>																				
Interpretation	<p>The minimum target of 60% indicates that a council's assets are being broadly consumed in line with their estimated useful lives.</p> <p>Councils with lower than target ratio will need to invest more in those assets (in terms of replacement or maintenance) to ensure they are maintained at a standard that will meet the needs of their communities. On the other hand, if the ratio is much higher than the target ratio, councils may need to revisit their asset management plans to assess their current service levels or whether their estimates of the assets' useful lives are appropriate.</p>																				
Calculation	$\frac{\text{Written Down Replacement Cost of Depreciable Infrastructure Assets}}{\text{Current Replacement Cost of Depreciable Infrastructure Assets}}$ <p>See <b>Definitions</b> below for more information about the inputs for this measure.</p>																				
Targets	<p>The target bands for this measure for each local government group apply only to the <b>five-year average result</b>, and are as follows:</p> <table><thead><tr><th>Group</th><th>Target Band</th><th>Group</th><th>Target Band</th></tr></thead><tbody><tr><td>Tier 1</td><td>Greater than 60%</td><td>Tier 5</td><td>Greater than 60%</td></tr><tr><td>Tier 2</td><td>Greater than 60%</td><td>Tier 6</td><td>Greater than 60%</td></tr><tr><td>Tier 3</td><td>Greater than 60%</td><td>Tier 7</td><td>Greater than 60%</td></tr><tr><td>Tier 4</td><td>Greater than 60%</td><td>Tier 8</td><td>Greater than 60%</td></tr></tbody></table>	Group	Target Band	Group	Target Band	Tier 1	Greater than 60%	Tier 5	Greater than 60%	Tier 2	Greater than 60%	Tier 6	Greater than 60%	Tier 3	Greater than 60%	Tier 7	Greater than 60%	Tier 4	Greater than 60%	Tier 8	Greater than 60%
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## 8. Asset Renewal Funding Ratio

Type	Asset Management																				
Overview	The asset renewal funding ratio measures the ability of a council to fund its projected infrastructure asset renewal/replacements in the future.																				
Interpretation	<p>Ideally, the asset renewal funding ratio should be as close to 100% as possible, as this indicates that a council is appropriately funding and delivering the entirety of its required capital program as outlined by its asset management plans.</p> <p>A ratio that is too far in excess of 100% indicates capital spending above and beyond what is proposed by a council's asset management plans. A ratio that is too far below 100% may indicate an underfunded capital program and therefore a potentially increasing infrastructure backlog and asset failures. Either scenario suggests a mismatch between a council's capital requirements and forecast capital program, whether due to poor planning and/or limited resources or skills to deliver the assets required by the community.</p>																				
Calculation	$\frac{\text{Total of Planned Capital Expenditure on Infrastructure Asset Renewals over 10 years}}{\text{Total of Required Capital Expenditure on Infrastructure Asset Renewals over 10 years}}$ <p>See <b>Definitions</b> below for more information about the inputs for this measure.</p>																				
Targets	As the asset renewal ratio is a contextual measure, there are no targets specified for this ratio.																				
Reporting	<p>This measure is required to be calculated and published by all councils on a <b>single-year basis</b>. The transition period for this measure for each local government group are as follows:</p> <table><thead><tr><th>Group</th><th>Transition Timeframe</th><th>Group</th><th>Transition Timeframe</th></tr></thead><tbody><tr><td>Tier 1</td><td>Commencing 2023-24</td><td>Tier 5</td><td>Commencing 2026-27</td></tr><tr><td>Tier 2</td><td>Commencing 2023-24</td><td>Tier 6</td><td>Commencing 2026-27</td></tr><tr><td>Tier 3</td><td>Commencing 2024-25</td><td>Tier 7</td><td>Commencing 2027-28</td></tr><tr><td>Tier 4</td><td>Commencing 2025-26</td><td>Tier 8</td><td>Commencing 2027-28</td></tr></tbody></table> <p>To support the user's interpretation of the council's result for this measure councils are required to provide a narrative identifying key drivers and contributing factors (that may or may not be beyond a council's control).</p> <p>See <b>Appendices B and C</b> for example reporting formats.</p>	Group	Transition Timeframe	Group	Transition Timeframe	Tier 1	Commencing 2023-24	Tier 5	Commencing 2026-27	Tier 2	Commencing 2023-24	Tier 6	Commencing 2026-27	Tier 3	Commencing 2024-25	Tier 7	Commencing 2027-28	Tier 4	Commencing 2025-26	Tier 8	Commencing 2027-28
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## 9. Leverage Ratio

Type		Debt Servicing Capacity																				
Overview		<p>The leverage ratio is an indicator of a council's ability to repay its existing debt. It measures the relative size of the council's debt to its operating performance.</p>																				
Interpretation		<p>A higher leverage ratio indicates an increasingly limited capacity to support additional borrowings due to already high debt levels and/or decreasing operational performance, while a lower ratio indicates the opposite.</p> <p><b>Note:</b> Council borrowings are assessed and approved through a separate process coordinated jointly by the Department and QTC, which takes multiple factors and metrics into consideration.</p> <p>A lower leverage ratio is not itself a guarantee that further debt will be approved for a council, while councils with higher leverage ratios are not necessarily precluded from having additional borrowings approved due to other mitigating circumstances.</p>																				
Calculation		<div><div>Book Value of Debt</div><div><div>Total Operating Revenue less Total Operating Expenditure add Depreciation and Amortisation</div></div></div> <p>See <b>Definitions</b> below for more information about the inputs for this measure.</p>																				
Targets		<p>The target bands for this measure for each local government group apply to the <b>five-year average result</b>, and are as follows:</p> <table><thead><tr><th>Group</th><th>Target Band</th><th>Group</th><th>Target Band</th></tr></thead><tbody><tr><td>Tier 1</td><td>0 – 5 times</td><td>Tier 5</td><td>0 – 3 times</td></tr><tr><td>Tier 2</td><td>0 – 4 times</td><td>Tier 6</td><td>0 – 3 times</td></tr><tr><td>Tier 3</td><td>0 – 3 times</td><td>Tier 7</td><td>0 – 3 times</td></tr><tr><td>Tier 4</td><td>0 – 3 times</td><td>Tier 8</td><td>0 – 3 times</td></tr></tbody></table>	Group	Target Band	Group	Target Band	Tier 1	0 – 5 times	Tier 5	0 – 3 times	Tier 2	0 – 4 times	Tier 6	0 – 3 times	Tier 3	0 – 3 times	Tier 7	0 – 3 times	Tier 4	0 – 3 times	Tier 8	0 – 3 times
Group	Target Band	Group	Target Band																			
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Tier 3	0 – 3 times	Tier 7	0 – 3 times																			
Tier 4	0 – 3 times	Tier 8	0 – 3 times																			
Reporting		<p>This measure is required to be calculated and published by all councils with debt as of <b>30 June</b> of the reporting year. It is not required for councils that have no debt at that date. Councils that repay the entirety of their debt within the reporting period are also not required to report this measure for the financial year however will still need to calculate and publish the five-year average result. Councils which have held no QTC debt or other loans during the preceding five financial years are not required to report this measure.</p> <p>This measure is to be reported as both a <b>single-year result</b> and a <b>five-year average result</b>.</p>																				

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To support the user's interpretation of the council's result for this measure councils are required to provide a narrative identifying key drivers and contributing factors (that may or may not be beyond a council's control).  
See Appendices B and C for example reporting formats.



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## Definitions

All inputs for each measure should be taken directly from the council's audited general purpose financial statements and associated notes. A summary of measure inputs and their associated definitions can be found in the table below.

Term	Definition
Available Ongoing QTC Working Capital Facility Limit	The unused balance of an approved ongoing QTC Working Capital Facility (WCF) as at the reporting date. For example, if the total limit of WCF is \$10 million and the council has drawn down \$2 million, the available limit is \$8 million.
Book Value of Debt	The book value of the council's debt (QTC or other loans) as at the reporting date (i.e., 30 June).
Capital Expenditure on Replacement of Infrastructure Assets (Renewals)	Expenditure on an existing infrastructure asset to return the service potential or the life of the asset up to that it had originally.
Current Investments	An investment that has a maturity of 12 months or less (such as term deposits or other interest-earning investment/deposits), or an investment that council intends to convert into cash within 12 months from the time the investment was made.
Current Replacement Cost	The amount of money required to replace an existing asset with an equally valued or similar asset at the current market price.
Depreciation and Amortisation	The systematic allocation of the depreciable amount (gross value less estimated residual value) of an asset over its useful life. Depreciation should be calculated in accordance with the Australian Accounting Standards on infrastructure assets.
Externally Restricted Cash	A local government's cash that is subject to restrictions or conditions by a third party which govern the use of these funds for general purposes. This does not include internal reserves of a council which can be accessed by a council resolution.
Fees and Charges	All statutory fees and charges levied by a local government including charges for services provided by local governments, such as building application, development, town planning and property connection fees, licences, permits and parking fees, infringements, refuse fees, and other adhoc fees and charges.
Finance Costs	Finance costs only includes interest charged on a local government's existing QTC's debt balances and any other council loans. Any other items included in this line item of your financial statements should be excluded.
Infrastructure Assets	Those significant, long-life assets that provide ratepayers with access to social and economic facilities and services. Examples include water and sewerage treatment plants, roads, bridges, drainage, buildings, airports, and other community assets (does not include right of use assets).
Net Rates, Levies and Charges	Rates, levies and annual charges levied by a local government less discounts and concessions.
Operating Result	Total operating revenue less total operating expenditure.

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Planned Capital Expenditure on Infrastructure Asset Renewals	The total of all capital expenditures on infrastructure renewals in the forecast period included in the 10-year financial model.
Previous Year Estimated Population	The estimated population for the year previous to Prior Years Estimated Population (see below) for a local government area.
Prior Year Estimated Population	The prior year's estimated population (relative to the reporting date) for a local government area i.e., for FY2022-23 this will be the FY2021-22 population figure.
Required Capital Expenditure on Infrastructure Asset Renewals	The total of all required capital expenditures on infrastructure renewals in the forecast period as indicated in the asset management plans or asset forecasts.
Total Cash and Equivalents	A local government's cash and cash equivalents which are short-term or are at call in nature. Council should refer to Australian Accounting Standards 107 for guidance on what should be included in cash and cash equivalents.
Total Operating Expenditure	All council expenses minus capital items such as: <ul style="list-style-type: none"> <li>» losses on disposal of assets, and</li> <li>» impairment losses</li> <li>» depreciation on right of use assets</li> <li>» interest on finance leases associated with right of use assets</li> <li>» other capital expenditure items as identified by the council</li> </ul>
Total Operating Revenue	All council income minus capital items such as: <ul style="list-style-type: none"> <li>» capital grants, subsidies, contributions, and donations</li> <li>» gains on disposal of assets</li> <li>» other capital revenue items as identified by the council</li> </ul>
Written Down Replacement Cost	An asset's current replacement cost less accumulated depreciation.



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## Appendix A: Sustainability Groupings of Councils

### Tier 1

Brisbane City Council

### Tier 2

Cairns Regional Council

Ipswich City Council

Moreton Bay Regional Council

Toowoomba Regional Council

Fraser Coast Regional Council

Logan City Council

Redland City Council

Townsville City Council

Gold Coast City Council

Mackay Regional Council

Sunshine Coast Regional Council

### Tier 3

Bundaberg Regional Council

Gympie Regional Council

Noosa Shire Council

Scenic Rim Regional Council

Gladstone Regional Council

Lockyer Valley Regional Council

Rockhampton Regional Council

### Tier 4

Cassowary Coast Regional Council

Livingstone Shire Council

South Burnett Regional Council

Western Downs Regional Council

Central Highlands Regional Council

Mareeba Shire Council

Southern Downs Regional Council

Whitsunday Regional Council

Isaac Regional Council

Somerset Regional Council

Tablelands Regional Council

### Tier 5

Banana Shire Council

Douglas Shire Council

Hinchinbrook Shire Council

Mount Isa City Council

Burdekin Shire Council

Goondiwindi Regional Council

Maranoa Regional Council

North Burnett Regional Council

Charters Towers Regional Council



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#### Tier 6

Balonne Shire Council	Cloncurry Shire Council	Longreach Regional Council	Torres Shire Council
Barcaldine Regional Council	Cook Shire Council	Murweh Shire Council	

#### Tier 7

Barcoo Shire Council	Burke Shire Council	Etheridge Shire Council	Quilpie Shire Council
Blackall-Tambo Regional Council	Carpentaria Shire Council	Flinders Shire Council	Richmond Shire Council
Boulia Shire Council	Croydon Shire Council	McKinlay Shire Council	Winton Shire Council
Bulloo Shire Council	Diamantina Shire Council	Paroo Shire Council	

#### Tier 8

Aurukun Shire Council	Kowanyama Aboriginal Shire Council	Napranum Aboriginal Shire Council	Torres Strait Island Regional Council
Cherbourg Aboriginal Shire Council	Lockhart River Aboriginal Shire Council	Northern Peninsula Area Regional Council	Woorabinda Aboriginal Shire Council
Doomadgee Aboriginal Shire Council	Mapoon Aboriginal Shire Council	Palm Island Aboriginal Shire Council	Wujal Wujal Aboriginal Shire Council
Hope Vale Aboriginal Shire Council	Mornington Shire Council	Porpuraaw Aboriginal Shire Council	Yarrabah Aboriginal Shire Council

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## Appendix B: Example Current-Year Sustainability Statement Format

Type	Measure	Target (Tier X)	Actual Current Year	5-Year Average	Actual Current Year	5-Year Average	Council Narrative
			Council	Consolidated			
Financial Capacity	Council-Controlled Revenue*	N/A	XX.X%	XX.X%	XX.X%	XX.X%	
	Population Growth*	N/A	X.X%	X.X%	X.X%	X.X%	
Operating Performance	Operating Surplus Ratio	Greater than X% (or N/A)	XX.X%	XX.X%	XX.X%	XX.X%	
	Operating Cash Ratio	Greater than X%	XX.X%	XX.X%	XX.X%	XX.X%	
Liquidity	Unrestricted Cash Expense Cover Ratio	Greater than X months	X.X months	N/A	X.X months	N/A	
Asset Management	Asset Sustainability Ratio	Greater than XX%	XX.X%	XX.X%	XX.X%	XX.X%	
	Asset Consumption Ratio	Greater than XX%	XX.X%	XX.X%	XX.X%	XX.X%	
	Asset Renewal Funding Ratio*	N/A	XX.X%	N/A	XX.X%	N/A	
Debt Servicing Capacity	Leverage Ratio**	o to X times (or N/A)	X.X times	X.X times	X.X times	X.X times	

\* The Council-Controlled Revenue, Population Growth, and Asset Renewal Funding Ratio measures are reported for contextual purposes only and are not audited by the QAO.

\*\* The Leverage Ratio is not required to be reported if a council has not held any QTC or other debt within the last five financial years.

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## Appendix C: Example Long-Term Sustainability Statement Format

Council (and Consolidated if applicable)

Type	Measure	Target (Tier X)	Actuals as at 30 June 20XX	30 June 20XX	30 June 20XX	30 June 20XX	30 June 20XX	30 June 20XX	30 June 20XX	30 June 20XX	30 June 20XX	30 June 20XX	30 June 20XX
Financial Capacity	Council-Controlled Revenue*	N/A	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%
	Population Growth*	N/A	X.X%	X.X%	X.X%	X.X%	X.X%	X.X%	X.X%	X.X%	X.X%	X.X%	X.X%
Operating Performance	Operating Surplus Ratio	Greater than X% (or N/A)	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%
	Operating Cash Ratio	Greater than X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%
Liquidity	Unrestricted Cash Expense Cover Ratio	N/A	N/A for long-term sustainability statement										
Asset Management	Asset Sustainability Ratio	Greater than XX%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%
	Asset Consumption Ratio	Greater than XX%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%	XX.X%
	Asset Renewal Funding Ratio*	N/A	N/A for long-term sustainability statement										
Debt Servicing Capacity	Leverage Ratio**	0 to X times (or N/A)	X.X times	X.X times	X.X times	X.X times	X.X times	X.X times	X.X times	X.X times	X.X times	X.X times	X.X times

\* The Council-Controlled Revenue, Population Growth, and Asset Renewal Funding Ratio measures are reported for contextual purposes only and are not audited by the QAO.

\*\* The Leverage Ratio is not required to be reported if a council has not held any QTC or other debt within the last five financial years.

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Connect with us @GrowingQld



**13.3 HUMAN RIGHTS CULTURE AND HUMAN RIGHTS ACT 2019**

**Author:** Director of Corporate & Community Services

**Attachments:** 1 The Queensland Human Rights Act  
2 Human Rights Policy and Complaints Management Process

**PURPOSE (EXECUTIVE SUMMARY)**

Every Council in Queensland is required to have a human rights policy and complaints management process pursuant to the *Human Rights Act 2019*. The Human Rights Commission is currently undertaking an audit of local government compliance with this legislation and 10 councils have been selected from across Queensland for that audit (consisting of large, small and remote councils). Our Council has been one of those selected for audit from the indigenous sector, along with Doomadgee Aboriginal Shire Council.

This proposed audit was reported to Council at its April 2023 meeting. Since that time, formal notification from the Human Rights Commission has been received. The notification requires a response to formal audit questions by 30 September 2023.

It has been identified that we do not currently have in place the necessary human rights policy or complaints management process. A sample policy and complaints process has been sourced from Hope Vale Aboriginal Shire Council and adapted for our use. It is presented to Council for adoption.

The adoption of a policy and complaints process is only one part of the requirements under the legislation. Council is also required to establish a human rights culture within our organisation - a culture which respects and promotes human rights. This will require ongoing staff training to highlight the importance of human rights.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

All Councils in Queensland are required to comply with the Human Rights Act. This legislation sets out certain rights that all individuals have in Queensland that must be protected by government agencies when making decisions and providing services. In the case of Councils, this includes when we make local laws, establish new strategies, deliver services and generally make decisions about local government matters. A Council is required to consider human rights matters as part of any decision-making process.

If someone believes that their human rights have been impacted by a Council decision, they have the right to lodge a complaint - initially with Council and then the Human Rights Commission, if their complaint is not resolved by Council.

**Attachment 1** to this report sets out a Human Rights Policy and Complaints Management Process which has been prepared to comply with the legislation. I would like to acknowledge that this policy has been adapted from one used by Hope Vale Aboriginal Shire Council. The policy is compliant with the relevant legislation; and it is appropriate for Council to adopt the policy as part of our journey to comply with the legislation.

The legislation sets out the human rights which are designed to be protected. For the information of Council, a summary of the human rights that are protected are set out in **Attachment 2** to this report.

*Establishing a Human Rights Culture*

As well as the adoption of a policy and complaints process, the audit being undertaken by the Human Rights Commission will also look at whether Council has taken steps towards developing a human rights culture. There are 7 elements that the Commission will consider:

1. Staff awareness, education and development.  
We will incorporate human rights awareness into our staff induction, training and development programs. This is the most significant action that we can take to improve a human rights culture within Council.
2. Community consultation and engagement about human rights.  
We can make information available for our community about human rights, including, for example, brochures about human rights provided at the Council building and on noticeboards.
3. Awareness raising and support for related entities (e.g. contractors).  
We can include a clause in our standard tender documentation requiring our contractors to acknowledge the importance of human rights when undertaking work on behalf of our Council.
4. Reviews and development of local laws and subordinate local laws.  
As we review any local laws that we may have or if we make new local laws, we will need to incorporate consideration of human rights into this process.
5. Review policies and procedures.  
As we review any current policies or procedures that we may have or if we make any new policies and procedures, we will need to incorporate consideration of human rights into this process.
6. Internal complaint management for human rights complaints.  
Adoption of this policy and complaints process will evidence that we have processes in place to address complaints if they are ever made against Council.
7. Future plans.  
The main priority and focus will be on providing information and education for our staff about the existence of the human rights legislation and how we can ensure that human rights are protected. This can be done through staff training programs.

**FINANCIAL & RESOURCE IMPLICATIONS**

There are no direct financial resource implications for Council. In practice, not many Councils receive complaints under the human rights processes.

**RECOMMENDATION**

That Council:

1. Adopt the Human Rights Policy and Complaints Management Process as set out in the July 2023 report from the Director Corporate and Community.
2. Request that the CEO implement actions listed in the report to develop a Council culture that recognises responsibilities under the Human Rights Act 2019.





## FACT SHEET:

# The Queensland Human Rights Act: an easy read guide

All people have human rights.

In Queensland the *Human Rights Act 2019* protects these rights when you come in contact with the government or use their services – including the police, public hospitals, and public schools.

## The human rights are:

### Recognition and equality before the law



You have the same rights as everyone else and have a right to the same protection.

You have the right to use and receive services from the government without discrimination.

### Right to life



This right relates to things the government can do to protect your life, such as having laws about:

- violence
- health and safety
- road rules

and making sure people follow them.

The right to life does not affect laws about abortion.

### Protection from torture and cruel, inhuman or degrading treatment



You have the right not to be:

- tortured
- treated in a way that badly hurts your body or your mind
- used for experiments – unless you understand and agree
- given medical treatment – unless you understand and agree.

However, you can be given treatment without your consent to save your life or protect you from harm.

This fact sheet last updated: June 2021 | [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au)

### Freedom from forced work



You have the right not to be:

- treated as a slave
- owned by someone else
- forced to do work.

This right does not apply if you are required to do work as part of a court order – such as community service.

### Freedom of movement



You have the right to choose where you live, and to:

- move freely within Queensland
- leave and come back to Queensland.

This freedom can be limited in an emergency – such as the COVID pandemic – or if you have broken the law and a judge says that you are not free to move wherever you want.

### Freedom of thought, conscience, religion and belief



You have the right to:

- think and believe what you want
- have a religion or faith
- practice your religion or beliefs in public or private, while on your own, or as part of a group.

A dress code at school or work should not stop you wearing clothes required by your faith.

### Freedom of expression



You have the right to:

- have your own opinion
- share your ideas and opinions – such as through art, writing, public speaking, and social media
- ask for and receive information and ideas from other people – including the government.

While you are free to say what you want, you must respect other people – for example, you can't use hate speech, cyberbullying, or say untrue things to attack people.

### Peaceful assembly and freedom of association



You have the right to:

- meet with other people who share your beliefs and opinions, or join a group to do this
- join a trade union
- meet peacefully to show how you feel about something.

For example, you can go to a peaceful rally or event – but you can't be violent.

This fact sheet last updated: June 2021 | [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au)

### Taking part in public life



You have the right to:

- vote in state and local council elections – if you are 18 or older and live in Queensland
- stand for election to government
- apply for work in government.

### Property rights



You have the right to own things – like a phone, car, or land.

The government can't take away your property unless the law allows it – for example, some laws ban owning certain weapons or types of animals.

### Privacy and reputation



You have the right to keep your life private, including your family and home.

The government can't:

- share information about you, unless you say they can
- search you or your bag, unless you say they can
- interfere with your family life or home, unless the law says they can – for example, if police have a warrant to search your house, or orders to protect victims of family violence
- say things about you that aren't true or make you look bad.

### Protection of families and children



Families are important, and the government has an obligation to protect families.

Children have the right to special protection because of their age. The government must protect children, and treat children in a way that is in their best interests.

### Cultural rights – generally



You have the right to:

- enjoy your culture
  - practise your religion
  - use your language
- with other people who share your background.

### Cultural rights – Aboriginal peoples and Torres Strait Islanders peoples



Aboriginal peoples and Torres Strait Islander peoples have the right to enjoy their culture, including maintaining their:

- cultural identity
- traditional knowledge, spiritual practices, beliefs, and teachings
- language
- kinship ties
- relationship with land, waters, seas, and the environment.

### Right to liberty and security of person



- You have the right to be free and safe.
  - You can only be arrested or detained in accordance with the law.
- If you are arrested or detained – such as in a watch house, mental health unit, or other place that you are not free to leave – you are entitled to certain minimum rights.

### Humane treatment when deprived of liberty



If your freedom is taken away – such as in a prison, watch house, secure hospital ward, or other place that you are not free to leave – you have the right to be treated with respect and dignity.

Until you are charged and found guilty of an offence, you must be kept separate from people who have been found guilty. However, overcrowding in prisons sometimes means that this does not happen.

### Fair hearing



If you have to go to court, you have the right to a fair hearing.

- Your case must be decided by a competent, independent, and unbiased court.
- You can tell your story about what happened.
- You can get help from someone – such as an interpreter or lawyer – if you would not get a fair hearing without that help.

Sometimes people aren't allowed to watch what happens in court – for example, if children are involved.

### Rights in criminal proceedings



You are not guilty of a crime until it is proved in court.

- The police have to tell you what they think you did and what you have been charged with – in a language you understand.
- You should have time to prepare your defence and speak with your lawyer or advisor.
- Your case should not be unreasonably delayed in going to court.
- You should be told when you may be able to get help from a legal aid lawyer.
- You should not be made to say that you did something.
- Children should be treated differently to adults.
- The procedure for dealing with a child should suit the child's age, and help the child to not commit crimes in the future.

If the judge says you are guilty, you can ask a higher court to look at your case again.



### Children in the criminal process



Children who have been detained – whether they have been charged or not – have the right to be:

- kept separate from adult detainees
- brought to trial as quickly as possible
- treated in a way that is appropriate for their age, if convicted.

### Right not to be tried or punished more than once



You have the right not to be tried or punished more than once for the same crime.

### Retrospective criminal laws



This right is about changes in the law.

You cannot be found guilty of a crime, if your action was not a crime when you did it.

### Right to education



- All children have the right to have access to schooling that meets their needs.
- All people have the right to have access to training and vocational education – that suits their abilities.
- You have the right to education without discrimination.

### Right to health services



- You have the right to access health services.
- You have the right to health services without discrimination.
- You must not be refused emergency medical treatment to save your life or stop serious damage to your health.

### Discrimination



A number of rights mention discrimination.

Discrimination is when you are treated worse than someone else because of something about you. Discrimination can be because of things such as your race, disability, sex, colour, age, sexuality, religion, mental health condition, or other characteristics.

## Balancing rights



Sometimes your rights will conflict with someone else's rights.

When this happens, the government may limit or restrict your rights to protect the rights of other people or the community.

This is what happened in the COVID pandemic when people couldn't visit family in nursing homes or prisons. It was to protect the right to life of people in those places.

Sometimes one of your rights might be in conflict with another of your own rights.

This could happen if you had an accident and were unconscious. You could not agree to medical treatment – which is your right – but you also have the right to be given medical treatment in an emergency.

Finding a balance between competing rights can be tricky. The government has to think about the impact on you of limiting your human rights – and what alternatives there are to limiting them.

## Making a complaint



If you think the government has not considered your human rights in a decision or something they have done that affects you, you might be able to make a complaint.

- The first step is for you to make a human rights complaint to the government department or service you are complaining about.
- Then you have to wait for their response to your complaint.
- If 45 business days pass and they haven't answered your complaint – or if you aren't satisfied with their answer – you can complain to the Queensland Human Rights Commission.
- You need to make your complaint in writing. If you have trouble putting your complaint in writing, contact the Commission to find out how we can help.

You can:

- Call us on 1300 130 670.
- Find more information on our website at [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au).



More information is available from the Queensland Human Rights Commission website at [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au).

This fact sheet last updated: June 2021.



MORNINGTON SHIRE COUNCIL



## HUMAN RIGHTS POLICY AND COMPLAINTS MANAGEMENT PROCESS

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### ORIGIN/AUTHORITY

*Human Rights Act 2019*  
*Local Government Act 2009*  
*Local Government Regulations 2012*

### PURPOSE

Council's commitment in protecting and promoting human rights by ensuring that human rights are considered when making, interpreting and applying laws, developing policies, and providing services to our community.

Council also recognises that it has an important role in complying with Queensland's *Human Rights Act 2019* ("the Act") through its actions, decisions, proposals and recommendations. The purpose of this Policy is to uphold Council's human rights obligations and comply with legislative obligations.

The intended outcomes of this Policy include:

- Assisting all areas of Council to meet our human rights obligations;
- Promoting a dialogue about the nature, meaning and scope of human rights with the community;
- Improving our services, actions, decision-making processes and governance frameworks;
- Building the capacity of council officers to comply with the Act;
- Maintaining customer service levels in accordance with the adopted customer service charter, whilst managing human rights complaints in accordance with legislative requirements; and,
- Enhancing community confidence in our legislative compliance and the reputation of Council as being accountable and transparent.

### Legislative requirements

As a public entity, Council's must:

- a) give proper consideration to human rights; and

- b) act and make decisions in a way that is compatible with human rights.

Therefore, an act, decision or statutory provision is compatible with human rights if the act, decision or provision:

- a) does not limit a human right; or
- b) limits a human right only to the extent that is reasonable and demonstrably justifiable and in accordance with section 13 of the Act.

#### **What are “human rights”?**

Human rights apply to all individuals and are based on principles of freedom, respect, equality and dignity. Human rights recognise the inherent value of each person, regardless of background, where we live, what we look like, what we think or what we believe. In other words, human rights belong to all people by virtue of being human. Everyone is entitled to these rights, without discrimination.

#### **Commencement of the Act**

The Act commenced on 1 July 2019. The Act requires public entities, including local government, to make decisions and act compatibly with human rights. Obligations for public entities under the Act commenced in full on 1 January 2020.

#### **Objectives of the Act**

The main objects of this Act are:

- a) to protect and promote human rights;
- b) to help build a culture in Queensland’s public sector that respects and promotes human rights; and
- c) to help promote a dialogue about the nature, meaning and scope of human rights.

The Act is an important development in recognising the essential role human rights play in our society because it will:

- protect the rights of vulnerable Queenslanders by addressing disadvantage;
- result in development of a human rights culture across communities in Queensland;
- lead to improved law making and government policy;
- result in improved public service delivery; and,
- assist Australia to fulfil its international human rights obligations.

#### **Protected human rights**

Under section 11 of the Act, all individuals in Queensland have human rights. This means a corporation does not have human rights. As such, the Act protects 23 fundamental human rights outlined below.

1. *Your right to recognition and equality before the law*

Everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination. Every person is equal before the law and is entitled to equal protection of the law without discrimination. Every person is entitled to equal and effective protection against discrimination.

2. *Your right to life*

Every person has the right to life and the right not to be deprived of life. The right not to be deprived of life is limited to arbitrary deprivation of life.

3. *Your right to protection from torture and cruel, inhuman or degrading treatment*

A person must not be tortured or treated in a way that is cruel, inhuman or degrading. This includes that a person must not be subjected to medical or scientific experimentation or treatment unless they have given their full, free and informed consent.

4. *Your right to freedom from forced work*

A person must not be made a slave or forced to work. Forced work does not include certain forms of work or service required of a person who is detained because of a lawful court order.

5. *Your right to freedom of movement*

Every person lawfully within Queensland has the right to move freely within Queensland, enter or leave Queensland, and choose where they live.

6. *Your right to freedom of thought, conscience, religion and belief*

Every person has the right to think and believe what they want and to have or adopt a religion, free from external influence. This includes the freedom to demonstrate a religion individually or as part of a group, in public or in private.

7. *Your right to freedom of expression*

Every person has the right to hold and express an opinion, through speech, art, and writing (or other forms of expression) and to seek out and receive the expression of others' opinions.

8. *Your right to peaceful assembly and freedom of association*

Every person has the right to join or form a group and to assemble. The right to assembly is limited to peaceful assemblies.

9. *Your right to taking part in public life*

Every person in Queensland has the right and opportunity without discrimination to take part in public life. Every eligible person has the right to vote, be elected, and have access on general terms of equality to the public service and public office.

10. *Property rights*

All persons have the right to own property alone or in association with others. A person must not be arbitrarily deprived of their property.

11. *Your right to privacy and reputation*

A person's privacy family, home and correspondence must not be unlawfully or arbitrarily interfered with. A person has the right not to have their reputation unlawfully attacked.

12. *Your right to protection of families and children*

Families are recognised as the fundamental unit of society and are entitled to protection. Every child has the right, without discrimination, to the protection that is in their best interest as a child. Every person born in Queensland has the right to a name and to registration of birth.

13. *Cultural Rights – Generally*

All persons with particular cultural, religious, racial and linguistic have a right to enjoy their culture, declare and practice their religion, and use their language in community with other persons of that background.

14. *Cultural Rights – Aboriginal Peoples and Torres Strait Islander Peoples*

Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights as Australia's first people. They must not be denied the right, with other members of their community, to live life as an Aboriginal or Torres Strait Islander person who is free to practice their culture.

15. *Your right to liberty and security of person*

Every person has the right to liberty and security. This right protects against the unlawful or arbitrary deprivation of liberty. If a person is arrested or detained, they are entitled to certain minimum rights, including the right to be brought to trial without reasonable delay.

16. *Your right to humane treatment when deprived of liberty*

A person must be treated with humanity and respect when deprived of liberty. An accused person who is detained must not be detained with convicted persons unless reasonably necessary and must be treated in a way that is appropriate for a person who has been convicted.

17. *Your right to a fair hearing*

A person has the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing. There is an exception to the right to a public hearing, whereby a court or tribunal may exclude certain people from a hearing if it is in the public interest or the interests of justice.

18. *Rights in criminal proceedings*

A person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law, and is entitled without discrimination to receive certain minimum guarantees. A person has the right to appeal a conviction in accordance with law. A child charged with a criminal offence has the right to a procedure that takes into account their age and the desirability of promoting rehabilitation.

19. *Rights of children in the criminal process*

Children in the criminal process are entitled to special protections on the basis of their age. An accused child must not be detained with adults and must be brought to trial as quickly as possible. A convicted child must be treated in a way that is appropriate for their age.

20. *Right not to be tried or punished more than once*

A person must not be tried or punished more than once for an offence in relation to which they have already been finally acquitted or convicted according to law.

21. *Protection from retrospective criminal laws*

A person must not be prosecuted or punished for conduct that was not a criminal offence at the time the conduct was engaged in. A person must not receive a penalty that is greater than the penalty that applied at the time they committed the offence.

22. *Right to education*

Every child has the right to have access to primary and secondary education appropriate to their needs. Every person has the right to have access, based on their abilities, to further vocational education and training that is equally accessible to all.

23. *Right to health services*

Every person has the right to access health services without discrimination. A person must not be refused necessary emergency medical treatment.

**Application of the Act**



The Act creates a 'dialogue model' of specific rights that are designed to ensure that human rights are considered in the development of laws and policies; in the delivery of public services; and, in government decision-making. Essentially, the Act aims to ensure that public powers and functions are exercised in a principled way and that public power is not misused. The Act further complements a number of other pieces of legislation that are aimed at regulating the relationship between individuals and the state.

Importantly, the Act cannot apply and protect an individual's human rights on a general level. In other words, the Act protects 23 specific human rights as outlined above rather than offering broad protection.

One of the key requirements of the Act is to ensure actions and decisions are compatible with human rights. Therefore, Council need to:

- act and make decisions compatibly with human rights;
- develop policy and legislation, including local laws, compatibly with human rights; and,
- interpret legislation compatibly with human rights.

Section 8 of the Act defines the term '*compatible with human rights*' and states that an act or decision will be compatible with human rights if:

- it does not limit a human right, or
- it limits a human right only to the extent that is reasonable and demonstrably justifiable, in accordance with section 13 of the Act.

This means that every act, policy or decision by the Council must be assessed for compatibility with these rights.

#### **Human Rights Complaints**

Under the Act, a person who believes a public entity has breached their human rights obligations has the right to complain and seek remedies. There are three ways a person can make a complaint which includes:

- Internal complaints;
- Independent complaints; and,
- Raising the Act in courts and tribunals.

##### **1 Internal Complaints**

An individual must first raise a complaint directly with Council. Council has 45 days to respond, after which the individual can make a formal complaint to the Queensland Human Rights Commission (QHRC) if the complaint has not been responded to or the person is not satisfied with Council's response.

In order to ensure that a complaint is handled in the most efficient manner, Council requests that complainants:



- Clearly identify the issues of complaint, or ask for help from Council staff to do this;
- Give Council all the available information in support of the complaint in an organised format and not provide any information that is intentionally misleading or knowingly wrong or vexatious;
- Cooperate with the Council's inquiries or investigations; and
- Treat staff with courtesy and respect.

A person can make a human rights complaint to Council as follows:

- Send to [ceo@mornington.qld.gov.au](mailto:ceo@mornington.qld.gov.au); or
- telephone or in person at our Administrative Centre, located at 1 Mission Road, Gununa, Mornington Island 4872; or
- by post and addressed to:

**Chief Executive Officer**  
Mornington Shire Council  
1 Mission Road  
Gununa QLD 4872

Council's human rights complaint management process is outlined in **Appendix 1**.

## **2. Independent complaints**

A person can also raise a complaint about human rights with the QHRC or another independent body. In order to accept complaints under the Act, the QHRC must be satisfied that:

- A complaint has first been made to the public entity alleged to have breached the Act.
- At least 45 business days have elapsed since the complaint was made to the public entity.
- The complainant has not received a response to their complaint or has received an inadequate response.

For further details on QHRC's complaint process, please refer to: <https://www.qhrc.qld.gov.au/>.

## **3. Raising the Act in courts and tribunals**

In some cases, the complaint can be taken to a court or tribunal. While people cannot make complaints directly to courts and tribunals for breaches of the Act, it is possible to raise breaches of the Human Rights Act in the process of a hearing based on another law.

### **Remedies**

Where there is a breach of the Act, a person cannot claim financial compensation. However, where the complaint is not resolved, the QHRC can make recommendations regarding actions required of the respondent to uphold human rights.

### **ROLES AND RESPONSIBILITIES**

**Councillors**

A Councillor who receives a human rights complaint about the Council is obliged to report the complaint to Council's CEO in accordance with this Policy.

**Council Officers**

All Council officers have a duty and responsibility to perform their functions on behalf of Council, including the making of decisions or undertaking actions in a professional manner and in compliance with the Act. Council officers must also assist individuals wishing to make a human rights complaint and assist with any related investigation and response.

**Chief Executive Officer**

The CEO is responsible for:

- Maintaining a Human Rights Complaints register and complaints reporting;
- Coordinating the complaints process;
- Supporting Council Officers and Reviewing Officers with assessing, investigating and responding to complainants, if required; and,
- Providing appropriate training for the organisation.

**Directors**

Directors are responsible for oversight, investigation (if required) and responding to complaints with their teams, having regard to the relevant area of operation and expertise. Directors are also responsible for the oversight of implementing improvement opportunities identified from the complaints process.

**Reviewing Officer**

The reviewing officer who is investigating the complaint shall do so in accordance with identified timeframes and within legislative requirements. Where a complex investigation is required, the Reviewing Officer will update the complainant on the progress of the response.

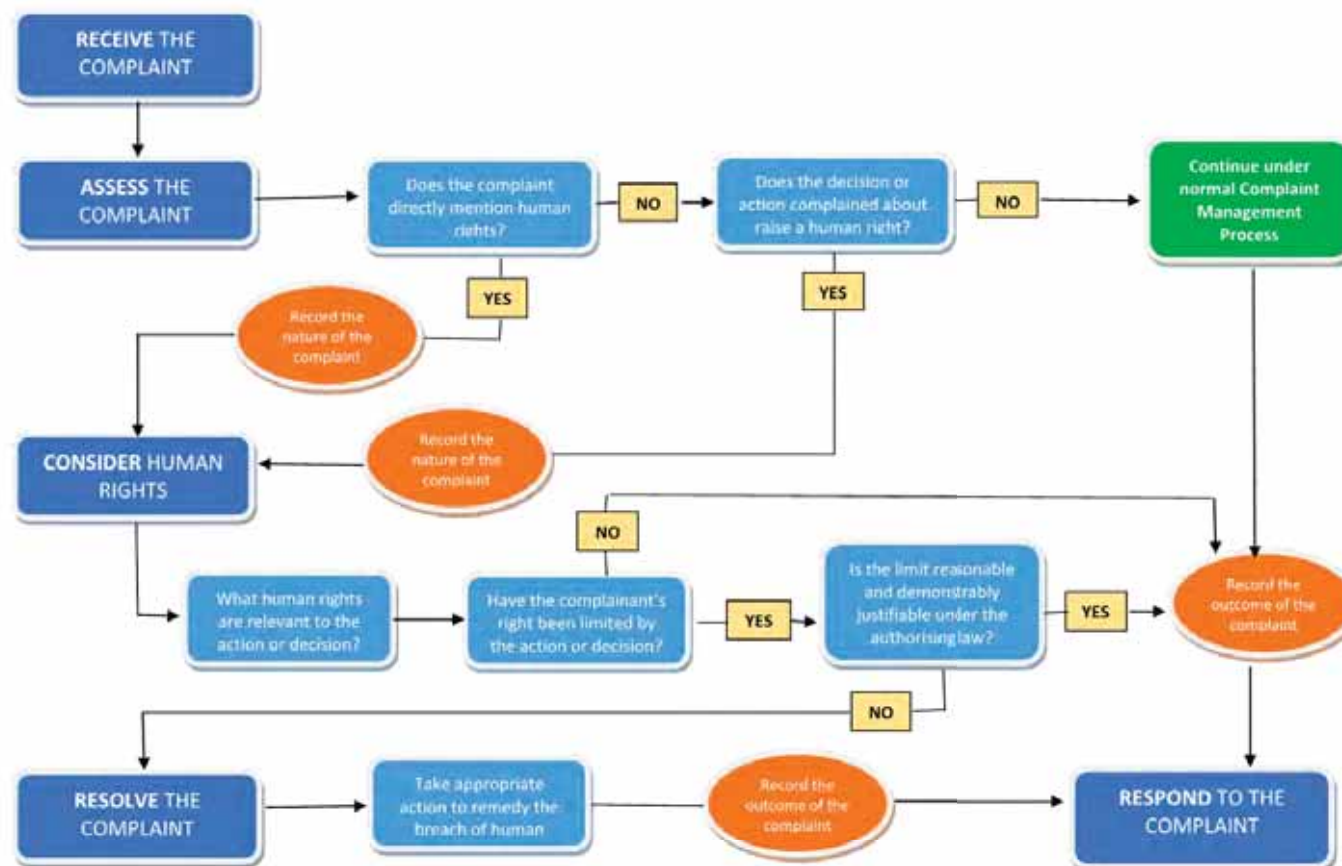
**Complainant**

Complainants are entitled to:

- A prompt acknowledgement of Council's receipt of the complaint;
- A prompt response to the complaint;
- Be kept informed of the progress and outcome of the complaints process;
- Confidentiality of personal details (where possible within the law); and,
- A thorough and objective investigation or review of a complaint.

**Adopted by Council on 19 July 2023**

## APPENDIX 1 – HUMAN RIGHTS COMPLAINTS MANAGEMENT PROCESS



**14 TECHNICAL AND INFRASTRUCTURE SERVICES****14.1 TECHNICAL AND INFRASTRUCTURE SERVICES REPORT**

**Author:** Director of Engineering

**Attachments:** 1 VET report - June 2023

**PURPOSE (EXECUTIVE SUMMARY)**

To advise Council with an update of major activities and challenges faced by the Department since the last report in June 2023.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION*****Grant Funded Project Update – June 2023***

Building our Region Round 6 – Water security – RFQ loaded onto Localbuy 12 June, 2023. Submissions close 14 July, 2023.

Building our Region Round 6 – Sewerage Pump Station upgrades – Tender assessment complete. Preferred tenderer selected, scope and pricing schedule under negotiation.

Works for Queensland – Water Treatment Plant Upgrades - Tender assessments completed, preferred tenderer selected, project design adjustments and repricing to bring project back into budget completed 14<sup>th</sup> June.

Department of Environment and Science (DES) funded waste program;

- Garbage compactor – Truck modifications (chassis lengthening) have delayed delivery date to September 2023.
- Bin stabilisation project – Gravity bins locks delivered to MSC 7<sup>th</sup> July. Installation program being drafted. Community notifications to be finalised and posted.
- Transfer Station design and construct project – Waste audit has been completed by EC Sustainable. Final report expected 18 July 2023. Design and processing options analysis has begun based on institute audit information.
- Metal Recycling project – Grant agreement being drafted by DES based on final costings being received by SIMS Metal. SIMS still planning on mobilisation to Island in September 2023 to carry out works.

Remote Airstrip Upgrade Program R8 – works completed on the RAUP funded project.

***Parks and Gardens***

Routine daily works carried out. Facilities work orders completed as requested.

Aerodrome internal maintenance completed – gable markers and apron areas. Ongoing slashing works around runway strip

Town maintenance program impacted by various construction support activities.

***Batch Plant Operations***

Maintenance and repairs completed at Batching Plant. New septic tank installation completed June 2023

Forecast – 0m<sup>3</sup> vs Actual – 7.5m<sup>3</sup>

**Fencing**

Workshop fence installation has begun. Expected completion in August 2023.

Routine emergent works carrying out repairs to compromised Council facilities.

Facilities work orders actioned as required.

**Civil Works Program**

Civil crew have made a big impact against program. Roads remaining in the 21/22 program are listed below. Invoicing and cost tracking processes have been reviewed finalised and implemented. Accounts are up to date with final TC Imogen funding report to be submitted to QRA on the 14 July 2023.

<b>Unsealed Roads (Crew 2)</b>	<b>58.13 days</b>
2021 Ballaleah Road (Ch 22,000 up to Dimerah Gunbah Rd)	5 days
2021 Sydney Island Road (First 8km - Reshape Table Drains / Bulk Fill 2400-2422)	8 days
2021 Dimerah Road (First 2km)	2 days
2021 Gunbah Road	2 days
2021 Barrakiah Road	18 days
2021 Dungaru Gudmagun Road (Ch 2,690 to 2840 / Ch 4,010 to 4140 - Reshape Table Drains)	3 days
2021 Old Pipeline Road (From Gold Cliffs Rd to Gee Wee Rd)	2 days
2021 Birri Road (Ch 10,000 to 27,000)	17 days

Tender assessment for Prequalified suppliers has been completed, with letters of acceptance to be issued to Gulf Civil PTY LTD and Gulf Regional Services. (see tender assessment paper)

Supplement contractor will be engaged to close out 2021 program then follow through to assist MSC crew finish 22/23 program including expansion of the works program ahead of wet season.

**Aerodrome**

Routine maintenance and ARO operations running well. 1x NOTAM still active in June for Bird activity at 09 end of runway.

Annual Electrical Technical Inspection (EATI) planned for September 23.

Pavement Assessment for future Grant Funded Project opportunities scheduled for 1<sup>st</sup> Week of August.

**Environmental Health****EH Team Summary**

The month of June has been a busy one for the Environmental Health Team. A range of animal health services were delivered including the large animal program 14 to 18 June and a vet visit 19 to 23 June. Upcoming activities proposed include a domestic animal audit and community wide animal parasite control program.

**Animal Control**

In the lead up to the Vet visit a series of posters were developed encouraging responsible ownership of large animals. The posters raised environmental concerns from wandering stock including damage to water ways, the spread of weeds and litter from bins.



Consistent with legislative requirements contained in Councils Local Law 2, horses were mustered to the Rodeo ground and impounded. Owners were given the opportunity to claim their animals on the condition they house and feed their animals. In total 7 horses were claimed. During the Vet visit, veterinary assessments were carried out on all impounded animals.

EHW's & AMO assisted with community members accessing veterinary services. Between vet visits Council staff will continue with dispensing medications and information on parasite control including tick, itch mite, heart worm and worm treatments.

Several batches have whelped recently. Requests have been received to assist with rehoming puppies including arranging off island transfers to animal shelters.

### ***Weed Spraying and Control***

The routine spraying of woody weeds & invasive weeds continues, this includes the spraying infested areas public spaces, council properties, private yards and along fence lines. The windy conditions recently have limited the number of days for the use conventional foliage spraying.

The team has been concentrating on spraying woody weeds before the seed set for the coming season. The lower winds in July will allow a return of conventional foliage spraying.

### ***Rubbish and Illegal Dumping***

The Illegal Dumping Partnerships Program section of the Department of Environment and Science recently delivered an Online training program to Env Health team titled Regulatory & Investigation training. The training centred around actions available to Councils to reduce illegal dumping and littering. The use of Penalty Infringement Notices and Warning has been effective in other Local Governments.

At times information contained in the rubbish is adequate to identify the owner. One illegal dumping just off Birri Rd involving building material, was reported in the June period. The site has been cleared and dumped material has been removed to the Landfill site.

### ***Food Act activities***

All Food Act Licenced Premises on Mornington Island have commenced the application process for Food Act Registration. Initial inspections of these premises have concentrated on cleanliness, hand wash facilities, hygiene practices, pest management and temperature control. Follow up visits are planned for food handler education on hot food & cold food storage.

### ***Veterinary Visit Information***

Burton Veterinary Contractors attended the Island 19-2 Jun 2023 and delivered a range of large and small animal assessments and treatments. Over the week the Vets delivered services to 117 animals. Our AMO & EHWs provide support for the program by assisting community members to access the service and provide information. The Env Health team has been effective with transporting animals to the Vet Clinic.

Interventions to monitor the prevalence of Ehrlichiosis Canis on the Island include health checks and blood tests of dogs presenting for Vet assessments. E Canis is a disease that spreads amongst dogs when a Brown Dog Tick infected the bacteria, bites a dog. The bacteria affect the nervous system of the dog, symptoms of the disease can include weight loss, lethargy, anaemia, bleeding haemorrhaging, blindness and death if untreated.

A level of control of the disease can be achieved through Environmental Health measures in reducing brown dog ticks around the community. This can include dispensing medications (collars and chews), spraying yards where ticks live and community education programs Caring for Pets (which includes dog washing).



### **Waste Management**

Routine daily works undertaken at landfill, equipment availability has improved with both dozer and excavator back online and maintained.

Landfill team have been reverse filling Cell 3, with large amounts of steel being extracted from the landfill cell, increasing air space availability and a better compaction rate.

Leachate levels in operating cells have significantly dropped with cleaning of network completed.

Collection Services have been steadily improving with consistent staff attendance. Daily run sheets developed to capture tracking of key waste collection services, as well as data on bin numbers presented, volume taken to landfill.

Southern Gulf Regional Waste Management plan issued in draft format for comment. MSC will provide notes to consultant engaged by EHP to undertake the project. MSC position will be to write our own waste management plan, which will be more aligned to our preferred activities and outcomes. This position has been given support by DES.

### **Water and Wastewater Management**

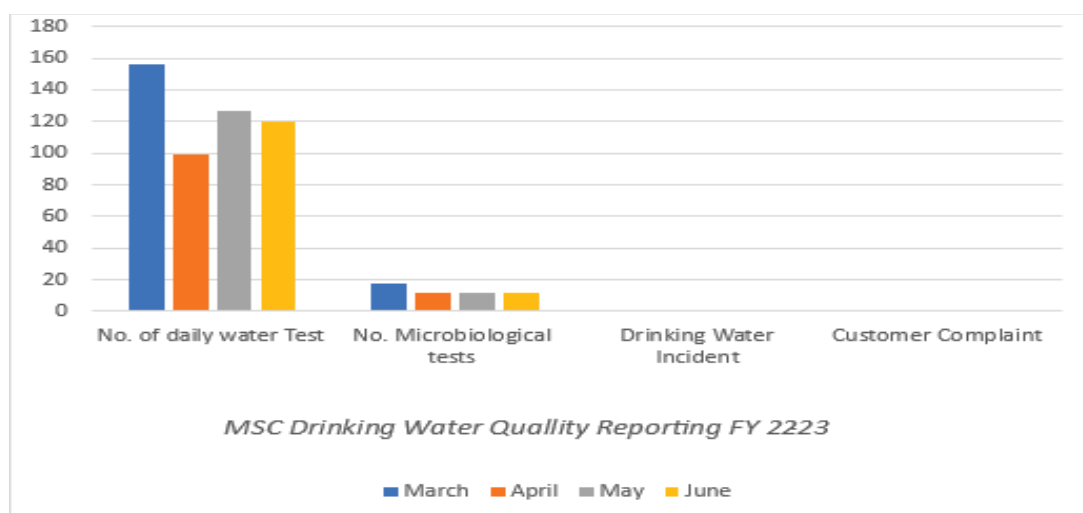
#### **Water Operations**

Water operations team and the assistance of QLD Health have finalised the DWQMP 2023 audit. The audit included a review against Drinking Water standards, documentation of hazards and risk matrix update, stakeholder engagement and safe operating procedures. Developing and implementing risk mitigation strategies that are appropriate for the level of the identified risks within the reticulation and the treatment plant. The Draft will be submitted early July to the Water Supply Regulator.

The turbidity within the water reticulation has reduced, the chlorine dosing setpoint has been changed from 2.70mg/L to 2.30mg/L and has been showing consistent results throughout the system for the past month. Mains flushing has been continued to further reduce the turbidity, and general cleanliness of the treated water throughout the reticulated mains.

Water operators and Plumbers are continuing works on various tasks throughout the water reticulation including -1 Fire Hydrant condition assessment / Locations.

- 2 Sluice Valve condition assessment / Locations
- 3 Water meter locations and plan identification
- 4 New Water service installations to new developments including Council civic centre, lot 120/121 Dunlyu street & 152 Lardil street.



Month End	Usage in KL	Month End	Usage in KL	Month End	Usage in KL	Month End	Usage in KL
Jan	36,400 KL	April	30,338 KL	July		Oct	
Feb	32,000 KL	May	28,318KL	Aug		Nov	
March	28,600 KL	June	27,450KL	Sept		Dec	
Total	97,000 KL	Total	86.106 KL	Total		Total	
	KL		KL		KL		KL

Table 2: Monthly rainfall

Month End	Rainfall	Month End	Rainfall	Month End	Rainfall	Month End	Rainfall
Jan	643 mm	April	0mm	July		Oct	
Feb	382 mm	May	0mm	Aug		Nov	
March	168mm	June	1mm	Sept		Dec	
Total	1,193 mm	Total	1 mm	Total	mm	Total	

Table 3: Dam capacity values (in %) taken on the last day of each month

Month End	Dam Capacity	Month End	Dam Capacity	Month End	Dam Capacity	Month End	Dam Capacity
Jan	100%	April	95%	July		Oct	
Feb	100%	May	92%	Aug		Nov	
March	97%	June	87%	Sept		Dec	

### Sewer Operations

Pump Station B, has been continuing with constant blocking issues and pump faults due to large volume of rags and debris. 2x pumps need to be lifted and serviced 2 x times a week. The trash baskets have suffered significant structural damage to the inlet doors allowing rags and other foreign debris into the pump well.

Pump Stations / Sewerage Pond SOP's have been implemented with the operators to ensure safe work practices and a better understanding on general procedures to further knowledge on and offsite work.

Pump Station A & B, outlet pipework pressure gauge installation has been completed for draw down tests procedures to help identify new pump selection for W003/2023 Sewer Pump Station Upgrades.

Save The Children, Sewer lift station has been completed and commissioned with the installation of 2 x new pumps, floats, pump control and rising main pipework.

Pump Station D {Airport} servicing of sewer lift pump station probes and pump control are now in order, however rising main to non-return valve/pipework connection has partial blockage {Airside} causing pumps to overload and fault. Excavation Airside is required to inspect and establish what material is again required for repair. As mentioned with issues Airside, work has to be scheduled after hrs and has been planned for a weekend in July at this stage.

### **Workshop and Maintenance**

#### **Workshop Update**

BDS Mechanical works have been a success. The general management of operations, processes and parts management have been bedded in with the team. Full stocktake was completed for EOY tracking and controls and ordering structure implemented.

Crew changeover is currently taking place, new team arrive on Island 17 July to continue with the work to date.

#### **Private Works Update**

To be updated July 2023.

#### **Fuel Status snapshot**

	30/06/2023			
	Tank dip		Estimated Life	
			Months	
<b>Diesel</b>				
Tank 1	45000	76520	2.03	64%
Tank 2	45000			
<b>ULP</b>	12560		0.46	63%

### **FINANCIAL & RESOURCE IMPLICATIONS**

NIL

### **RECOMMENDATION**

That Council note and receive the Technical and Infrastructure Services Department report for July 2023.

**Veterinary Report**

Mornington Island Shire Council

19<sup>th</sup> – 23<sup>rd</sup> June 2023

Dr Hannah Burton BVSc (Hons), Dr Susannah Bolte BVSc, Mr Nathan Garlick (horse handler),  
Miss Brooke Hayne (vet student)

Burton Veterinary Contracting has just completed a huge trip to Mornington Island, providing veterinary services and supplies to over 117 animals during our visit. This included 13 desexing surgeries, removal of fish hooks from a young pup's foot and mouth, and working with our horse handler Nathan Garlick to draft and organise the horses on the island.

In total there were 17 horses euthanised humanely and 7 horses claimed. These are as follows:

Blue roan mare – Kenny Roughsey

Chestnut gelding branded 06 – Brendan Retchford

Chestnut gelding – Lawrence Burke

Bay mare – Lawrence Burke

Bay gelding – Lawrence Burke

Black gelding 'Geronimo' – Trinity Chong

Black mare – Kyle Yanner

These horses were released back into the horse paddocks and owners have signed agreements with council. It is possible that the mares are pregnant already, particularly the ones belonging to Kyle Yanner and Lawrence Burke, so we encourage the owners of these horses to reach out if they require advice about handling the foals if/when they're born so we can desex any males and have the horses safely handled. The horses will require twice weekly checks of their water source (the trough at the back is not automatic), fences checked, feed supply checked and general welfare check. There are horse first aid supplies on island if required and we are happy to provide advice about any of these issues.

We would like to thank Nathan Garlick for his excellent work with the horses over the week he was on island and his professional handling of the stock. We could not have been as efficient or safe without his help.

We would also like to thank Marnie Mow for her commitment to bringing in animals for desexing, Marnie, Graham and Travis brought several animals in to see us including some for welfare issues and surgery. It is wonderful to see the animal control workers being proactive while we are on the island to keep us busy and so council is getting the most out of the service.

During our visit we had a meeting with council about the emerging tick disease *E. canis* and we discussed council's response to and approach to screening for the disease. *E. canis* is notifiable in Queensland but has been found in many areas of northern Queensland, including Mornington. We will continue to screen surgical patients (a blood test is required) and keep council informed of any cases detected.

The meeting also covered a discussion about parvo virus in the community and sale of vaccinations. As discussed, vaccines are available for private purchase at a heavily discounted rate of \$55 each through Burton Veterinary Contracting directly. This needs to occur directly through us as there are several factors that need to be discussed before a vaccine is sold and the suitability of the pup to receive the vaccine. We have discussed this with Marnie and Graham, and they are aware of the correct procedure if someone requests to buy a vaccine.

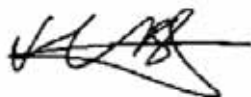
Going forward, we are eager to help council with their responsible pet ownership program and registration of animals on the island, and are happy to continue to liaise about options such as restricted entry onto the island of new animals, desexing requirements, microchipping, etc.

As usual, there is a supply of Bravecto ectoparasite chews, Popantel worming tablets, Wag & Purr spot-ons for cats, equine worming paste, and first aid supplies left in the vet building for use between trips. As normal, the prescription medication cannot be dispensed without contacting us first and we are happy to help when needed. We have also ordered bulk quantities of Fido's shampoo as per Russell Spargo's instruction and that should be on island next week (around the 12<sup>th</sup> July). We strongly encourage the use of the Bravecto chews for parasite control rather than the shampoos as a first line, but this shampoo is useful for pups under 8 weeks of age or for general husbandry.

Once again, Burton Veterinary Contracting would like to thank the Mornington Island Shire Council and the wider community for their continued support of the vet program, and we look forward to building on our great relationship into the future. The council should be proud of their commitment to animal welfare and community support here, and we feel fortunate to be a part of that.

Thank you for allowing us to come to your beautiful part of the world, and please do not hesitate to contact us directly if you have any queries or concerns.

Kind regards,



Dr Hannah Burton BVSc (Hons)  
BURTON VETERINARY CONTRACTING  
'Donors Hill'  
Normanton, Q 4890  
Mob: 0458 659 341

## 14.2 REQUEST FOR TENDER - PRE-QUALIFIED SUPPLIER OF PLANT FOR 2023 CONSTRUCTION SEASON EVALUATION

**Author:** Director of Engineering

**Attachments:** 1 Tender Assessment Summary

### PURPOSE (EXECUTIVE SUMMARY)

To provide the Council with an update of the pre-qualified tender evaluation and seek resolution from Council for the CEO to approve and award selected contractors to the pre-qualified supplier listing.

### BACKGROUND

The report details how the Tender was assessed against the Evaluation Criteria within the approved Evaluation Plan and provides the Panel's recommendation to Council.

A Request for Tender (RFT) was issued for Pre-Qualified Supplier of Plant for the 2023 Construction Season on the 13 May 2023 which closed at 4:00pm 2 June 2023.

The Scope of the Request for Tender included;

- Provision of wet hire rates for suitable plant and equipment to undertake Road and Civil works at the discretion of MSC Management.
- Provision of rates for day labour roles supporting the Road and Civil program

The Request for Tender was released by Mornington Shire Council and sent via Vendor Panel in compliance with Section 228 Tender Process of the Local Government Regulation (2012)

The RFT released via Vendor Panel, received four (4) submissions from the following;

- Gulf Civil Pty Ltd (Respondent 1)
- Gulf Regional Services (Respondent 2)
- Hastings Deering (Respondent 3)
- The Mining Pty Ltd (Respondent 4)

There were three hundred and fifty-seven (357) prospective Tenderers who read the RFT documents.

The Tender evaluation was based on criteria set out in the scope of works document and commenced with assessment of each tender's conformance against the mandatory items which was completed on the 27 June 2023.

Respondent 1 & 2 submissions were then shortlisted based on their capacity to deliver equipment and services to complete the entirety of project. Respondents 3 & 4 did not meet the short-listing requirements.

Clarifications were requested and received from both Gulf Civil Pty Ltd (Respondent 1) and Gulf Regional Services (Respondent 2). The Panel members then provided individually assessed scores against each criterion and undertook moderation to the scoring. The Panel's moderated assessment of criteria score is shown in Table 1.1.

Table 1.1 Moderated All Criteria Score of short-listed Tenderers.

Tenderer	Moderated All Criteria Overall Score
<i>Respondent 1.</i> Gulf Civil Pty Ltd	23%
<i>Respondent 2.</i> Gulf Regional Services	27%



**Evaluation Outcome**

Following the evaluation undertaken by the Panel detailed in Section 2, the Panel agreed that Tenders from both short-listed Respondents were advantageous to Council as it will result full program delivery by having 2 different Contractors to choose from at various times of QRA project delivery.

**FINANCIAL & RESOURCE IMPLICATIONS**

All costs raised by selected contractors (upon engagement) is fully funded under the Queensland Road Construction Authority Program grant funding.

**RECOMMENDATION**

The Panel has detailed the findings of the evaluation of submissions for RFT no. VP361158 in the attached Evaluation Report and seeks resolution from Council to award both short-listed Respondents as Pre-Qualified Contractors as outlined below;

1. Council approves respondents 1 & 2 as pre-qualified suppliers of plant and equipment and associated costs for the purposes of QRA project delivery.
2. Delegate the CEO to;
  - i. issue a Letter of Acceptance to Respondents 1 & 2.
  - ii. Engage with approved contractors as required for delivery of QRA road program

	Gulf Civil Pty Ltd	Gulf Services Pty Ltd	Hastings Deering	The Mining Pty Ltd
Dan Dixon	23	27	0	18
Nick Lennon	23	27	0	18

Approved Suppliers

Gulf Civil PTY LTD  
Gulf Services PTY LTD

Totals:	Water Trust			Sewer			Allocating State Street Water			Winning Post Jack Keller			High Five Water		
	Modification	Demolition/Rebate	Operating Rate	Modification	Demolition/Rebate	Operating Rate	Modification	Demolition/Rebate	Operating Rate	Modification	Demolition/Rebate	Operating Rate	Modification	Demolition/Rebate	Operating Rate
Golf Club Pay 1st	\$ 24,000.00	\$ 24,000.00	\$ 280.00	\$ 24,000.00	\$ 24,000.00	\$ 280.00									
Buff Services Pay 1st	\$ 25,000.00	\$ 25,000.00	\$ 270.00	\$ 25,000.00	\$ 25,000.00	\$ 260.00	\$ 25,000.00	\$ 25,000.00	\$ 270.00	\$ 25,000.00	\$ 25,000.00	\$ 270.00	\$ 25,000.00	\$ 25,000.00	\$ 270.00
Meeting: Meeting															
The Meeting Pay 1st															

[illegible]

[illegible]

**15 HOUSING****15.1 HOUSING REPORT****Author:** Director of Housing and Facilities

**Attachments:**

1	3.7 Attachment - Lot 911 Development Application (DA)
2	3.7 Attachment – Lot 911 Development Permit
3	3.7 Attachment – Lot 911 Subdivision Council Approved Drawing

**PURPOSE (EXECUTIVE SUMMARY)**

The purpose of this report is to provide the Council with an update of the Housing Department program for the month of June 2023.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

The report below outlines the various works currently undertaken by the Housing Department.

**1. CURRENT QBUILD WORKS PROGRAMS UNDERWAY****1.1. – 2021/22 QBuild Do & Charge Program**

Approximately 1657 jobs have been issued to date via the QBuild Portal for the current financial year. Approximately 150 jobs are yet to be completed and/or invoiced.

**1.2. – 2023 QBuild Do & Charge Program**

Approximately 38 jobs have been issued to date via the QBuild Portal for the current financial year.

**1.3. – 2021/22 QBuild Purchase Orders Program**

QBuild have issued 191 purchase orders for this financial year valued at \$4.1 million.

165 projects have been completed.

QAS Mornington Island	2 Projects
Mornington Island Police Station	2 Projects
PCYC Works	4 Projects
Mornington Island State School	20 Projects
Community Housing	163 Projects
<b>Total</b>	<b>191 Projects</b>

A total of 174 projects are one hundred percent (100%) complete. 12 projects have commenced and are in the process of getting completed.

**1.4. – 2022/23 QBuild Purchase Orders Program**

We are working through and completing a number of QBuild projects from the FY22 QBuild Purchase Order Works. With the recent recruitment of tradespeople within the department, all outstanding purchase order works/projects will be completed as soon as personnel are recruited September 2023.



Efforts are occurring with Human Resources to ensure a sufficient supply of estimator, housing supervisor, project officer and trade carpenters, to assist the department to deliver the QBuild program of works, as well as grant funded projects.

There is still high employee turnover. However, efforts are being made to attract and retain tradespeople and office staff within the Housing Department, in keeping with the Council approved organisational structure. This is necessary for successful delivery of the various programs within the department and has also aided efforts to complete Facilities works.

## **2. MSC TAVERN / KITCHEN WORKS**

The new Project Manager is working through the Certification Report to bring the Tavern building up to certification, which includes engaging consultants and tradespeople. There is also the engagement of a hydraulics engineer and an electrical engineer to ensure drawings are compliant for the Certifier. The Project Manager has also travelled to Cairns sourcing the appliances and design for the commercial kitchen. The Executive team has reviewed the commercial kitchen space, and we are in the process of planning a number of concept drawings for the commercial kitchen. This will give the Council a number of designs to select from after which we will engage the relevant consultants (i.e., building certifier, food safety inspector, etc) for review prior to tender process.

## **3. FUNDING WORKS**

### **3.1. – \$2.35 Million Interim Capital Works Program (Completion Timeframe 2021/2022)**

The scope of this project is to deliver one duplex and one plug-in and is funded by the Department of Community, Housing and Digital Economy (DCHDE).

Work has commenced at 152 Lardil Street and the footings have been laid and the construction is at the blockwork stage for the sub-floor.

30 Lardil Street the Plugin Manufactured off Island.

### **3.2. – \$7.328 Million Capital Housing Program (Completion Timeframe 2025)**

The scope of this project is to deliver five (5) community houses and four (4) community single men's units, funded by the Department of Community, Housing and Digital Economy (DCHDE).

Upon completion of the tendering processes of all the projects, Council will receive the second payment (sixty percent, 60%). The second payment will fund the delivery stage of the project.

**3.3. – \$1.36 Million 2020-21 COVID W4Q Program**

The scope of this project is to deliver \$1.36 million worth of projects and is funded under the COVID Works for Queensland program.

The funding includes the following projects:

- The Executive Management team is in the process of transferring this grant funding for the new Council house and the Tavern covered area including renovation of the existing toilet block and diverting this to a New/Second Visitors Accommodation Centre (2 VAC). This is still going through the approval process; and
- VAC Front Security Gate (\$60,000)

**3.3.1. – The Second Visitors Accommodation Camp Project**

This involved the purchase of a number of dongas at auction during April 2023, for the new camp, to be positioned at the vacant block of land beside the existing VAC.

The new camp will consist of second-hand dongas and shipping containers that will provide an additional 32 accommodation rooms:

- 6 dongas with 4 rooms including ensuites in each donga, totalling 24 extra bedrooms.
- 4 shipping containers with 2 rooms in each with no ensuites, totalling 8 extra bedrooms.
- a donga kitchen,
- a donga dining room,
- a donga laundry, and;
- a donga ablution block.

The tender to engage consultants for this project has been completed. This tender was for the engagement of a Town Planner and an architect which includes all the engineering requirements and the certification.

**3.3.2.– VAC Front Security Gate**

The VAC Security Gate materials have arrived on the island and we are in the process of installing the new security gate. The gate is manufactured with anti-climb steel mesh and stands three metres high. The posts, concreting and the sliding gate have been completed and we are waiting on the completion of the electrical works (i.e., electrical cabling and installation of the gate motor).

**3.4. – \$5.9 Million New Civic Centre / Council Administration Building**

The scope of this project is to deliver a new Civic Centre/Administration Building for the Council and is funded under the Local Government Grants and Subsidies Program (LGGSP).

**3.4.1. Civic Centre**

Contractors are at approximately fifty percent (50%) completion of the new Civic Centre at Lot 9 Lardil Street. The columns, bearers, floor joist, flooring, wall framing, trusses, roofing, external cladding and the electrical rough-in have been completed. The internal sheeting and soffits have commenced and the data company has been engaged by the builder to rough-in the data cabling in the next few of weeks.

**3.4.2. Council Library Building**

The same contractor has also been working on the North West Remote Health / Wellbeing Centre building when work on the Civic Centre stalls due to the weather and/or lack of materials. The Wellbeing Centre building will be handed over to the Council when all works have been fully completed.

A consultant and an architect have been engaged to design the new library. The drawings have been completed and construction estimates are being established with the builder.

The State Library of Queensland has provided approximately \$60,000 to supply furniture and fixtures for a new library. The furniture and fixtures have been finalised, in consultation with the State Library.

**3.5. – \$2 Million Motel and Accommodation Expansion**

The scope of this Motel project expansion will assist Council to increase access and provide a high standard of accommodation in a safe environment to meet the needs of visiting service providers, business travellers and tourists. This project is funded under the Local Government Grants and Subsidies Program (2022-2024 LGGSP).

Council has received the 30% funding for this project.

The Housing Department has engaged an electrical engineer to review the status of power supply to the Gym, Tavern and the Motel Area. We have received the electrical drawings, and a review has been done with amendments, and Ergon is in the process of supplying a quotation based on the amendments. Note that the amendments relate to the redirection of the overhead power lines to underground cabling.

The Executive Management team have purchased two dongas from an auction in April which consists of the following:

- 1 donga with 4 rooms including ensuites, totalling 4 extra bedrooms, and
- 1 donga solely for the purpose of an Office Block for the Motel / Accommodation Bookings.

### **3.6. – \$152K RTC Funding**

The National Indigenous Australians Agency (NIAA) has approved funding of \$152,000.00 to upgrade the RTC Building. The proposed works under this funding will be to secure, to some extent, the exterior of the building with the installation of new windows and steel frames over the existing windows. Other proposed works under this funding will include a full paint of the building exterior.

### **3.7. Subdivision Lot 911 Lardil Street**

Submitted Development Application (DA) as per Council Recommendation for Council approval and Council to name the new subdivision Close that will be created.

The Council is the Local Government Authority for the Mornington Shire area and the Trustee as the Grantee to hold land in Trust for the benefit of Aboriginal people particularly concerned with the land and their ancestors and descendants and under the Aboriginal Land Act 1991.

As the Local Government Authority, Council as duly elected representatives of the community, through local decision making has the responsibility of deciding what is in the best interest of the community, advancing a thriving community.

It is considered that approving (with conditions) the Reconfiguring a Lot to from 4 lots into 5 lots plus the creation of a new unnamed road, a benefit to and representative of the aspirations of the Mornington Island community.

**Please find 3 attachments relating to the Council Subdivision.**

### **FINANCIAL & RESOURCE IMPLICATIONS**

The Housing Department is working closely with HR Department. We have now employed the Senior Administrator for Housing & Facilities.

We are in the process of employing more staff as per the Council-approved Department organisational structure to undertake the new construction works.

**RECOMMENDATION**

That Council:

1. Note and accept the Housing report for July 2023 and
2. Under Item 3.7, Council as the Local Government Authority and Trustee of the *Aboriginal Land Act 1991* Freehold, resolves to approve (subject to conditions):
  - a. The Development Application lodged with Council for:
    - i. Reconfiguring a Lot (4 into 5 lots) located at Lardil and Kaiadilt Streets over lots 20, 21, 22 and part of 911 on SP270889  
Creating one (1) new road (unnamed).; and
3. Under 3.7, Council as the Trustee of the *Aboriginal Land Act 1991* Freehold resolves to:
  - a. Dedicate land to a public use (opening road) by registering a plan of subdivision under the Land Title Act 1994, part 4, Division 3.
  - b. Acknowledge the land administration actions incidental to, and necessary, to facilitate lodgement and registration of the survey plan.; and
4. Under 3.7, Council will be required to name the new road which will be classified as a Close, created by the sub-division.



**MORNINGTON  
SHIRE COUNCIL**

## REPORT TO COUNCIL

**DEVELOPMENT APPLICATION (SECTION 51 OF THE PLANNING ACT 2016) FOR PROPOSED RECONFIGURING A LOT LOCATED AT GUNUNA, MORNINGTON ISLAND**

**SECTION 63 OF THE PLANNING ACT 2016, DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (4 INTO 5 LOTS) AND CREATION OF NEW ROAD OVER LOT 20-22 AND 911 ON SP270889, LOCATED AT LARDIL AND KAIADILT STREET, MORNINGTON ISLAND**

### Strategic Considerations

Mornington Shire Council Corporate Plan (2018-2023)	Mornington Shire Council Operational Plan
A copy of the Corporate Plan can be view here: <a href="#">Mornington Shire Council Corporate Plan 2018 - 2023 - v2</a>	A copy of the 5 year implementation Plan can be view here: <a href="https://www.mornington.qld.gov.au/wp-content/uploads/2020/07/MS-C-Syr-Implementalton-Plan-Public-Doc.pdf">https://www.mornington.qld.gov.au/wp-content/uploads/2020/07/MS-C-Syr-Implementalton-Plan-Public-Doc.pdf</a>

### Budget, Financial and Resource Implications

The application does not trigger Infrastructure charges under Council's Local Government Infrastructure Plan (LGIP).

### Asset Management

Not Applicable

### Executive Summary

Council is in receipt of a development application for:

- Reconfiguring lots 20, 21, 22 and 911 on SP270889 to create 1 additional lot; and
- Creation of a new road (unnamed)

(refer Attachment B & C for Qld Globe Map and Site Plan of premises)

The proposed development is zoned within the General Residential, Community Facilities and Environmental Management and Conversation Zones within the Mornington Shire Council Planning Scheme 2014 (Amendment Alignment adopted 18 July 2018 and commenced 30 July 2018). The Reconfiguring a Lot is subject to Code Assessment in accordance with the provisions of the planning scheme and the *Planning Act 2016*.

The purpose of this development is to redesign the existing lot layout in order to allow for the future development of the land for residential use.

**Note:** A separate development application for a Material Change of Use is intended to be lodged with Council to address the proposed future land use following assessment of the subject subdivision application.

In accordance with Schedule 8 of the Planning Regulation 2017, the assessment manager for this application is the Mornington Shire Council (Council).

Application & Site Details Summary	
<b>Applicant:</b>	Mornington Shire Council c/ Brazier Motti Pty Ltd
<b>Proposed Development:</b>	<ul style="list-style-type: none"> <li>Reconfiguring lots 20, 21, 22 and 911 on SP270889 to create 1 additional lot; and</li> <li>Creation of a new road (unnamed)</li> </ul>
<b>Type of Approval sought:</b>	Development Permit
<b>Street Address:</b>	Land located at Lardil and Kaiadilt Streets
<b>RP Description:</b>	Current surveyed description of lot: <ul style="list-style-type: none"> <li>Lot 20 on SP270889</li> <li>Lot 21 on SP270889</li> <li>Lot 22 on SP270889</li> <li>Lot 911 on SP270889</li> </ul>

Date Report: XXX 2023

Page 1 of 19



DA2023 \_022- RaL(4 lots into 5 lots and new road)

Application & Site Details Summary	
Land Area:	<p>Existing site areas are as follows:</p> <ul style="list-style-type: none"> <li>Lot 20 on SP270889: 1945m<sup>2</sup></li> <li>Lot 21 on SP270899: 437m<sup>2</sup></li> <li>Lot 22 on SP270889: 1285m<sup>2</sup></li> <li>Lot 911 on SP270889: 4.731ha</li> </ul> <p>Proposed New Lots:</p> <ul style="list-style-type: none"> <li>Lot 20: 1639m<sup>2</sup></li> <li>Lot 21: 407m<sup>2</sup></li> <li>Lot 22: 1629m<sup>2</sup></li> <li>Lot 1: 1160m<sup>2</sup></li> <li>Lot 911: 4.484ha</li> <li>Total area of new road: 1256m<sup>2</sup></li> </ul> <p>New road (not named) see Drawing 42949/002 C prepared by Brazier Motti, dated 20 June 2023 (Attachment D).</p>
Existing Use of Land:	The lots represent mixed use, with the intended development to be for future residential use. Land uses in the immediate vicinity of the site are described by low density residential., comprising mainly single detached dwellings.

Local Plan Summary	
Local Plan:	Planning Scheme
Zoning:	<ul style="list-style-type: none"> <li>General Residential Zone</li> <li>Community Facilities Zone</li> <li>Environmental Management and Conservation</li> </ul>
Codes	<ul style="list-style-type: none"> <li>General Residential Zone code</li> <li>Community Facilities Zone code</li> <li>Environmental Management and Conservation code</li> <li>Airport Environments Overlay Code</li> <li>Coastal Projection Overlay Code</li> </ul>
Level of Assessment:	Code Assessment
Consultation:	N/A



Master Plan Summary	
Master Plan:	Mornington Island Master Plan
Land Use:	Land fronting Lardil Street is proposed residential use.
Assessment:	The proposed development will be in keeping with the outcomes of the Master Plan and will allow for future residential use to address overcrowding within the community.

State Requirements Summary	
DA Mapping:	<p>Coastal Protection</p> <ul style="list-style-type: none"> <li>Coastal area – medium storm tide inundation area</li> </ul> <p>Fish Habitat Areas</p> <ul style="list-style-type: none"> <li>Queensland waterways for waterway barrier works</li> </ul> <p>Water Resources</p> <ul style="list-style-type: none"> <li>Great artesian water resource plan area</li> </ul> <p>Native Vegetation Clearing</p> <ul style="list-style-type: none"> <li>Regulated vegetation management map (Category A and B extract)</li> </ul>
Pre-lodgement:	N/A
Referral:	No Referral
State Development Assessment Codes	Walkable Neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation (RaL into 2 or more residential lots where at least one road is created).

DA2023\_022- RAL(4 lots into 5 lots and new road)

IMPACT ASSESSMENT CONSULTATION	
Consultation Period:	N/A
Submissions:	N/A
Assessment:	N/A

The development intent is to create a more suitable lot layout which will assist with the future development of the site for residential use.

Description of Subject Site	Proposal	Smart Map image showing existing and proposed lot layout	Result
<b>Reconfiguring a Lot</b> Lot 20 on SP270889 Lot 21 on SP270889 Lot 22 on SP270889 Lot 911 on SP270889	The proposed development seeks to reconfigure the existing lot layout in order to create 1 additional lot as well as a new public road for the purpose of establishing a more appropriate lot layout for future residential use.	 <p><b>Existing:</b></p> <p><b>Figure 1: Smart Map</b></p> <p><b>Proposed:</b></p> <p>PROPOSED:            RECONFIGURING LOT 911 TO 5 LOTS AND A NEW ROAD            (PROPOSED LOT 911 TO 5 LOTS AND A NEW ROAD)</p>  <p><b>Figure: Proposed Lot Layout</b></p>	Council decision

DA2023\_022- ReL(4 lots into 5 lots and new road)

The proposal can be considered to be consistent with the following relevant overall outcomes of the *Mornington Shire Council Planning Scheme 2014* (Amendment Alignment adopted 18 July 2018 and commenced 30 July 2018), in particular the proposed development:

- Will be a logical continuation of the existing development within the vicinity of the site.
  - Is connected to existing urban infrastructure, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
  - Is reflective of the needs of the community and will assist Council to accommodate for future residential land and address overcrowding.
-

**For Council Decision – Recommendation**

- i) Reconfiguring Lots 20, 21, 22 and 911 on SP270889 to create 1 additional road; and
- ii) Creating a new road (unnamed road).

<b>CONDITIONS OF APPROVAL</b>	<b>TIMING</b>								
<b>1. Administration</b> 1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with: 1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; 1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual; 1.1.3. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.	At all times								
<b>2. Currency Period</b> 2.1. The applicable currency periods are: 2.1.1. Reconfiguring a Lot - <b>4 Years</b>	As per condition								
<b>3. Approved Site Drawings/Plans</b> 3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval: <table border="1" style="margin-top: 10px;"> <thead> <tr> <th>Plan / Document Name</th><th>Drawing Number</th><th>Sheet No / Ref.</th><th>Date/DWG</th></tr> </thead> <tbody> <tr> <td>Proposed Reconfiguring a Lot – 4 lots into 5 lots and New Road</td><td>42949/002 C</td><td>N/A</td><td>20/06/2023</td></tr> </tbody> </table> 3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail. 3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.	Plan / Document Name	Drawing Number	Sheet No / Ref.	Date/DWG	Proposed Reconfiguring a Lot – 4 lots into 5 lots and New Road	42949/002 C	N/A	20/06/2023	At all times
Plan / Document Name	Drawing Number	Sheet No / Ref.	Date/DWG						
Proposed Reconfiguring a Lot – 4 lots into 5 lots and New Road	42949/002 C	N/A	20/06/2023						
<b>4. Construction</b> 4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice. 4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. 4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage. 4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety. 4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan. 4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.	<p>At all times</p> <p>Prior to commencement of construction.</p>								

DA2023 \_022- R&amp;L(4 lots into 5 lots and new road)

<b>5. Damage to Infrastructure</b> 5.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council. 5.2. All works must be completed prior to the issue of a Compliance Certificate, Building Act.	At all times
<b>6. Drainage</b> 6.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas. 6.2. Any works as a result of the development must not interfere with natural stormwater flow over or through the land. 6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer. 6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.	At all times    Prior to the start of any works on the site.  Prior to the commencement of the use.
<b>7. Access/Parking</b> 7.1. Access provision to the development must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence. 7.2. Bicycle and Vehicle parking requirements and Parking Design must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.	Prior to the commencement of the use.  At all times
<b>8. Infrastructure Services</b> 8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice. 8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence. 8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence. 8.4. Electricity provision certificate must be provided to the Local Authority. 8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer. 8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.	At all times
<b>9. Fire Hydrants, Fire Management and Emergency Access</b> 9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence. 9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.	Prior to use of site.
9.3. Road widths, and construction within the development are to be adequate for fire emergency vehicles to gain access to a safe working area. 9.4. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes. 9.5. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.	At all times  At all times  At all times



DA2023\_022- R/L(4 lots into 5 lots and new road)

<b>10. Staged Development</b> 10.1. The development can be undertaken in stages generally in accordance with the approved Plans of Development and funding availability.	As per condition
<b>11. Acid Sulfate Soils</b> 11.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants. 11.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.	Prior to the commencement of the use.
<b>12. Landscaping and Fencing</b> 12.1. Landscaping and fencing to be erected to enhance the appearance of the site to the road and provide a buffer to adjoining sites. 12.2. The landscaping and fencing must be maintained to an appropriate standard.	Prior to the commencement of the use. At all times

**Reasons for Decision:**

As discussed within this report, the proposed development is considered to be consistent with the following relevant overall outcomes.

- The development is required to address availability of suitable residential land, diversity of housing supply and reducing overcrowding within the Gununa township.
- This site was selected due to its compatibility of the proposed residential use within the existing township land uses.
- The site is infill development close to existing service infrastructure and community facilities.

**Historical Information**

- Original development investigations were undertaken by RILIPO on request of Mornington Shire Council.
- The first design was rejected by Mornington Shire Council based on the high cost of development.
- Mornington Shire Council requested RILIPO to investigate a smaller area of Lot 911 nearest to the Airport Arrivals area.
- The Mornington Shire Council adopted a preferred layout design being the subject of this development application.

**Policy Implications**

Nil

**Risk Management Implications**

Nil.

**Statutory Environment**

- *Planning Act 2016*
- *Planning Regulation 2017*
- Development Assessment Rules – version 1.3 published 02 September 2020 and commenced 11 September 2020
- State Planning Policy – July 2017
- Mornington Planning Scheme 2014 (Alignment Amendment adopted 18 July 2018 and commenced 30 July 2018)
- Mornington Island Master Plan 2020

**Consultation**

- Chief Executive Officer, Mornington Shire Council

Attachments	
<b>Attachment A:</b>	Application Assessment
<b>Attachment B</b>	QLD Globe Map of Premises
<b>Attachment C:</b>	Existing Site Plan (SP270889)
<b>Attachment D</b>	Proposed Site Plan



## Attachment A - Development Application Assessment

**Decision Making Period**

Assessing and deciding on applications period as set in the *Planning Act 2016* and *Development Assessment Rules* (s.60 & 61(3));

- 10 Business Days for a Confirmation Notice from date after receiving an application; and
- 40 Business Days for a Referral Response from date after referral of an application; and
- 35 Business Days from date of Referral Response received or impact consultation completed the application must be assessed and a decision made.
- 5 Business Days from date of a decision made the Decision Notice must be mailed out.

*Note: Public Holidays and close down periods are excluded from Business Days.*

**PLEASE NOTE**

If no decision has been made within the relevant Decision-Making period the application is Deemed Approved with Ministers Conditions applicable.

IDAS item	Date
Application lodged with Council	19 May 2023
Action Notice Issued	N/A
Confirmation Notice Issued	02 June 2023
Referrals Information Received	N/A
Impact Consultation period	N/A
Planning Act 2016 - Decision Making Period Concludes	21 July 2023
Applicant agreed Decision Making Period Extension Concludes	01 September 2023
Council Meeting	19 July 2023
Decision Notice preparation and mail-out Period Concludes	26 July 2023

**Assessment against Mornington Shire Council Planning Scheme 2014 (Amendment Alignment adopted 18 July 2018 and commenced 30 July 2018)**

The development proposal is assessable under the Mornington Shire Council Planning Scheme 2014 (Amendment adopted 18 July 2018 and commenced 30 July 2018) in accordance with Section 43(1) of the *Planning Act 2016*.

The Assessment Manager is the Mornington Shire Council as determined by Schedule 8 of the *Planning Regulation 2017*. Under the *Planning Act 2016*, Reconfiguring a Lot, in the General Residential, Community Facilities and Environmental Management and Conservation Zone is determined to be **Code** Assessable development and does not require Public Notification.

The application was reviewed against the Development Assessment Rules to assess whether the application triggered referral agency assessment. The Development Applications Management System (DAMS) was checked for mapped triggers of which the below are mapped, however no referral was identified.

Council as the Assessment Manager will undertake assessment of the application against the relevant codes making the decision pursuant to section 60 of the *Planning Act 2016*, are outlined in 45(3) and s26 to 28 of the *Planning Regulations 2017*.

An assessment against the applicable provisions of the xxx Aboriginal Shire Council Planning Scheme has been undertaken as reflected hereunder:

Mornington Shire Council Planning Scheme 2014 (Amendment Alignment adopted 18 July 2018 and commenced 30 July 2018)		
Code	Purpose	Assessment
General Residential Code	1) The purpose of the zone is to provide for residential activities supported by a range of community uses and small-scale services and facilities that cater for local residents.	The proposed development seeks to establish a suitable lot design which will accommodate future residential use. The lot

Morningside Shire Council Planning Scheme 2014 (Amendment Alignment Amendment adopted 18 July 2018 and commenced 30 July 2018)		
Code	Purpose	Assessment
	<p>2) The purpose of the zone code is to achieve the overall outcomes.</p> <p>3) The overall outcomes for the zone are:</p> <p>a. A range of residential uses such as dwelling houses, dual occupancies, multiple dwellings, community residences and residential care facilities that provide housing choice and meet the needs of the community and are consistent with the amenity of the residential areas of Gununa.</p> <p>b. Residential development:</p> <p>i. is appropriately separated from existing areas of industrial importance and is not sited in areas that may impact on economic viability or future sustainable development of commercial facilities;</p> <p>ii. is of a scale and type that does not have a detrimental impact on the existing amenity of the surrounding area; and</p> <p>iii. where in proximity to the airport, is compatible with the safe operation of the aviation facilities and is of an appropriate scale and design to function as a compatible use.</p> <p>c. The scale and density of development is consistent with existing residential uses and local housing needs.</p> <p>d. Development provides for a high standard of amenity, an appropriate level of privacy and well-designed private and public open space, including play and other recreational areas.</p> <p>e. New development is designed to incorporate sustainable practices including maximising energy efficiency and water conservation.</p> <p>f. Accommodation activities have access to infrastructure and services. New development is connected to all urban services.</p> <p>g. Development provides appropriate vehicular access and on-site vehicle parking to meet the demand likely to be generated by the activity and to avoid on street parking that would adversely impact on the safety or capacity of the road network or unduly impact on local amenity.</p> <p>h. Development:</p> <p>i. maintains access to the sea, beach and wetlands;</p> <p>ii. protects and enhances coastal and marine resources; and</p> <p>iii. maintains natural physical coastal processes.</p> <p>i. Small scale non-residential uses are only provided where they cater directly to community needs, where the character and residential amenity is maintained and where they do not replicate the uses in the Gununa Town Centre.</p> <p>j. Natural features and environmental corridors such as creeks, gullies, waterways, wetlands, habitats and vegetation are retained and enhanced through buffers that minimise the impact of existing and future land uses. Any impacts expected by new development are mitigated appropriately.</p>	<p>layout has considered the outcomes required for residential land in accordance with General Residential Zone and it is considered that the proposal is appropriate for the site in consideration of the future intended use of the land.</p> <p>The proposed development is providing infill development making the use of urban land and existing infrastructure.</p> <p>The minimum size for new lots in the General Residential Zone is 800m<sup>2</sup> and minimum frontage is 20 metres. Four out of the five proposed lots are well above this acceptable outcome. Proposed Lot 21 is the exception, with an approximate area of 407m<sup>2</sup> and a frontage of 13.6m to Lardil Street. The noncompliance is considered insignificant as the current area of Lot 21 on SP270889, historically, is well below the minimum requirement, at 437m<sup>2</sup>. The change in boundary location will result in a reduction of only 30m<sup>2</sup>. The resultant allotment is of sufficient size to accommodate the existing dwelling and associated services.</p>

Mornington Shire Council Planning Scheme 2014 (Amendment Alignment Amendment adopted 18 July 2018 and commenced 30 July 2018)		
Code	Purpose	Assessment
	<ul style="list-style-type: none"> <li>k. Low impact home based businesses operate within the residential area and provide for small scale and emerging business activities.</li> <li>l. Development in areas that have a high probability of containing acid sulfate soil avoids or minimizes disturbance. Where disturbance cannot be avoided, development is consistent with the mitigation measures which form part of management regime developed in accordance with the State Planning Policy</li> <li>m. New lots are designed and developed with sufficient area and proportions for activities and works associated with the proposed use.</li> </ul>	
Community Facilities Zone Code	<ol style="list-style-type: none"> <li>1) The purpose of the zone is to provide for community related activities and facilities whether under public or private ownership. These may include provision of municipal services, public utilities, government installations, hospitals and schools, transport and telecommunication networks and community infrastructure of an artistic, social or cultural nature.</li> <li>2) The purpose of the zone is to achieve the overall outcomes.</li> <li>3) The overall outcomes for the zone are:               <ol style="list-style-type: none"> <li>a. Community activities and infrastructure is located within or in close proximity to Gununa and is sympathetic in scale, height and bulk with that of surrounding developments or designed to ensure that where of a greater scale, height and bulk to surrounding development the visual impacts are addressed through the use of setbacks, building form, landscaping and other means.</li> <li>b. Development provides opportunities for co-location of community activities to create identifiable community nodes.</li> <li>c. Development has access to development infrastructure and essential services.</li> <li>d. Development provides appropriate vehicular access and on-site vehicle parking to meet the demand likely to be generated by the activity and to avoid on street parking that would adversely impact on the safety or capacity of the road network or unduly impact on local amenity.</li> <li>e. Development is designed to incorporate sustainable practices including as maximising energy efficiency, water conservation and transport use.</li> <li>f. Adverse impacts on natural features and processes both on-site and from adjoining areas are minimised through location, design, operation and management of development.</li> <li>g. The primary use of land described as Lot 2 on Compiled Plan WLY2 is for an educational establishment being the Mornington State School.</li> <li>h. The primary use of land described as Lot 10 on Compiled Plan WLY6 is for hospital and allied health uses, including education and research uses and staff accommodation being the Mornington Island Hospital.</li> </ol> </li> </ol>	<p>It is noted that the proposed development is intended to support future residential use, however for the purposes of this assessment, it is considered that the reconfiguration will not impact on the outcomes of the Community Facilities Zone Code.</p> <p>The proposed lot layout over the area of the site zoned within the Community Facilities zone is satisfactorily design to maintain the character of the site.</p>



Mornington Shire Council Planning Scheme 2014 (Amendment Alignment Amendment adopted 18 July 2018 and commenced 30 July 2018)		
Code	Purpose	Assessment
	<ul style="list-style-type: none"> <li>i. The primary use of land described as Lot 8 on Compiled Plan WLY8 is for emergency purposes being the Mornington Island Police Station.</li> <li>j. The viability of community uses and other community infrastructure is protected by excluding development that may prejudice the on-going operation and expansion of existing uses or the development of new facilities.</li> <li>k. Development in areas that have a high probability of containing acid sulfate soils avoids or minimises disturbance. Where disturbance cannot be avoided, development is consistent with the mitigation measures which form part of a management regime developed in accordance with the State Planning Policy</li> <li>l. Development: <ul style="list-style-type: none"> <li>i. maintains access to the sea, beach and wetlands;</li> <li>ii. protects and enhances coastal and marine resources; and</li> <li>iii. maintains natural physical coastal processes.</li> </ul> </li> <li>m. Natural features and environmental corridors such as creeks, gullies, waterways, wetlands, habitats and vegetation are retained and enhanced through buffers that minimise the impact of existing and future land uses. Any impacts expected by new development are mitigated appropriately.</li> <li>n. Development maintains public access to the sea, beach, wetlands and the bush.</li> <li>o. New lots are designed and developed with sufficient area and proportions for activities and works associated with the proposed use.</li> </ul>	
Environmental Management and Conservation Zone Code	<ul style="list-style-type: none"> <li>1) The purpose of the zone is to provide for areas identified as supporting significant biological diversity and ecological integrity.</li> <li>2) The purpose of the zone is to achieve the overall outcomes.</li> <li>3) The overall outcomes for the zone are: <ul style="list-style-type: none"> <li>a) Areas identified as important for biological diversity, ecological functioning, and scenic amenity are protected from development.</li> <li>b) Development does not adversely affect and provides for the retention of: <ul style="list-style-type: none"> <li>i) resources including land, plants, animals, extractive minerals in the earth, saltwater, freshwater and all natural environments and culturally important places;</li> <li>ii) access and use of resources by traditional owners and local people in pursuance of traditional and cultural lifestyle practices;</li> <li>iii) access to the sea, beach and wetlands</li> <li>iv) places for people to live in their Country and continue traditional practices and lifestyles;</li> </ul> </li> <li>c) Development is designed, constructed and operated so that it:</li> </ul> </li> </ul>	<p>Proposed Lot 1 is located within the Environmental Management and Conservation Zone. It has been designed to respond to the existing site features and contours. It will have 74.6m of road frontage to the proposed New Road.</p> <p>The proposed area of Lot 1 is approximately 1160m<sup>2</sup>, which provides ample area and proportions for the intended residential use of the site.</p>

Mornington Shire Council Planning Scheme 2014 (Amendment Alignment Amendment adopted 18 July 2018 and commenced 30 July 2018)		
Code	Purpose	Assessment
	<ul style="list-style-type: none"> <li>i) responds and respects the natural environment and potential risks from natural hazards and climate change;</li> <li>ii) maintains natural physical coastal processes and does not detract from amenity, cultural importance or the ongoing practice of traditional activities;</li> <li>d) Development in areas that have a high probability of containing acid sulfate soils avoids or minimises disturbance. Where disturbance cannot be avoided, development is consistent with the mitigation measures which form part of a management regime developed in accordance with the State Planning Policy</li> <li>e) Low impact tourist uses that recognise and depend on the values of the cultural features or natural resources or features in an area may be located in the zone where there is a proven real and ongoing benefit to the community;</li> <li>f) Outstations located on Mornington Island, Denham Island, Forsyth Island and Bentinck Island provide for the accommodation of small family-based groups to enable people to get back onto their 'country' to engage in traditional practices;</li> <li>g) Natural features and environmental corridors such as creeks, gullies, waterways, wetlands, habitats and vegetation are retained and enhanced through buffers that minimise the impact of existing and future land uses. Any impacts expected by new development are mitigated appropriately.</li> <li>h) Development provides on-site infrastructure appropriate to intended use and site characteristics and which has no detrimental effects on the natural environment. Such infrastructure is provided and maintained at no cost to Council.</li> <li>i) Other uses may be located in this zone where it: <ul style="list-style-type: none"> <li>i) Has a direct link to the environmental and cultural values of the area;</li> <li>ii) Allows people to carry out traditional and cultural practices, including hunting, fishing, gathering, camping and managing the land;</li> <li>iii) Does not restrict access to, distract from or result in the loss of access to the beach, bush, and places that are environmentally or culturally important;</li> <li>iv) Integrates with the natural environment;</li> </ul> </li> <li>j) Provides a benefit to the local people and the traditional owners.</li> <li>k) Future urban development is accommodated efficiently and through the expansion of the Gununa urban area onto developable land in the Investigation Area to the north/north east in the location shown on</li> <li>l) Environmental management and conservation zone code Map 1. Development that proposes to use or</li> </ul>	

Mornington Shire Council Planning Scheme 2014 (Amendment Alignment Amendment adopted 18 July 2018 and commenced 30 July 2018)		
Code	Purpose	Assessment
	<p>that result in the use of resources provides a real and ongoing benefit to the community.</p> <p>m) New lots are designed and developed with sufficient area and proportions for activities and works associated with the proposed use.</p>	
Airport Environs Overlay Code	<ol style="list-style-type: none"> <li>1) The purpose of the Airport environs overlay code is to protect the existing and future operational requirements of the Mornington Island Airport and to provide the most compatible development of surrounding lands.</li> <li>2) The purpose of the code is to achieve the overall outcomes.</li> <li>3) The overall outcomes are: <ol style="list-style-type: none"> <li>a) conflicts between the Mornington Island Airport, including the Non-Directional Beacon, and surrounding uses are avoided;</li> <li>b) development does not introduce or intensify uses that are sensitive to noise interference or nuisance unless, where practicable, adequate mitigation measures are incorporated into the development;</li> <li>c) development mitigates impacts to ensure an appropriate level of amenity; and</li> <li>d) safe and efficient airport operations, including operational airspace, are protected.</li> </ol> </li> </ol>	<p>The proposed development is for the reconfiguration of the site only and will not result in the creation of a new land use.</p> <p>It is considered that the lot design can achieve the outcomes of the Airport Environs Overlay Zone.</p>
Coastal Protection Overlay Code	<ol style="list-style-type: none"> <li>1) The purpose of the Coastal protection overlay code is to manage development in areas prone to coastal erosion and coastal hazards such that it is planned, constructed and operated to: <ol style="list-style-type: none"> <li>a) avoid the social, financial and environmental costs arising from the impacts of natural hazards, taking into account the natural fluctuation of the foreshore and the predicted effects of climate change; and</li> <li>b) protect, conserve, rehabilitate and manage the coast, including its resources and biological diversity.</li> </ol> </li> <li>2) The purpose of the code is to achieve the overall outcomes.</li> <li>3) The overall outcomes are: <ol style="list-style-type: none"> <li>a) conservation of coastal resources, including the foreshore; and</li> <li>b) protecting the community, infrastructure and coastal ecosystems from adverse impacts of coastal hazards, including the predicted effects of climate change, by avoiding unacceptable risks to property and human life;</li> <li>c) where risks are acceptable, development is designed to mitigate the effects on property and human life, including the provision of multiple safe evacuation routes.</li> </ol> </li> </ol>	<p>The Coastal Protection Overlay encroaches into a portion of Lot 911, however does not cover the portion of the lot which is the focus of the provided subdivision.</p> <p>In this instance, it is considered that the proposed reconfiguration will not impose a risk to community with respect to the outcomes sought by the Coastal Protection Overlay.</p>

#### **Assessment of application against Morning Island Master Plan 2020**

The development proposal is consistent with the Mornington Island Master Plan 2020, which involved extensive community consultation about the future development aspirations of the community. The proposed development will be in keeping with the outcomes of the Master Plan and will allow for future residential use to address overcrowding within the community.



**State Planning Policy Assessment**

An assessment against the 'applicable' provisions of the relevant State Interests has been undertaken as reflected hereunder.

The *State Planning Policy (SPP)* is a key component of Queensland's planning system. The SPP (July 2017) expresses the state's interests in land use planning and development. The SPP has effect throughout Queensland and sits above regional plans and planning schemes in the hierarchy of planning instruments under the Act.

The SPP focusses on delivery of outcomes and applies to:

- i. a local government in assessing a development application
- ii. an assessment manager or referral agency in assessing a development application

STATE PLANNING POLICY, JULY 2017					
	Livable Communities & Housing	Economic Growth	Environment & Heritage	Safety & Resilience to Hazards	Infrastructure
1	Housing supply & diversity	Agriculture	Biodiversity	Emissions & hazardous activities	Energy & water supply
2	Liveable communities	Development & construction	Coastal environment	Natural hazards, risk & resilience	Infrastructure integration
3		Mining & extractive resources	Cultural heritage		Transport infrastructure
4		Tourism	Water quality		Strategic airports & aviation facilities
5					Strategic ports

**Assessment:****Housing Supply and Diversity**

The proposal provides the opportunity for accessible and well-services housing, and land for housing and supports affordable housing outcomes.

**Liveable Communities**

The proposed development intends on designing the site in order to provide liveable, well design and serviced communities that are developed to support and enhance quality of life.

**Development and Construction**

The proposal will contribute to supporting local economic and investment opportunities.

**Coastal Environment**

The proposed development does not impact on the coastal environment.

**Natural Hazards, Risk and Resilience.**

The subject site is design to build resilience by avoiding development in unsuitable areas and by incorporating a new public gazetted road which will provide ease of access to residents in the event of an emergency.

**Infrastructure Integration**

The subject site will be integrated into the existing infrastructure network.

**Energy & Water supply**

The proposed development is infill development making use of existing infrastructure

Attachment B: Qld Globe Map

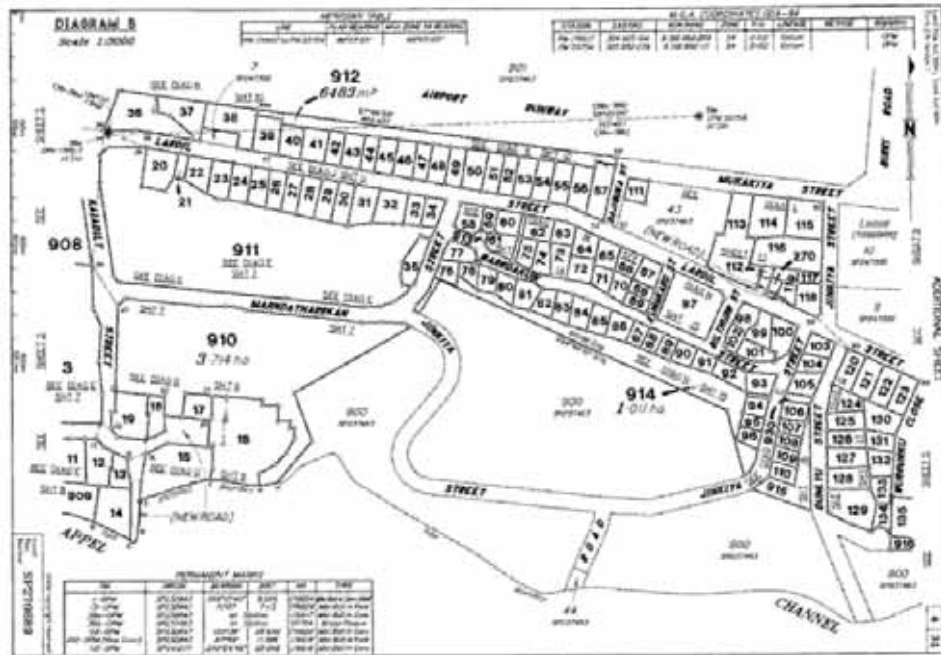


Figure: Queensland Globe map extract of development site.



Figure: Queensland Globe map extract of development site

Attachment C: Site Plan of premises



## Attachment C: Site Plan of premises

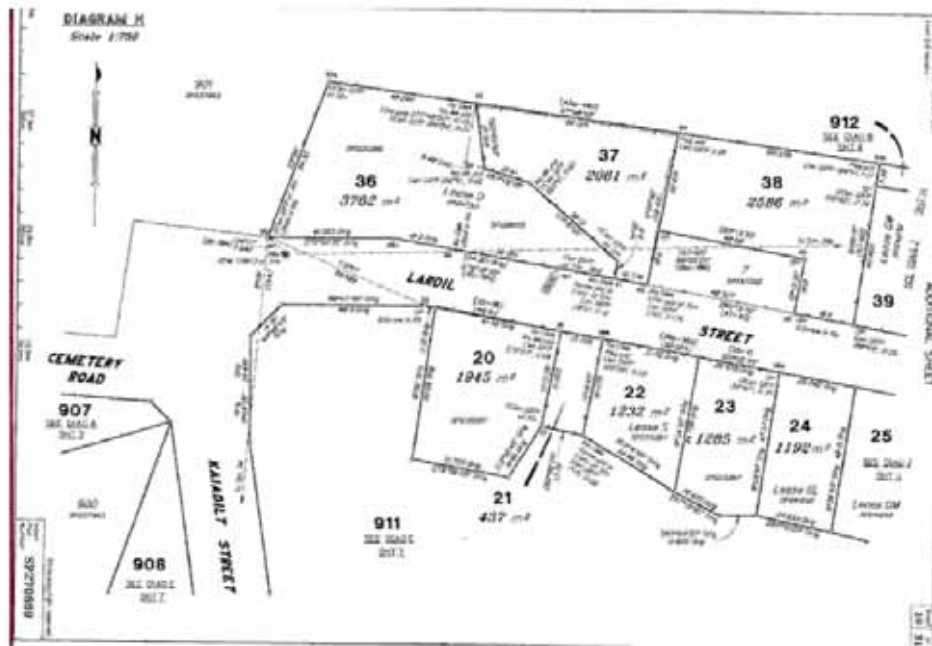
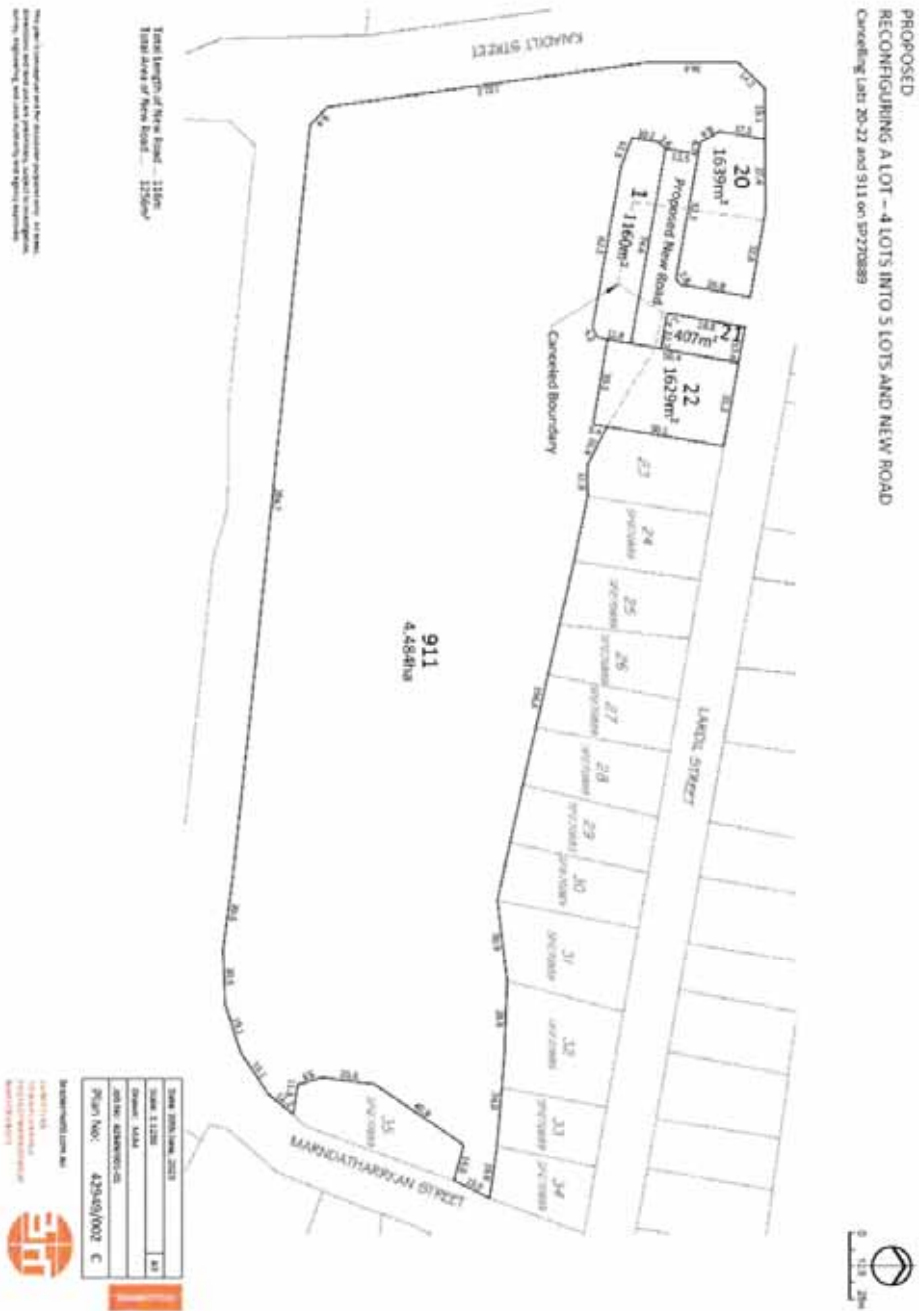


Figure: SP270889, Sheet 10 of 31

Attachment D: Site Drawing





Attachment D: Site Drawing

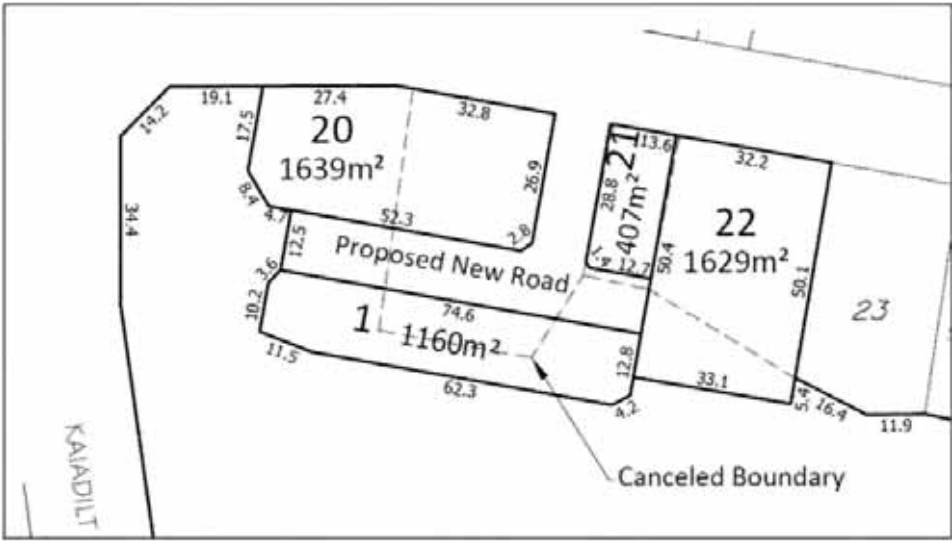


Figure: Extract of Drawing 42949/002 C prepared by Brazier Motti, dated 20 June 2023

	Lot 1	Lot 20	Lot 21	Lot 22	Lot 911
Existing Area	N/A	1,945m²	437m²	1,232m²	4,731ha
Proposed Area	1,160m²	1,639m²	407m²	1,629m²	4,484ha

Figure: Proposed Lot Sizes as per Drawing 42949/002 C prepared by Brazier Motti, dated 20 June 2023





Your Ref:  
Our Ref: DA2021\_022

14/07/2023

Mornington Shire Council  
C/- Brazier Motti  
595 Flinders Street  
Townsville QLD 4810

Delivery via email: [Gerhard.Visser@datsip.qld.gov.au](mailto:Gerhard.Visser@datsip.qld.gov.au) and [Alex.Bowen@dsdsatsip.qld.gov.au](mailto:Alex.Bowen@dsdsatsip.qld.gov.au)

**DECISION NOTICE**  
***Planning Act 2016***

**Section 62 of the Planning Act 2016, Development Permit for Reconfiguring a Lot (4 Lots into 5 lots) & creation of a new road located over lot 20-22 And 911 on SP270889 Gununa, Mornington Island**

The application dated 19 May 2023 seeking approval for the following is noted:

- Reconfiguring lots 20, 21, 22 & 911 on SP270889 to create 5 lots: and;
- Creation of a new (unnamed) road

Please be advised that your application was assessed and considered at Council's schedule meetings held on 19 July 2023.

Council resolved to:

Approve (subject to conditions) the Development Application lodged with Council for:

- i. Development Permit for Reconfiguration of a Lot (RaL) -4 into 5 lots and creation of a new road over Lot 20, 21, 22 & 911 on SP270889.

This notice outlines aspects of the development, conditions of the approval, currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an Appeal.

Should you require any further information or clarification concerning this matter, please contact Council for the necessary assistance.

Yours sincerely

Gary Uhlmann  
CHIEF EXECUTIVE OFFICER  
Mornington Shire Council  
End - Decision Notice  
Appeal Rights

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DA2023\_022- Ral(4 lots into 5 lots and new road)  
 DECISION NOTICE  
 Planning Act 2016 s64

## APPLICATIONS DETAILS

Aspects of the development proposal are listed below:

<b>Application Number</b>	DA2021_022
<b>Applicant Details</b>	Mornington Shire Council C/ Brazier Motti
<b>Property Description</b>	Lot 20, 21, 22 and part of Lot 911 on SP270889
<b>Proposal</b>	<ul style="list-style-type: none"> <li>Reconfiguring lots 20, 21, 22 and 911 on SP270889 to create 1 additional lot; and</li> <li>Creation of a new road (unnamed)</li> </ul>
<b>Level of Assessment</b>	Code Assessable

## DECISION

Development assessment, as per the provisions of the Planning Act 2016, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

<b>Deemed Approval</b>	The application has not been deemed to be approved under s64 of the <i>Planning Act 2016</i> .
<b>Decision</b>	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
<b>Decision Date</b>	19 July 2023
<b>Decision Type</b>	Development Permit
<b>Planning Instrument</b>	Mornington Shire Council Planning Scheme 2014 (Amendment Alignment adopted 18 July 2018 and commenced 30 July 2018).
<b>Submissions</b>	N/A

### CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.

### REFERRAL AGENCIES

Nil

### PROPERTY NOTES

Not Applicable

### FURTHER DEVELOPMENT PERMITS REQUIRED

Building Act 1975

Plumbing & Drainage Act 2018

### RIGHTS OF APPEAL

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

#### Appeal by an applicant

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

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

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

***Appeal by an eligible submitter***

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- Any part of the development application that required impact assessment; and
- A variation request.

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

**APPROVAL CURRENCY PERIOD**

Pursuant to s46(8) of the *Planning Act 2016*, the development approval will lapse within six (6) years after the date of approval.

**APPROVED PLANS & SPECIFICATIONS**

Copies of the approved plans, specifications and/or drawings are attached.

**FURTHER INFORMATION**

The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.

**NOTICE ABOUT DECISION – STATEMENT OF REASONS**

This Notice is prepared in accordance with s63 (5) and s83 (7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision specifically having regard to:

- The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- Any other information, documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meaning given then in the *Planning Act 2016*.

## REASONS FOR THE DECISION

The proposal can be considered to be consistent with the following relevant overall outcomes of the *Mornington Shire Council Planning Scheme 2014* (Amendment Alignment adopted 18 July 2018 and commenced 30 July 2018), in particular the proposed development:

- Will be a logical continuation of the existing development within the vicinity of the site.
- Is connected to existing urban infrastructure, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Is reflective of the needs of the community and will assist Council to accommodate for future residential land and address overcrowding.

## SCHEDULE OF CONDITIONS

- i. Development Permit for Reconfiguration of a Lot (RdL) - 4 into 5 residential lots; and
- ii. Creation of a new (unnamed) road.

CONDITIONS OF APPROVAL		TIMING								
<p><b>1. Administration</b></p> <p>1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;</p> <p>1.1.3. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.</p>		At all times								
<p><b>2. Currency Period</b></p> <p>2.1. The applicable currency periods are:</p> <p>2.1.1. Reconfiguring a Lot - <b>4 Years</b></p>		As per condition								
<p><b>3. Approved Site Drawings/Plans</b></p> <p>3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:</p> <table><tr><th>Plan / Document Name</th><th>Drawing Number</th><th>Sheet No / Ref.</th><th>Date/DWG</th></tr><tr><td>Proposed Reconfiguring a Lot – 4 lots into 5 lots and New Road</td><td>42949/002 C</td><td>N/A</td><td>20/06/2023</td></tr></table> <p>3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</p> <p>3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.</p>		Plan / Document Name	Drawing Number	Sheet No / Ref.	Date/DWG	Proposed Reconfiguring a Lot – 4 lots into 5 lots and New Road	42949/002 C	N/A	20/06/2023	At all times
Plan / Document Name	Drawing Number	Sheet No / Ref.	Date/DWG							
Proposed Reconfiguring a Lot – 4 lots into 5 lots and New Road	42949/002 C	N/A	20/06/2023							
<p><b>4. Construction</b></p> <p>4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</p> <p>4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.</p> <p>4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan.</p> <p>4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p>		<p>At all times</p> <p>Prior to commencement of construction</p>								

Item 15.1- Attachment 2



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<b>5. Damage to Infrastructure</b> 5.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council. 5.2. All works must be completed prior to the issue of a Compliance Certificate, Building Act.	At all times
<b>6. Drainage</b> 6.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas. 6.2. Any works as a result of the development must not interfere with natural stormwater flow over or through the land. 6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer. 6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.	At all times  Prior to the start of any works on the site. Prior to the commencement of the use.
<b>7. Access/Parking</b> 7.1. Access provision to the development must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence. 7.2. Bicycle and Vehicle parking requirements and Parking Design must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.	Prior to the commencement of the use. At all times
<b>8. Infrastructure Services</b> 8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice. 8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence. 8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence. 8.4. Electricity provision certificate must be provided to the Local Authority. 8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer. 8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.	At all times
<b>9. Fire Hydrants, Fire Management and Emergency Access</b> 9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence. 9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.	Prior to use of site.
9.3. Road widths, and construction within the development are to be adequate for fire emergency vehicles to gain access to a safe working area. 9.4. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.	At all times  At all times

DA2023\_022- R/L(4 lots into 5 lots and new road)  
 DECISION NOTICE  
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9.5. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.	At all times
<b>10. Staged Development</b> 10.1. The development can be undertaken in stages generally in accordance with the approved Plans of Development and funding availability.	As per condition
<b>11. Acid Sulfate Soils</b> 11.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants. 11.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.	Prior to the commencement of the use.
<b>12. Landscaping and Fencing</b> 12.1. Landscaping and fencing to be erected to enhance the appearance of the site to the road and provide a buffer to adjoining sites. 12.2. The landscaping and fencing must be maintained to an appropriate standard.	Prior to the commencement of the use. At all times



DA2023\_022- Ral(4 lots into 5 lots and new road)  
Planning Act 2016 s64

SITE PLANS

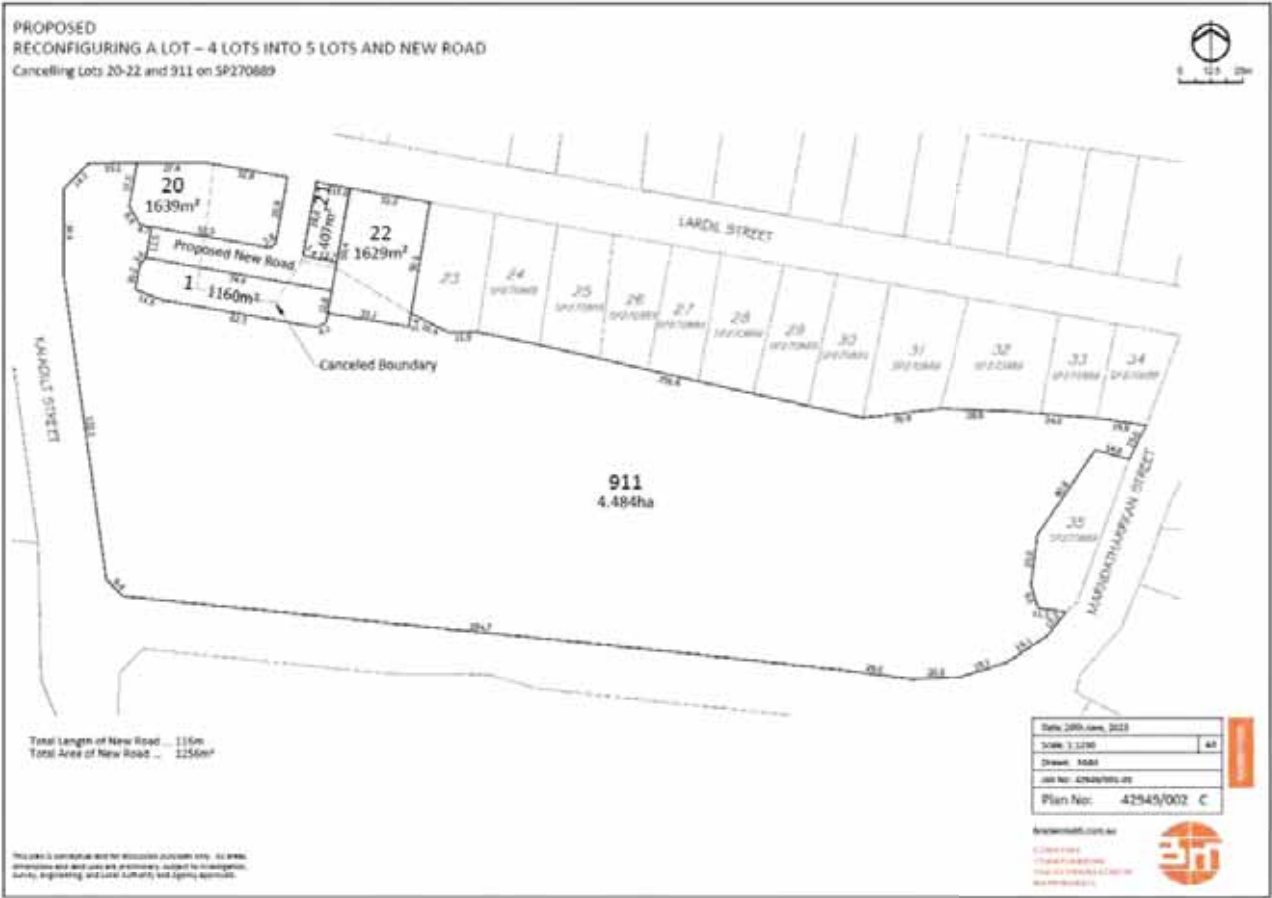


Figure: Drawing 42949/002 C prepared by Brazier Motti, dated 20 June 2023

DA2023\_022- Ral(4 lots into 5 lots and new road)

Planning Act 2016 s64

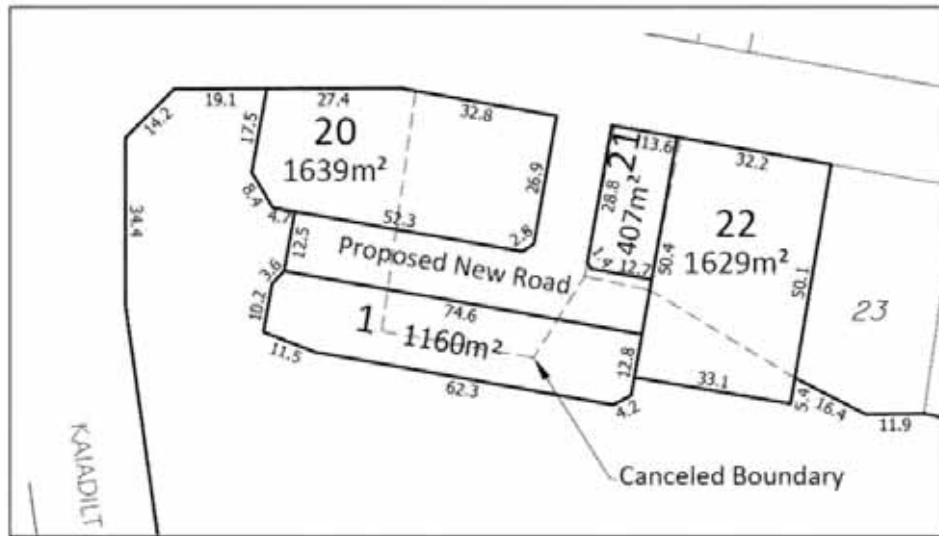
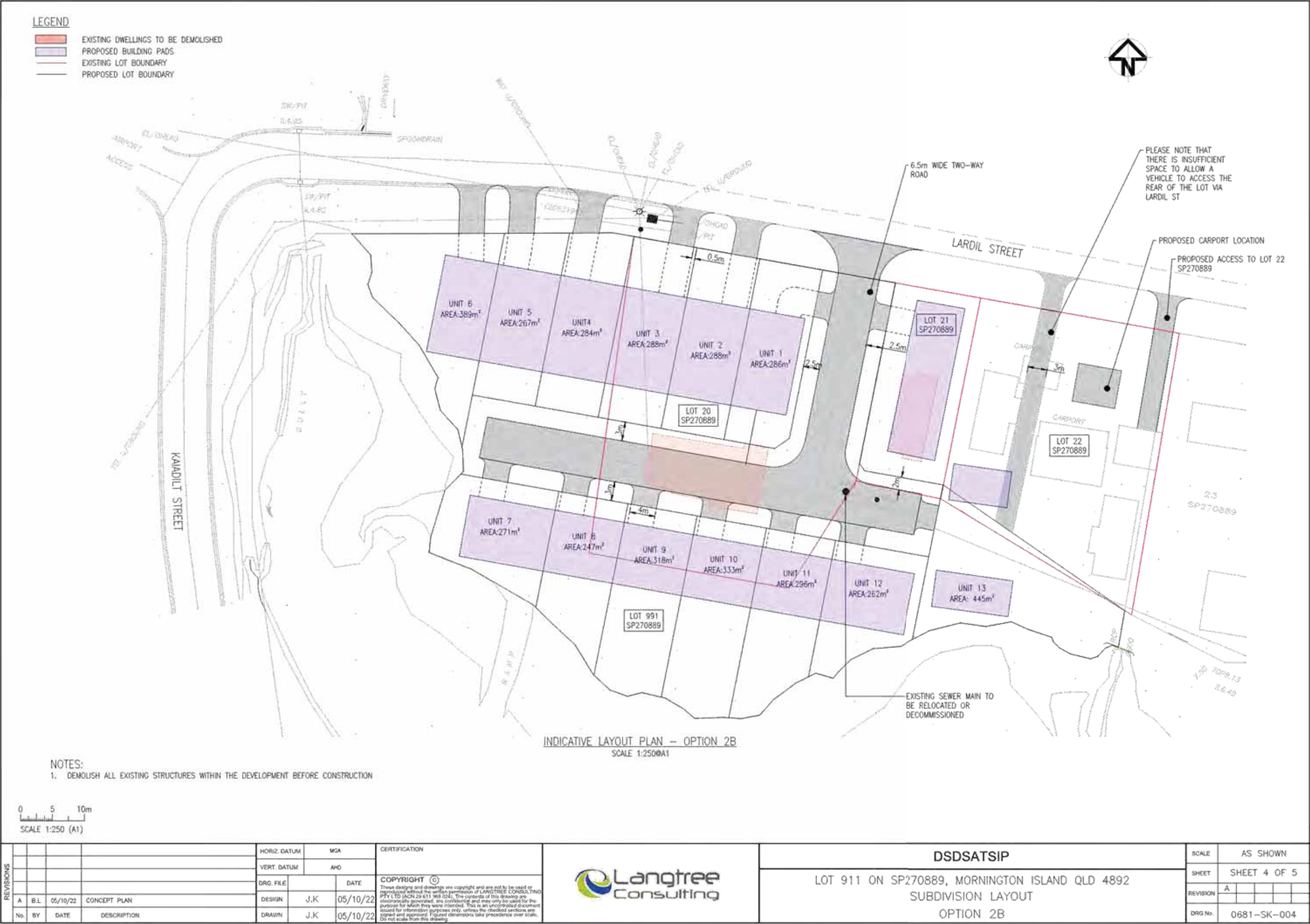


Figure: Extract of Drawing 42949/002 C prepared by Brazier Motti, dated 20 June 2023

	Lot 1	Lot 20	Lot 21	Lot 22	Lot 911
Existing Area	N/A	1,945m <sup>2</sup>	437m <sup>2</sup>	1,232m <sup>2</sup>	4,731ha
Proposed Area	1,160m <sup>2</sup>	1,639m <sup>2</sup>	407m <sup>2</sup>	1,629m <sup>2</sup>	4,484ha

**Total Length of New Road ... 116m**  
**Total Area of New Road ... 1256m<sup>2</sup>**

Figure: Proposed Lot sizes as per Drawing 42949/002 C prepared by Brazier Motti, dated 20 June 2023



**16 FACILITIES****16.1 FACILITIES REPORT**

**Author:** Director of Housing and Facilities

**Attachments:** Nil

**PURPOSE (EXECUTIVE SUMMARY)**

The purpose of this report is to provide the Council with an update of the Facilities Department for the month of June 2023.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

The report below outlines the various works currently undertaken by the Facilities Department.

**1. FACILITY STAFFING****1.1. Maintenance Crew**

Staff attendance remains an issue. There have been some good days however we are still struggling to have a full crew for a whole week. There is a significant number of tasks that require completion weekly, and on an ad-hoc basis, however employee absences are greatly affecting our weekly work schedules. We are in the process of reviewing the Council organisational structure to add more staff to the Facilities Maintenance Crew.

**1.2. Cleaning Crew**

We are still averaging attendance of approximately 8 employee cleaners each day. Currently we have approximately 20 cleaners on the payroll system. We have employed a few extra new casuals and have terminated others due to poor attendance.

**1.3. Administration**

We are recruiting for a Facilities Administration Officer per the Council approved organisational structure.

**2. COUNCIL COMMERCIAL PROPERTIES****2.1. VAC Accommodation**

We are working through changing over the kitchen and cookware from the Motel to the VAC kitchens. From the auction purchases recently, the Council acquired items such as linen, curtains, and pillows that has arrived on the island in two 10ft shipping containers. The Cleaning Crew are ensuring the VAC kitchen is cleaned daily and this is being check by the Accommodation Coordinator.

Due to loitering by several local young people around the VAC rooms throughout the day and night, we have installed fencing in the spaces between each Donga to help avoid vandals. However, they have now started entering through the Donga back windows and we are now in the process of ordering security screening to minimise break ins.

Full refurbishments have begun for VAC Donga's 3, 8 & 10. Most of the materials have arrived and works have started. Most of the internal sheeting has been installed and a new kitchen has been installed in Donga 10, this will be completed at the end of July. We have installed all new roofs on Dongas 3, 6, 8 and 10. New furniture has been ordered for the three dongas.

**2.2. Motel Accommodation**

New furniture and equipment have been purchased for the motel rooms and most of the equipment and furniture has arrived on the island and placed in the rooms.

New sets of dinner plates, bowls and cutlery have arrived and will replace the existing sets which will be repurposed at the VAC kitchens.

Several flooring repairs tasks to several rooms have been completed.

Air conditioning servicing and cleaning completed.

**2.3. RTC Offices**

We are in the process of ordering new windows, steel frames and steel door screen throughout the buildings and arranging a quote to repaint the building.

**2.4. APH**

The motor has arrived for the new steel sliding gate which has been ordered and pending arrival. Servicing of all plumbing fixtures and fitting throughout all the commercial properties are still ongoing

**2.5. Maintenance Commercial Works**

Servicing of all plumbing fixtures and fitting throughout all the commercial properties are still ongoing. In May, an electrical company was engaged to complete the six (6) monthly electrical testing throughout all Council commercial buildings. This has been completed.

Air conditioning serving and cleaning throughout all Council Commercial buildings is ongoing.

**3. COUNCIL PROPERTIES RESIDENTIAL****3.1. Staff Accommodation**

The following properties are currently vacant:

- VAC Donga 3 – Undergoing refurbishment. (Estimated completion date August 2023)
- VAC Donga 8 – Undergoing refurbishment. (Estimated completion date July 2023)
- VAC Donga 10 – Undergoing refurbishment. (Plumbing, electrical and painting mid-July)

We have no staff housing available for any new staff coming to the island.

**3.2. Maintenance Residential Works**

Servicing of all plumbing fixtures and fitting throughout all the residential properties is ongoing.

Air conditioner cleaning is continuing throughout Council owned staff houses material have been ordered to continue.

Wormald are in the process of installing fire extinguishers and testing and tagging where required.

Any smoke alarms that required replacement have been replaced in several Council buildings. This task is also being progressively undertaken in all Council residential houses.

**3.3. Internet Service**

The Telstra internet service upgrade on the island which requires a change from copper to fibre optic is planned to commence during August 2023 has now been delayed and awaiting notification of new commencement date. Fourier are supplying a service provider to supply data for the Council.

**3.4. Security (Asset Protection) Services**

The security service provision is essential to safeguard all Council residence and commercial properties. One security guard currently works from 6:00pm through to 6:00am, undertaking patrols, seven days a week.

**FINANCIAL & RESOURCE IMPLICATIONS**

The Facilities Department has now got the Housing Finance Administration officer working with the Accommodation Coordinator to process all outstanding invoicing.

**RECOMMENDATION**

That Council note and receive the Facilities Department report for July 2023.



**17 COMMUNITY DEVELOPMENT REPORT****17.1 COMMUNITY DEVELOPMENT REPORT**

**Author:** Community Development Coordinator

**Attachments:** Nil

**PURPOSE (EXECUTIVE SUMMARY)**

The purpose of this report is to update Council on Community Development activities for the month of June 2023.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

The role of the Community Development Coordinator is to develop community activities, youth programs, manage, oversee, support, resource, and facilitate the events prescribed in the Calendar of events for the benefit of the community. This includes to increase utilisation of Councils gym.

**Updates****Carriage Limit**

- Office of Liquor Gaming Regulations (OLGR) visited on 21-23 July 2023 to conduct a compliance report on the Gununa Post Office and the Barge shed. The audit resulted in some changes to both licenced premises.
- Gununa Post Office
  - Signage put into noticeboard as per the licence trading conditions (e.g., Refusal of service to minors, refusal of service to unduly intoxicated addressees, trading hours for distribution of alcohol and signage advising customers that the licensee must provide information to the local police station of any mail suspected of containing alcohol of a type or amount not permitted under the prescribed quantity provisions).
  - Handrails to be installed on steps on the side entrance and a serviced fire extinguisher onsite.
- Barge Shed
  - Denial of service for patrons suspected of being unduly intoxicated and/or disorderly. In order to ensure consistency and transparency, such patrons have been breathalysed in line with current processes at Community Liquor Permit events.
  - Ensuring that patrons are distributed their carriage limit individually and reinforcing that only the named patron can be distributed to. Patrons are unable to designate another person to uplift their carriage limit on their behalf, including those patrons requiring extra support.
  - A serviced fire extinguisher to be onsite.
  - Regular provision of distribution spreadsheets to OLGR.

Mornington Island have had a carriage limit now for fifteen (15) months. The proposed increase to the current carriage limit of one (1) carton is still pending.

- Strong advocacy is required from Council to produce a positive result.
- The carriage limit administration will be alleviated immediately once approved and would assist the utilisation of the Swiftpos system.

**Motel Tavern Liquor Licence and Community Liquor Permit (CLP) events**

- Licencing conditions: Still awaiting proposed licence trading conditions. However final approval relies on the completion of a commercial kitchen facility. This has a proposed completion date for three (3) months' time.
- Three (3) CLP events were held in July 2023 to celebrate Naidoc week and the last State of Origin game. All events were highly successful with no notable incidents. Official debriefs to occur this week.

**NAIDOC Week 2023 events**

- Flag raising ceremony, rescheduled to Tuesday 4 July 9am – 10.30am
  - Significant turn out from all areas of community
  - BBQ breakfast provided with refreshments.
- Jungkuldi hairdressing, Wednesday 5 July 10am – 1pm
  - With in kind support from the Mornington Island State School providing the use of the PAFT building hairdressing salon and staff from BYNOE, hairdressing services were provided to over fifty-five (55) years of age residents.
- Elders Dinner, Wednesday 5 July 5pm – 9pm
  - With in kind support from the Aged Persons Hostel (APH) cook, a three (3) course meal was provided to eighty (80) residents aged fifty-five (55) years and over.
  - This was also a CLP event to supplement the dinner and provide an opportunity to honour our Elders in line with the NAIDOC theme.
  - During the build up to this event, portraits were obtained of our Elders throughout the community and displayed on the big screen tv during the night.
  - A number of volunteers helped ensure the success of this event. In no particular order they were Tony and Tanya (54 reasons), Vele and Farrah (Mission Australia), Ani, Maia and Vaimera (Uniting Church), John (Mirndiyan Art Centre), Chris and Phyllis (live band) and almost all of the staff from the APH.
  - Feedback from our Elders and all present were highly positive and well regarded.
- NAIDOC themed CLP event, Saturday 8 July 5pm – 11pm
  - This was a 'Wear your indigenous shirt' dress code to celebrate NAIDOC and our community Elders.
  - Portrait photos of our Elders were displayed on the big screen tv during the event
  - Beef cabbage stew and rice were provided as a complimentary meal.

**Grants**

- Moveit NQ: New funding approved for 2023. Volleyball has started but most programs yet to start due to availability of facilitators.
- Gulf Social Development Fund: Gym upgrade project progressing and looking great. Currently in negotiations to have grant end date extended.

**Miscellaneous**

- PCYC Funding: Working on the auspice agreement: ONGOING
- Preferred Supplier Arrangement: ONGOING
- Fareshare program: Currently distributing meals to Mirndiyan Art Centre, Junkuri Laka, Salvation Army store, BYNOE, NDIS as well as identified community members.
- Community Development current job vacancies: Community Bus Driver, Admin Assistant and Events Officer. There are currently applications pending. Rhianne Williams is currently providing administrative support remotely.
- Sports and Rec Officer Davida Stowers will be the bus driver for the School Dance Tour to Cairns and Townsville for 10 days
- Assisting BYNOE with the placement of the shade sails being installed within the festival grounds.
- Mornington Island Raiders rugby league team on their second cluster in Normanton.
- Facilitating a government funded heavy machinery course for council staff, BYNOE participants and community.

**Upcoming events**

- Restarting soon, Thalldi Gilmoo Luuli Touch Footy programs (Tuesdays)
- Restarting soon, Baya Kuburda Community Boxing night (Thursdays)

**FINANCIAL & RESOURCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council note and accept the Community Development report for June 2023.

**17.2 COMMUNITY SAFETY PLAN COMMITTEE**

**Author:** Community Development Coordinator

**Attachments:** 1 Community Safety Plan Survey

**PURPOSE (EXECUTIVE SUMMARY)**

The purpose of this report is to update Council on the implementation and monitoring of the Community Safety Plan (CSP) by the associated committee for the month of July 2023.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

In 2012 the first Community Safety Plan was developed through extensive community consultation. Then in 2017, there was a strategic review of the impacts of Mornington Island's Alcohol Management Plan including the supply and consumption of alcohol, hospital presentations, school attendance and impacts on service providers and community health generally.

In March 2021, community consultation was undertaken to develop a new Community Safety Plan that would also inform future Alcohol Management arrangements for Mornington Island.

As part of the new CSP a Community Safety Committee consisting of community representation was established to work with Mornington Shire Council to oversee the implementation and monitoring of the Community Safety Plan and the Community Safety Action Plan. The committee measures the success to support a case for change to alcohol restrictions for consideration by community and Government.

It is important that the Community Safety Plan continues to reflect the voices of the community and addresses their emerging needs. The Community Safety Plan sets the context for the management of community safety and wellbeing including alcohol management on Mornington Island.

The Community Safety Plan committee activities were previously included in the Community Development monthly report, but it is now apparent that this should have a separate report to inform Council of community needs and aspirations.

Recent issues have been raised around the below items;

- support for the elderly when attending Community Liquor Permit events,
- requests for regular fortnightly CLP events,
- more educational campaigns around the harms of irresponsible drinking including homebrew.

A survey is being developed to update the Community Safety Plan and is currently in a draft format. It is scheduled to go live on the 1 August 2023 and run for the month of August.

There will be an online survey monkey link along with canvassing the local residents with manual surveys. The survey seeks to update the current Community Safety Plan to address emerging needs of the Mornington Island community. A separate Stakeholder survey is intended to look at community service delivery from their perspective.

The Committee have strongly voiced their request that the elected Councillors and the Executive Managers of Mornington Shire Council attend all future meetings to ensure their voices are heard and that advocacy for their aspirations occurs.

**FINANCIAL & RESOURCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council note and accept the July 2023 Community Safety Committee report.

**Your opinion matters**

Mornington Shire Council and our partners are currently in the process of updating to the Mornington Island Community Safety Plan. We do this regularly to ensure it continues to align with community needs and aspirations.

It is important for us to understand all of the concerns, issues, suggestions and ideas that community members have which will help inform the update to the plan.

None of the information you will provide in this survey is identifiable, and your responses will remain anonymous. Survey is open until 5pm 31 August 2023.

**Getting to know you!**

Before we get too far along, we'd like to get to know a little about you!

**\* 1. Age**

☐ Under 18   ☐ 18-24   ☐ 25-34   ☐ 35-44   ☐ 45-54   ☐ 55-64   ☐ 65+

**\* 2. Gender**

☐ Male  
☐ Female  
☐ Non-binary

Identify here

**\* 3. Do you live on Mornington Island permanently?**

☐ Yes   ☐ No

**4. If you answered no, what best describes your status?**

☐ Short term work contract (over 6months)  
☐ Visiting family from another community, homeland or town  
☐ Visiting contractor (0-3months)  
☐ Other (please specify)



\* 5. What do you like about living on Mornington Island?

- |  |  |
|--|--|
| <input type="checkbox"/> This is my home - family is a priority  | <input type="checkbox"/> Natural Environment                                     |
| <input type="checkbox"/> Traditional Art + Culture               | <input type="checkbox"/> Recreational activities (fishing, boating, camping etc) |
| <input type="checkbox"/> Work opportunities + career development | <input type="checkbox"/> Connected community + support                           |
| <input type="checkbox"/> Other (please specify)                  |  |

### Alcohol Management Plan

Takeaway alcohol was reintroduced on Mornington Island in April 2022. These questions are about the carriage limits, and the impact (good and bad) that you think the reintroduction has had on our community.

\* 6. Do you think there was enough information provided to you about takeaway alcohol returning to the Island?

- ☐ Yes ☐ No

If you answered NO, can you tell us why?

\* 7. Do you think the reintroduction of alcohol into our community has helped reduce/control alcohol related behaviours?

- ☐ Yes ☐ No

\* 8. Why did you choose this answer?

\* 9. Do you want to see any changes to the current carriage limits for the Island?

- ☐ Yes ☐ No

10. If you selected **YES**, what could those changes be?

- ☐ Different types of alcohol included like wine or cider
- ☐ Increase in alcohol percentage of drinks allowed (i.e. more than 4% alcohol)
- ☐ Increase in total allowable limits (i.e. more than 4.5L of beer OR pre-mixed spirits - the equivalent of 12 x 375ml. containers)
- ☐ Other (please specify)

\* 11. Would you like to see another licensed premises operating on the Island?

- ☐ Yes ☐ No

\* 12. Would you like to see a specific alcohol/liquor outlet operating on the Island?

- ☐ Yes ☐ No

\* 13. Do you think homebrew should remain illegal?

- ☐ Yes ☐ No

14. If you answered **YES** to the above, can you tell us why?

\* 15. Do you think the introduction of alcohol education and support programs, would help our community manage alcohol in our community i.e Alcoholics Anonymous, On Country Rehab programs?

- ☐ Yes ☐ No

\* 16. Would you be interested in participating in these programs? Or would you recommend them to family/friends?

- ☐ Myself
- ☐ Friends and Family
- ☐ Both
- ☐ None of the above - I have no interest in these programs

17. If you are over 18, would you like to see fortnightly social and special occasion events held at Lelka Murrin tavern?

☐ Yes ☐ No

18. If you answered **YES** to the above, can you tell us what do you like about them?

\* 19. What type of activities, services, venues would you like to see in community which could offer an alternate distraction from consuming alcohol? Choose as many as you like.

- ☐ More entertainment – community events
- ☐ On Country activities
- ☐ Additional programs and community competitions [i.e. hunting, fishing, sports]
- ☐ Additional activities for young kids - splash park, sports programs, BMX track
- ☐ Additional activities for older youth – youth hub, video games etc
- ☐ Alcohol education sessions – effects of alcohol on our bodies, our families, community
- ☐ Other (please specify)

20. Do you think children are being safely supervised and cared for when adults are drinking?

One section to go! The next area relates to **Community Safety**.

### SAFETY IN OUR COMMUNITY

This section will help us to understand how safe you feel on Mornington Island, and is a chance for you to share your ideas.

\* 21. How safe do you feel living on Mornington Island?

Very Unsafe	Unsafe	I don't think much about it	Safe	Very Safe
				

22. If you selected Very Unsafe or Unsafe, can you tell us why you selected that?

\* 23. Do any of below make you feel unsafe? Select those that apply.

- ☐ I don't feel unsafe
- ☐ Walking around community at night
- ☐ Takeaway alcohol pick-up days
- ☐ Tavern/special event nights
- ☐ Leaving my home unoccupied while I'm away
- ☐ Being by myself at home
- ☐ When my family/friends are drinking alcohol
- ☐ Suicide
- ☐ Underage drinking
- ☐ Gambling
- ☐ Alcohol and drug consumption
- ☐ General crime
- ☐ Policing
- ☐ Other (please specify)

24. If you selected any of the above options (except for 'I don't feel unsafe'), do you know what support services are available to assist you with these?

- ☐ Yes ☐ No

\* 25. In many communities across Queensland, domestic and family violence is an issue. Does domestic and family violence (DFV) impact you/your family?

☐ Yes ☐ No

\* 26. Do you know where you can get help to support you and your family if you are experiencing DFV issues?

☐ Yes ☐ No

\* 27. Are you concerned about problems alcohol / homebrew / sly grog might have on our community?

☐ Yes ☐ No

28. If you said yes, please share why.

\* 29. What concerns do you have about alcohol? Select as many options as you like

☐ Too much is bad for our health – makes our chronic health problems worse

☐ It causes fights and makes people angry

☐ Impacts attendance at work by employees

☐ Increase in alcohol related crime

☐ Makes my home noisy and hard for me to sleep

☐ Can stop people wanting to come and work on our Island

☐ Impacts our kids attendance at school

☐ Other (please specify)

☐ I have no concerns

\* 30. Which of these ideas do you think would reduce harm from drinking in the community?

- ☐ More community health education about alcohol and home brew
- ☐ More regular access to alcohol
- ☐ Keeping current alcohol percentage levels (no spirits or heavy strength)
- ☐ Community Night Patrol
- ☐ Community activities that will divert people away from drinking alcohol
- ☐ Alcoholics Anonymous (or similar program) for people wanting to reduce/remove alcohol from their life
- ☐ On Country rehab program/facility
- ☐ None of the above

31. What do you think the **community** could do to help improve and reduce safety concerns?

32. Are there things **you** could do to make Mornington Island better and safer?

\* 33. Would you be interested in attending free training for a Mental Health First Aid Course within the next 3months?

- ☐ Yes
- ☐ No

34. Do you have any other comments, questions, or concerns?



We appreciate you taking time to share your answers and completing this survey. The information gathered during this process will help inform the update to the Mornington Island Community Safety Plan to ensure it continues to align with community needs and aspirations. None of the information you have provided is identifiable, and your responses remain anonymous.

For any further information regarding this process, the Community Safety Plan, or if you'd like to participate in any other activities to support our program, please reach out to Violet Taulanga, Community Development Officer, Mornington Shire Council – 0459 213 737.

**17.3 COMMUNITY FUNERAL FUND**

**Author:** Community Development Coordinator

**Attachments:** Nil

**PURPOSE (EXECUTIVE SUMMARY)**

The purpose of this report is to recommend introduction of community funeral fund with surcharge takings from Electronic Funds Transfer Point of Sale (EFTPOS) transactions.

**BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

Sorry Business has always been a sensitive topic that affects familial relationships and can lead to financial hardship for the next of kin. Any funding assistance for family members can regularly take up to a month to process and extend the time taken to lay their loved one to rest.

**Funding of Proposed Funeral Fund**

New Tyro EFTPOS machines are programmed for surcharging that would normally be absorbed by Council. These EFTPOS machines are used in the carriage limit orders and the Leika Murrin community liquor permit events. The surcharging amount is currently averaging around eight hundred dollars (\$800) per month. This amount can potentially be deposited into a funeral fund.

An alternative recommendation is to impose a one dollar (\$1.00) charge on each carton of alcohol sold. This miniscule amount is then supported widely and throughout community. After each month, based on the number of cartons purchased the corresponding amount can be deposited into a funeral fund account. This would amount to approximately one thousand dollars (\$1,000) per month on average.

An opening deposit for a funeral fund can come from the Community Safety Plan funding of two thousand, five hundred dollars (\$2,500).

**FINANCIAL & RESOURCE IMPLICATIONS**

There should not be any financial implication(s) for Council, as a funeral fund is intended to be solely generated from surcharges related to alcohol purchases.

**RECOMMENDATION**

That Council:

1. Endorse creation of a formal funeral fund which can provide Mornington Shire residents with financial support for funerals, burials and associated expenses; and
2. Quarantine two thousand, five hundred dollars (\$2,500) from the Community Safety Plan as a start-up funeral fund deposit;
3. All EFTPOS transaction fees from the tavern and carriage limit be quarantined for funeral fund purposes;
4. A universal surcharge of one dollar (\$1.00) be added to the transaction cost for all cartons of alcohol and the surcharge takings be quarantined for a funeral fund.

**18     WORKPLACE HEALTH AND SAFETY**

Nil

**19     CONFIDENTIAL REPORTS**

Nil

**20     NEXT MEETING**

Wednesday 16 August 2023

**21     CLOSURE**