



*SUSTAINABLY DEVELOPING THE OUTBACK*

**PUBLIC**

## **Agenda**

Ordinary Meeting of  
Diamantina Shire Council to be held in the  
Administration Centre, Bedourie on  
Monday, 19 July 2021



## DIAMANTINA SHIRE COUNCIL

### ORDINARY MEETING TO BE HELD IN THE BOARD ROOM OF THE DIAMANTINA SHIRE COUNCIL ADMINISTRATION CENTRE, BEDOURIE ON Monday, 19 July 2021 at 9.00am

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## **APOLOGIES**

Nil

## **TIME COMMITMENTS**

Time commitments shown in bold font confirm rigid commitments

<b>8:45am</b>	<b>Arrivals</b>
<b>9:00am</b>	<b>Meeting commencement</b>
9.00am	Consideration of All Reports
<b>11.00am</b>	<b>Morning tea</b>
<b>11.15am</b>	<b>Meeting Resumes</b>
<b>11.15am</b>	<b>Jacob McEvoy of Queensland Treasury Corporation to present on BIP Workshop</b>
12.15pm	Consideration of remaining reports
<b>1.00pm</b>	<b>Lunch</b>
<b>2.00pm</b>	<b>Meeting resumes</b>
<b>3.30pm</b>	<b>Meeting concludes</b>

## **DEPUTATION MATERIAL**

Nil/List of Material

## **ACKNOWLEDGEMENT OF COUNTRY**

'I would like to begin by acknowledging the Wangkamadla people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.'

## **CONFIRMATION OF MINUTES**

### **Recommendation**

'That the minutes of the Ordinary Meeting of Diamantina Shire Council held on June 21 2021 be confirmed with the following amendments due to an administrative error:

- Remove: A(xvi) point 2 - Set 12 July 2021 as the commencement date for the Diamantina Shire Council Planning Scheme; and
- Add: A(xvi) point 2 - Set 9 July 2021 as the commencement date for the Diamantina Shire Council Planning Scheme; and

## **DECLARATIONS OF INTEREST**

Nil

## **NOTICES OF MOTION**

Nil

## **MAYORS BUSINESS**

## **INFORMATION REPORTS**

### **I (i) Financial Reports**

#### **Author**

Leon Love, Chief Executive Officer

#### **Executive Summary**

Monthly Financial reports including Income Statement, Statement of Financial Position, Statement of Cashflows, Statement of Changes in Equity are provided to Councillors for their information.

#### **Recommendation**

**'That Council receive the Financial Reports.'**

#### **Attachments**

Financial Statements July 2021.pdf – to be tabled at the meeting.

### **I (ii) Register of Internal and External Audit Issues**

#### **Author**

Leon Love, Chief Executive Officer

#### **Executive Summary**

The external audit conducted in May 2018 identified a deficiency from a review of the minutes of Council meetings regarding the monitoring of progress towards implementing internal and external audit recommendations. The interim audit reports recommends that a register of internal and external audit recommendations and issues be incorporated as a standing item at council meetings.

#### **Recommendation**

**'That Council receive the Audit Issues Register.'**

#### **Attachments**

[Audit Issues Register.xlsx](#)

## **ACTION REQUIRED REPORTS**

### **A (i) Channel Country Ladies Day – Host Shire of the 2022 event**

#### **Author**

Stephen Schwer, Community Sustainability Manager

#### **Executive Summary**

Council has received a request to bid for hosting the 2022 Channel Country Ladies Day event.

#### **Recommendation**

**That Council considers the request to bid to host the 2022 Channel Country Ladies Day.**

#### **Background**

Council has received a request to bid for hosting the 2022 Channel Country Ladies Day. If the bid is successful, the Shire will host over 200 women for this three day event. The event is usually held in October each year.

In 2014 and 2016 the event was held in Betoota. At the May 2021 Council meeting, Councillors agreed to take out Bronze sponsorship (\$1,000) for the 2021 event, which will be held in Quilpie.

The cost for hosting the event is in kind support (for example hall hire and equipment). There is no cash component to hosting the event. In kind support includes hire of all required venues (a main conference room and a covered area to seat over 200 people for lunches and dinners), generators and similar items that may be required.

Councillors are asked to consider if this is an event they would like to attract to the Shire, and therefore if a bid should be prepared to host the event. The bid format is a letter outlining which area/locality/town is being put forward for the event, what facilities are available and accommodation options. The event have their own caterer from Longreach that they use, however the caterer does require kitchen facilities to use.

#### **Consultation (Internal/External)**

Diane Dowrick, President of the Channel Country Ladies Day Committee, was consulted regarding this report.

#### **Corporate and Operational Plan Linkages**

### **Diamantina Shire Council Corporate Plan 2019 – 2024**

Goal	Outcome	Strategy
Recognises the value of preserving the unique culture of the area	Financially viable and strongly supported traditional social events	Maintain support in accordance with Council's grants to community organisations policy

#### **Legal Implications**

Nil.

#### **Policy Implications**

Nil.

#### **Risk Management Assessment**

Nil.

#### **Economic Development Plan Linkages**

Nil

*Financial and Resource Implications*

In kind support will be required if a bid is successful, such as free use of conference and kitchen facilities plus equipment use.

*Attachments:*

[Letter to Council from the Channel Country Ladies Day President requesting a bid to host the event.](#)

## **A (ii) Systematic Inspection Program - Animals**

### Author

Leon Love, Chief Executive Officer

### Executive Summary

Animal registration renewal notices will be issued soon and it is important for Council to identify any animals that are not registered. The Systematic Inspection Program permits Council's authorised officers to enter residential property for the stated purpose.

### Recommendation

**'That Council resolve to approve a Systematic Inspection Program in accordance with section 134 of the Local Government Act 2009 (the Act) to monitor compliance with Chapter 3, Part 1 of the Animal Management (Cats & Dogs) Act 2008 and Schedule 1 and Schedule 4 of Subordinate Local Law No. 2 (Animal Management) 2013. Inspections will be confined to properties located within the defined Township areas of Bedourie and Birdsville. The purpose and scope of the program is to carry out inspections of properties for dog registration of all animals over the age of 12 weeks and to ensure that dogs have been registered in accordance with section 46 of the Animal Management (Cats & Dogs) Act 2008 and to ensure that a property of less than or equal to 350m<sup>2</sup> does not contain more than 2 dogs and to ensure the minimum standards for keeping animals are being met. The program will commence on September 1 and will be completed within 3 months.'**

### Background

A systematic inspection program allows authorized Council officers to enter properties for the purpose of determining whether animals kept on the premises are registered and that the premises are suitable for the keeping of the animals.

The Subordinate Local Law No. 2 (Animal Management) 2013 states the circumstances in which keeping of animals is prohibited and circumstances in which keeping of animals requires approval.

This Systematic Inspection will determine if there are any prohibited animals, if approvals have been granted where required, and if all animals are registered as required.

### Consultation (Internal/External)

Nil

### Corporate and Operational Plan Linkages

Nil

### Legal Implications

*LOCAL GOVERNMENT ACT 2009 - SECT 134*

#### **134 Approving an inspection program**

(1) A local government may, by resolution, approve the following types of inspection programs—

- (a) a systematic inspection program;
- (b) a selective inspection program.

(2) A systematic inspection program allows an authorised person to enter and inspect all properties, or all properties of a certain type, in the local government area.

(3) A selective inspection program allows an authorised person to enter and inspect those properties in the local government area that have been selected in accordance with objective criteria specified in the resolution.

(4) The resolution must state—

- (a) the purpose of the program; and
- (b) when the program starts; and
- (c) for a systematic inspection program that allows a type of property to be entered and inspected—a description of the type of property; and
- (d) for a selective inspection program—the objective criteria for selecting the properties to be entered and inspected; and



(e) the period (of not more than 3 months or another period prescribed under a regulation) over which the program is to be carried out.

(5) The local government must give the public notice of the approval of an inspection program, at least 14 days, but not more than 28 days, before the approved inspection program starts.

(6) The notice must be published—

- (a) in a newspaper that is circulating generally in the local government area; and
- (b) on the local government's website.

(7) The notice must state the following—

- (a) the name of the local government;
- (b) the purpose and scope of the program, in general terms;

Note: sub section 6(a) of section 134 requires Council to advertise in a newspaper that is circulating in the area. Where no newspaper circulates a copy posted on the towns notice board would meet the requirements of this section

#### Subordinate Local Law No. 2 (Animal Management) 2013

##### Schedule 1 Prohibition on keeping animals

<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>
Dog	<ul style="list-style-type: none"><li>• More than 2 dogs over the age of 12 weeks on an allotment with an area less than or equal to 350m<sup>2</sup> or in a Multiple Dwelling (Units, duplex, townhouse, etc) in a designated town area</li><li>• Any of the following breeds and cross breeds of any of the following breeds anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario</li></ul>

##### Schedule 2 Requirement for approval to keep animals

<b>Column 1 Species or breed of animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals requires approval<sup>1</sup></b>
Dog	<ul style="list-style-type: none"><li>• Up to 2 dogs in a Multiple Dwelling (Units, duplex, townhouse, etc) in a designated town area</li><li>• 2 dogs on an allotment with an area less than or equal to 350m<sup>2</sup> in a designated town area</li><li>• 3 or more dogs over the age of 12 weeks on an allotment with an area greater than 350m<sup>2</sup> in a designated town area</li></ul>

##### Schedule 4 Minimum standards for keeping animals generally Section 8(1)

The owner of an animal must comply with the following minimum standards—

- (a) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining land or as otherwise directed by an authorised person; and
- (b) ensure that excreta, food scraps, and other material that is, or is likely to become, offensive is collected at least once in each day and, if not immediately disposed of, is kept in a fly proof container of a kind approved by an authorised person; and

- (c) ensure that any enclosure in which the animal is kept is kept in a clean and sanitary condition and free from dust and odour; and
- (d) ensure that any enclosure in which the animal is kept is properly maintained in an aesthetically acceptable condition; and
- (e) take all reasonable steps to prevent the animals from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other land or premises; and
- (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
- (g) any animal food is stored in an impervious fly proof and vermin proof receptacle or in an impervious fly proof and vermin proof storeroom facility and the receptacle or storeroom facility, as the case may be, is maintained to the satisfaction of an authorised person; and
- (h) ensure that all animals kept on the premises are provided with and have access to adequate shelter, drinking water and appropriate food; and
- (i) ensure that any enclosure used for the purpose of keeping an animal is thoroughly cleaned each week and effectively treated with an insecticide at least twice a year; and
- (j) comply with reasonable directions given by an authorised person to ensure that the keeping of the animal does not result in nuisance to occupiers of other land or premises.
- (k) upon discovering the existence of a dead animal, immediately dispose of the remains of the dead animal so as not to cause a nuisance. The remains must not be disposed of on or in a public place.

#### Policy Implications

Nil

#### Risk Management Assessment

<b>Risk</b>	<b>Particulars</b>
Operational	Minor
Strategic	Nil
Reputation	Minor
Project	Nil
Political	Nil
Environmental	Minor

#### Financial and Resource Implications

The EHO and the Town Supervisor will conduct the inspections while the EHO is here in September. EHO services are charged at an hourly rate of \$90/hr, travel at 60c/km (shared) and reimbursement of all meals and accommodation. Use of vehicle on-site is at standard tax rates.

#### Attachments:

Nil

### **A (iii) Operational Plan Quarterly Review – 4<sup>th</sup> Quarter**

#### Author

Leon Love, Chief Executive Officer

#### Executive Summary

The Chief Executive Officer is required to provide a quarterly report to Council on the progress of implementing the annual Operational Plan.

#### Recommendation

**'That Council receive the 4<sup>th</sup> Quarter report on the implementation of the 2020-21 Operational Plan.'**

#### Background

Council adopted its 2020/21 Operational Plan with the budget. It sets out the things that Council wants to achieve during the year.

#### Consultation (Internal/External)

Internal at Executive level

#### Corporate and Operational Plan Linkages

Linked to all aspects of the Operational Plan.

#### Economic Development Plan Linkages

Nil

#### Legal Implications

##### **Local Government Regulation 2012**

##### **174 Preparation and adoption of annual operational plan**

*(3) The chief executive officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.*

#### Policy Implications

Nil

#### Risk Management Assessment

Nil

#### Financial and Resource Implications

Nil

#### Attachments:

[2020-21 Operational Plan Review.xlsx](#)

## **A (iv) Elected Member Update (EMU)**

### Author

Leon Love, Chief Executive Officer

### Executive Summary

Each year LGAQ run EMU workshops to provide professional development and up to date briefings on emerging issues.

### Recommendation

**'That Council consider attendance at EMU workshops at Boulia Shire Council'.**

### Background

Elected Member Updates (EMU) workshops are provided by LGAQ each year to give councillor's valuable education and reinforce concepts relating to collaboration, leadership and community service.

Workshops are proposed at Boulia Shire Council on Tuesday 17 August 2021 from 9.00am to 1.00pm, in person only (no zoom/video conferencing available).

Further details are provided in the attached letter.

### Consultation (Internal/External)

Nil

### Corporate and Operational Plan Linkages

Goal	Outcome	Strategy
A sustainable and effective organisation	A quality, effective and motivated workforce.	That Council develop and implement a comprehensive training and development plan for Councillors and staff which is aimed at delivering Council's strategic outcomes.

### Legal Implications

Nil

### Policy Implications

Nil

### Risk Management Assessment

Nil

### Financial and Resource Implications

\$480 travel cost to attend Boulia in Council Prado at \$1.20pkm (400km return)

### Attachments:

[Elected Member Update \(EMU\) 2021](#)

## A (v) Special Holidays

### Author

Leon Love, Chief Executive Officer

### Executive Summary

Each year local governments are requested to nominate special and show holidays for the following year in line with the requirements of the Holidays Act 1983 (the Act). The Office of Industrial Relations has invited Council to make nominations for show or special holidays for 2021 by no later than Friday, 30 July 2021.

### Recommendation

**'That Council nominate 'Melbourne Cup Day' as a special holiday for the Diamantina Shire area.'**

### Background

Council is invited to make nomination/s for show or special holidays by completing and submitting an on-line form no later than Friday, 30 July 2021. If Council does nominate a special or show holiday, then upon receiving ministerial approval the holiday will be published in the Queensland Government Gazette.

Council provides its employees with a day off on Melbourne Cup day in accordance with its Human Resources Policy.

In previous years Council has decided to nominate a special or show holiday.

Minute No. 2020.07.20-OM-19

'That Council nominate 'Melbourne Cup Day' as a special holiday for the Diamantina Shire area.'

### Consultation (Internal/External)

Nil

### Corporate and Operational Plan Linkages

Nil

### Legal Implications

*Holidays Act 1983 extract*

*Under section 4 of the Act, a holiday shall not be appointed in respect of a district unless the Minister has received, by a specified date, a notice signed by the Chief Executive Officer of the local government for the area in which the district is situated, requesting that the holiday be appointed. Such a holiday shall be a bank holiday in the district specified in the notification, except where the holiday is in respect of an annual agricultural, horticultural or industrial show (show day) in which case it shall also be a public holiday.*

*Industrial Relations Act 1999 extract*

#### **Division 7 Public holidays**

##### **711 Definitions for div 7**

*In this division—*

**ordinary working day** means a day on which an employee would ordinarily be required to work.

**show holiday** means—

*(a) a public holiday appointed for an annual agricultural, horticultural or industrial show under the Holidays Act 1983, section 4; or*

*(b) for a district in which a holiday is not appointed for an annual agricultural, horticultural or industrial show—the ordinary working day agreed on by the employer and employee that is to be treated as a show holiday for all purposes.*

### Policy Implications

Human Resources Policy Extract:

#### **3.12 SHOW HOLIDAY**

*Council recognises the significance of Melbourne Cup Day to its employees and in accordance with section 71I of the Industrial Relations Act 1999 Council agrees to treat Melbourne Cup day each year as a show holiday for its employees as a public holiday has not been appointed for an annual agricultural, horticultural or industrial show under the Holidays Act 1983, section 4.*

*Risk Management Assessment*

<b>Risk</b>	<b>Particulars</b>
Operational	Nil
Strategic	Nil
Reputation	Minor – A gazetted show holiday for the shire will impact on all businesses.
Project	Nil
Political	Nil
Environmental	Nil

*Financial and Resource Implications*

Nil

*Attachments:*

Nil

## **A (vi) Policy for Adoption- Revenue Policy, Debt Policy and Investment Policy**

### Author

Leon Love, Chief Executive Officer

### Executive Summary

Council is required to adopt the 2021-22 Revenue Policy, Debt Policy and Investment Policy and they are presented for Council's consideration.

### Recommendation

**'That Council adopt the Revenue Policy, Debt Policy and Investment Policy for 2021/22 as presented.'**

### Background

The **Investment Policy** generally reflects previous Investment Policies and its objective is to ensure legislative compliance and best practice in the investment of Council funds to maximise revenue.

The **Debt Policy** generally reflects previous Debt Policies and outlines Council's requirements under the Local Government Act and Local Government Regulation 2012.

Clause 1.4 Scope has been update to reflect the wording in the Act and Regulation

Clause 3.2.1 has been updated to remove 2020/21 and add 2030/2031

Clause 3.2.2 has been updated to reflect the new outstanding balances and repayments per annum.

The **Revenue Policy** is intended to be a strategic document. Its adoption, in advance of setting the budget, allows Council to set out the principles that it will use to set its budget and to identify in broad terms the general strategy to be used for raising revenue.

### Consultation (Internal/External)

Michelle O'Toole, Finance Coordinator

### Corporate and Operational Plan Linkages

Goal	Outcome	Strategy
Maximise Revenue	Long Term Financial Sustainability	Ensure legislative compliance and best practice in the investment of Council funds.
User Pays Principle	Long Term Financial Sustainability	Maximise internal/external revenue sources

### Economic Development Plan Linkages

Nil

### Legal Implications

Local Government Regulation 2012

#### **191 Investment policy**

(1) A local government must prepare and adopt an investment policy.

(2) The investment policy must outline—

- (a) the local government's investment objectives and overall risk philosophy; and
- (b) procedures for achieving the goals related to investment stated in the policy.

#### **192 Debt policy**

(1) A local government must prepare a debt policy each financial year.

(2) The Debt Policy must state –

- (a) The new borrowings planned for the current financial year and the next 9 financial years; and
- (b) The time over which the local government plans to repay the existing and new borrowings.

### 193 Revenue Policy

- (1) A Local Government's Revenue Policy for a financial year must state:-
  - (a) The principles that the Local Government intends to apply in the financial year for –
    - (i) Levying rates and charges; and
    - (ii) Granting concessions for rates and charges; and
    - (iii) Recovering overdue rates and charges; and
    - (iv) Cost recovery methods
  - (b) If the local government intends to grant concessions for rates and charges – the purpose for the concessions; and
  - (c) The extent to which physical and social infrastructure costs for new development are to be funded by charges for the development.
- (2) The Revenue Policy must state guidelines that may be used for preparing the local government's revenue statement.
- (3) A local government must review its policy annually and in sufficient time to allow an annual budget that is consistent with the revenue policy to be adopted for the next financial year.

### *Local Government Act 2009*

### 104 Financial management systems

- (1) To ensure it is financially sustainable, a local government must establish a system of financial management that—
  - (a) ensures regard is had to the sound contracting principles when entering into a contract for—
    - (i) the supply of goods or services; or
    - (ii) the disposal of assets; and
  - (b) complies with subsections (5) to (7).
- (2) A local government is **financially sustainable** if the local government is able to maintain its financial capital and infrastructure capital over the long term.
- (3) The **sound contracting principles** are—
  - (a) value for money; and
  - (b) open and effective competition; and
  - (c) the development of competitive local business and industry; and
  - (d) environmental protection; and
  - (e) ethical behaviour and fair dealing.
- (4) A **contract for the supply of goods or services** includes a contract about carrying out work.
- (5) The system of financial management established by a local government must include—
  - (a) the following financial planning documents prepared for the local government—
    - (i) a 5-year corporate plan that incorporates community engagement;
    - (ii) a long-term asset management plan;
    - (iii) a long-term financial forecast;
    - (iv) an annual budget including revenue statement;
    - (v) an annual operational plan; and
  - (b) the following financial accountability documents prepared for the local government—
    - (i) general purpose financial statements;
    - (ii) asset registers;
    - (iii) an annual report;
    - (iv) a report on the results of an annual review of the implementation of the annual operational plan; and
  - (c) the following financial policies of the local government—
    - (i) investment policy;
    - (ii) debt policy;
    - (iii) revenue policy.
- (6) A local government must ensure the financial policies of the local government are regularly reviewed and updated as necessary.
- (7) A local government must carry out a review of the implementation of the annual operational plan annually.
- (8) To remove any doubt, it is declared that subsection (1)(a) does not require equal consideration



Policy Implications

These policies will commence on 1 July 2021.

Risk Management Assessment

Nil

Financial and Resource Implications

Nil

Attachments:

[TBA Investment Policy 2021-22.docx](#)

[TBA Debt Policy 2021-22.docx](#)

[TBA Revenue Policy 2021-22.docx](#)

## A (vii) Policy for Adoption- Related Party Disclosure

### Author

Leon Love, Chief Executive Officer

### Executive Summary

The Related Party Disclosure policy has been reviewed in accordance with the policy review schedule and is presented for adoption.

### Recommendation

**'That Council adopt the Related Party Disclosure Policy as presented.'**

### Background

The policy has been reviewed and some minor changes made as follows:

- Change DCEO to CEO

### Consultation (Internal/External)

Nil

### Corporate and Operational Plan Linkages

Goal	Outcome	Strategy
Our organisation is a sustainable and effective organisation.	Long term financial sustainability.	Maintain up to date and compliant financial management and reporting systems.

### Economic Development Plan Linkages

Nil

### Legal Implications

#### **Local Government Regulation 2012**

#### **177 General purpose financial statement**

A local government's general purpose financial statement must be prepared in compliance with the following documents (each a **prescribed accounting standard**) published by the Australian Accounting Standards Board—

- (a) Australian Accounting Standards;
- (b) Statements of Accounting Concepts;
- (c) Interpretations;
- (d) Framework for the Preparation and Presentation of Financial Statements.

#### **AASB 124 'Related Party Disclosures'**

The AASB has confirmed that the requirements of AASB 124 'Related Party Disclosures' will apply to local government annual reporting periods beginning 1 July 2016.

The AASB provides that the objective of AASB 124 is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

### Policy Implications

This amended policy will commence on adoption.

Risk Management Assessment

<b>Risk</b>	<b>Particulars</b>
Operational	Minor – important to review in line with schedule
Strategic	Nil
Reputation	Nil
Project	Nil
Political	Nil
Environmental	Nil

Financial and Resource Implications

Nil

Attachments:

[TBA Related Party Disclosure policy.docx](#)

## **A (viii) Policy for Adoption –Public Interest Disclosure**

### Author

Amanda Schnitzerling, Governance and Environment Manager

### Executive Summary

The Public Interest Disclosure policy has been reviewed in accordance with the policy review schedule and is presented for adoption.

### Recommendation

**'That Council adopt the Public Disclosure Policy as presented.'**

### Background

The policy has been reviewed and some minor changes made.

### Consultation (Internal/External)

Michelle Dillon, Administration Officer – Records, made the amendments to the policy.

### Corporate and Operational Plan Linkages

Goal	Outcome	Strategy
Our organization is a sustainable and effective organisation.	Best practice Corporate Governance	

### Economic Development Plan Linkages

Nil

### Legal Implications

Public Interest Disclosure Act 2010

### Policy Implications

This amended policy will commence on adoption.

### Risk Management Assessment

Risk	Particulars
Operational	Minor – important to review in line with schedule
Strategic	Nil
Reputation	Nil
Project	Nil
Political	Nil
Environmental	Nil

### Financial and Resource Implications

Nil

### Attachments:

[TBA Public Interest Disclosure.docx](#)

## **A (ix) Shipping Containers**

### Author

Leon Love, Chief Executive Officer

### Executive Summary

This report provides advice on guidelines for dealing with shipping containers being used to live in (residential purposes) in the Township zone, including those located in the industrial precinct.

### Recommendation

**'That Council adopt the guidelines presented for shipping containers in the Township zone use for residential purposes.'**

### Background

The following resolution was passed at the May 2021 Ordinary Meeting:

#### **Minute No. 2021.05.10-OM-27**

**'Council resolved to authorise the Chief Executive Officer, or their delegate, to provide a report at a future Council meeting on options for dealing with shipping containers and caravans positioned on land in the shire.'**

Then the following resolution was passed at the June 2021 Ordinary meeting:

#### **Minute No. 2021.06.21-OM-13**

#### **Moved Cr Cooms, Seconded Cr Rowlands**

**'That Council authorise the CEO, or their delegate, to prepare a report for a future council meeting recommending guidelines for shipping containers, dongas and caravans positioned on land within urban areas considering different scenarios for residential, industrial and commercial properties.'**

The development of these guidelines has been broken up into the following stages:

1. Shipping Containers used for residential/dwelling purposes in the Township zone including the industrial precinct.
2. Shipping Containers used for storage purposes on private land in the Township zone including the industrial precinct.
3. Shipping Containers used for storage on Council rental properties.
4. Caravans used for residential/dwelling purposes in the Township zone including the industrial precinct.
5. Caravans used for residential/dwelling purposes on Council rental properties.

This report provides a proposal for the guidelines for *Stage 1 Shipping Containers used for residential/dwelling purposes in the Township zone including the industrial precinct.*

### Township Zone – Standard Requirements

Regardless of whether the placing of the shipping container is temporary or permanent, on residential or industrial land, a Development Application for building work is required. The building application must include:

- a site plan showing the size of the container, and it's location onsite with respect to all other buildings onsite and at least two boundary lines (the shipping container needs to

be located on the block in accordance with the acceptable solutions of the *Queensland Development Code* or *Diamantina Shire Council Planning Scheme*.)

- structural details, inclusive of a Form 15 Design Certificate from a Registered Professional Engineer of Queensland, for a footing/slab design suitable to anchor the container, whilst being able to support the combined weight of the container and its contents

If a shipping container is being used to live in then it must meet further conditions required by the building regulations that apply to all residential buildings including:

- an adequate source of water; and
- an adequate means of waste disposal and sanitation.

A Certificate of Occupancy needs to be issued to allow any building to be lived in.

The Planning Scheme provides some guidance regarding the acceptable design and look of residential dwellings and extracts have been included in the *Policy Implications* section. In summary the scheme requires dwellings to reflect the surrounding buildings and contribute positively to the streetscape and to not look like 'dongers' or trailer homes.

#### Industrial Precinct – extra requirements

Where Shipping containers are placed on land in the Industrial precinct and are being used for residential or dwelling purposes a Development Application (Material Change of Use) must also be submitted with the DA (Building Works). This would be Code Assessable as a Caretaker's residence. Only one Caretaker's residence is allowed per lot.

#### Existing Setups

A recent inspection identified the following properties with non-compliant setups

Property Description and Address	Photo
4-6 Mineritchie St, Birdsville – Show Cause Notice issued	

25 Billabong/1 Gibber Court,  
Birdsville – Setup straddles  
the lot boundaries.

L4 CP863096

L13 CP863096







36 Ironstone St, Birdsville  
L14 SP107134



		
		
		
<p>1 &amp; 5 Pebble Court, Birdsville L7&amp;8 SP107134</p>		



		
40 Jardine St, Birdsville Lot 6 SP110060		
		
		



### **Proposed Guidelines**

Council has an obligation to enforce the legislative requirements of the Building Act and the recently adopted Planning Scheme.

#### **For existing setups identified above the following process will apply:**

1. An inspection will be completed. This will be the responsibility of Council's Building Certifier and may be done based on photos provided or may require the Certifier to visit the shire and conduct the inspection in person. Council would need to cover these costs.
2. Based on the outcome of the inspection a Show Cause notice will be drafted by King & Co Solicitors.
3. The Show Cause notice will be sent to the property owner and they will be given a period of time to respond.
4. Depending on the response Council's Building Certifier and/or Council's Town Planner will assist the property owner to complete any compliance activities required. Compliance activities may include submitting a DA (Building Works), submitting a DA (Material Change in Use) or demolishing/removing the structure.
5. For those that submit a DA the standard DA process will be followed.

To encourage compliance with this process Council could consider offering support such as:

- Waiving Development Application fees (\$120) and Town Planning Fees.

A Show Cause notice has already been issued to one property owner.

#### **For proposed/new applications:**

Where a property owner wishes to place a shipping container or containers on land within the Township zone but NOT in the Industrial precinct, for residential purposes they must lodge a Development Application (Building Works) and adhere to the relevant Building standards and codes.

Non-compliance is dealt with through the standard Building works non-compliance processes.

Where a property owner wishes to place a shipping container or containers on land in the Industrial precinct within the Township zone, for residential purposes they must lodge a Development Application (Material Change of Use) and a Development Application (Building Works) and adhere to the relevant Planning conditions and Building standards and codes.

Non-compliance is dealt with through the standard planning and building works non-compliance processes.

Consultation (Internal/External)

Jason Burger, GBA, Building Certifier

Col Higginson, Campbell Higginson Town Planning

Corporate and Operational Plan Linkages

Goal	Outcome	Strategy
Our Community has attractive, green and clean towns of which residents are proud.		

Economic Development Plan Linkages

Nil

Legal Implications

Building Act and Regulations

Claire Heitkonig, King & Company provided the following summary regarding the legal advice on shipping containers:

*It is important for local governments to be aware that the placement of a shipping container on land is now likely to be considered assessable development, at least in the context of shipping containers which are classified as class 10a structures (and for which no exemptions under the BR apply). However, it remains to be seen whether that is also the case for other structures which are not classified as class 10a structures and are used for other purposes. Helpfully, where a shipping container is not "fixed" to land in any way, this decision makes it easier for local governments to take enforcement action against the landowner if they do not hold the necessary development approval/s.*


For the full article go to:

[Does a shipping container require development approval? \(kingandcompany.com.au\)](https://kingandcompany.com.au/does-a-shipping-container-require-development-approval/)


Policy Implications

Diamantina Shire Council Planning Scheme July 2021

The General Development Code in Council's Planning Scheme lists a number of acceptable outcomes and also things we don't want to see. Below are some relevant extracts from the Township Zone:


What we want to achieve (Performance Outcomes)	One way to achieve it (Acceptable Outcomes)	What could be negotiated	What we don't want to see
<b>Site Layout</b>			
<b>PO1</b> The scale of new buildings and facilities suits its site and its surroundings.	<b>AO1</b> New buildings cover less than the following percentage of site area: <ul style="list-style-type: none"> <li>• Township Zone (where not in a precinct) - 50%;</li> <li>• Township Zone (Industrial Precinct) - 40%;</li> <li>• Recreation and Open Space Zone – 10%; and</li> <li>• Rural Zone – no acceptable outcome prescribed.</li> </ul>	Total site cover may be able to be increased if proven to provide long term benefits to area – e.g. goods and service store in a Township Zone (where not in a precinct).	The scale of new buildings and facilities exceeds what is intended for the site and surrounding area.
<p>Editor's Note—The following animation is included to provide an illustrated indication of how the acceptable outcome could be met.</p> <div style="text-align: center;">    <a href="#">View animated code provision.</a> </div>			
<b>PO2</b> Setbacks for buildings and structures for the front, side and rear are in keeping with other nearby buildings.	<b>AO2.1</b> Setbacks are to meet the Building Code of Australia requirements (including any variations as per the Queensland Development Code).  <b>AO2.2</b> Setbacks are to allow for off street parking and vehicle movement, and if development is commercial in nature, off street parking is located at the rear of buildings to allow for easy vehicle movement and access.	Sometimes different setbacks are needed depending on the site layout or the type of new buildings proposed. It is important to make sure that reductions in setbacks don't impose on other properties, make it difficult for others to then use their properties, or go against what is common in the street/surrounding area.	Building or site layout that means others can't use their properties properly, or that means the streetscape would look substantially different if the proposed new buildings or facilities were approved.

<b>What we want to achieve</b> (Performance Outcomes)	<b>One way to achieve it</b> (Acceptable Outcomes)	<b>What could be negotiated</b>	<b>What we don't want to see</b>
<p>Editor's Note—The following animation is included to provide an illustrated indication of how the acceptable outcome could be met.</p> <div data-bbox="729 434 786 495" data-label="Image"> </div> <p data-bbox="627 495 895 562"> <a href="#">View animated code provision.</a> </p>			

Building Design			
What we want to achieve (Performance Outcomes)	One way to achieve it (Acceptable Outcomes)	What could be negotiated	What we don't want to see
<b>PO5</b> New buildings have a similar look and feel to any surrounding buildings and look like they belong in the local area.	<b>AO5.1</b> In the Township zone (other than in the Industrial precinct), new buildings should include at least 3 of the following: <ul style="list-style-type: none"> <li>• verandas or porches;</li> <li>• awnings and shade structures;</li> <li>• variations to the roof and building lines;</li> <li>• recesses and projections of the external facade;</li> <li>• doors and window openings;</li> <li>• a range of building materials, colours and textures matching or complementing those prevailing in neighbouring buildings; or</li> <li>• windows or other design features which overlook the street to allow for passive surveillance.</li> </ul> Editor's note—Refer to PO25 related to retention/reuse of existing commercial buildings.	Commercial and industrial buildings might need to look a certain way because of what they are used for (e.g. a service station, or a warehouse) – but buildings in these areas should still look and feel similar to other buildings in the local area.	Building designs which do not reflect the surrounding buildings or contribute poorly to the streetscape.
Editor's Note—The following animation is included to provide an illustrated indication of how the acceptable outcome could be met. <div style="text-align: center;">    <a href="#">View animated code provision.</a> </div>			
<b>PO6</b> New buildings include design features which allow for passive surveillance of the streetscape and measures that increase the safety of the neighbourhood.			

## Dual Occupancy and Multiple Dwelling

What we want to achieve (Performance Outcomes)	One way to achieve it (Acceptable Outcomes)	What could be negotiated	What we don't want to see
<b>PO7</b> Dual occupancy and multiple dwellings are built to a high standard and look like they belong in the local area, by using similar design features and layout to other nearby buildings.	<b>AO7.1</b> New buildings use high standards of design which reflects surrounding residential buildings.  In particular, new buildings have at least one of these roof types with a pitch of 20 degrees or greater: <ul style="list-style-type: none"> <li>• skillion</li> <li>• gable</li> <li>• hipped; or</li> <li>• pitched.</li> </ul> <b>AO7.2</b> Each dwelling includes the following design elements: <ul style="list-style-type: none"> <li>• a visible entry (i.e. a front door) from the main street frontage</li> <li>• bathroom, laundry and toilet windows which are located to offer privacy from the street and other dwellings on the premises</li> <li>• privacy screening to adjacent neighbours, either through landscaping or screen structures</li> <li>• on-site parking provided at the side or rear of the site.</li> </ul>	Sometimes newer buildings can look different to the surrounding area because of advances in architecture and building design. The design of new buildings should try as much as possible to complement the area they are located in.	Buildings that look like 'dongers' or trailer homes.  Poor design and layout – e.g. poor positioning of car parks (stopping doors from opening fully or driveways leading onto intersections, or poor vehicle circulation designs.  Poor and/or lack of privacy and shading.

Additional uses on the same site (Ancillary uses)			
PO8	AO8		
What we want to achieve (Performance Outcomes)	One way to achieve it (Acceptable Outcomes)	What could be negotiated	What we don't want to see
<p>In areas other than the Rural zone, additional buildings such as sheds, which support or do not dominate the purpose of the main building/s are reasonable in size and function.</p> <p>Editor's note—Development on the same premises as an existing use that does not support that purpose, or dominates it, is considered a new use.</p>	<p>In areas other than the Rural zone, ancillary buildings are not more than 10% of the floor area of the main building/s on the premises.</p>	<p>It is important that an additional building or use doesn't dominate the site it is on, or the purpose of the original building, unless it is supporting the function of the building/s.</p> <p>Additional uses on the same site in the Rural zone may be a material change of use.</p>	<p>Additional buildings with a gross floor area over 10% of the main building and do not support the use of the main building/s and streetscape.</p>
<p>Editor's Note—The following animation is included to provide an illustrated indication of how the acceptable outcome could be met.</p> <div style="text-align: center;">  <p><a href="#">View animated code provision.</a></p> </div>			

Following is an extract from the plan showing assessable development in the industrial precinct:

#### 5.2.1.3 Assessment benchmarks for Township zone code

For assessable development in the Industrial precinct	
What we want to achieve (Performance Outcomes)	One way to achieve it (Acceptable Outcomes)
<p><b>PO14</b> Sensitive land uses (other than Caretaker's accommodation) are not established within the Industrial precinct.</p>	
<p><b>PO16</b> Development does not compromise the viability of the primary use of the site.</p>	<p><b>AO16</b> No more than one (1) caretaker's accommodation dwelling is established on the site.</p>

**\*Caretaker's accommodation** means the use of premises for a Dwelling house dwelling for a caretaker of a non-residential use on the same premises.



### Risk Management Assessment

<b>Risk</b>	<b>Particulars</b>
Operational	Minor – will require resources to implement
Strategic	Minor – it is Council's responsibility to ensure compliance
Reputation	Major – there may be some negative feedback.
Project	Nil
Political	Nil
Environmental	Nil

### Financial and Resource Implications

Waiving building application and planning fees would incur a cost.

Engaging the building certifier to inspect and assess each setup

Engaging King & Co to draft Show Cause letters and assist with follow-up on any non-compliance issues.

### Attachments:

Nil

**LATE ITEMS**

**COUNCILLORS BUSINESS**