



# **Minutes of the Ordinary Council Meeting held on Wednesday 23 November 2022 at Council Chambers, 67 Herbert Street, Bowen**

*Council acknowledges and shows respect to the Traditional Custodian/owners in whose country we hold this meeting.*

**Councillors Present:**

Julie Hall (Mayor/Chair), Jan Clifford, Michelle Wright, Gary Simpson and Michael Bruner

**Council Officers Present:**

Rod Ferguson (Chief Executive Officer); Julie Wright (Director Community Services); Neil McGaffin (Director Development Services); Jason Bradshaw (Director Corporate Services); Adam Hagy (Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); Tailah Jensen (Governance Administration Officer/Minute Taker); James Ngoroyemoto (Manager, Governance and Administration);

**Other Officers Present (Partial Attendance):**

Gary Warrener (Economic Development Manager); Michael Downing (Coordinator Capital Project Delivery)

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.11am

The meeting reconvened from morning tea at 10.30am

The meeting closed at 11.18am

Whitsunday Regional Council  
**Minutes of the Ordinary Council Meeting held at  
Council Chambers, 67 Herbert Street, Bowen on  
Wednesday 23 November 2022 commencing at 9:00 AM**

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## 1 APOLOGIES/LEAVE OF ABSENCE

### RESOLUTION OM2022/11/23.1

Moved By: CR M BRUNKER

Seconded By: CR M WRIGHT

That Council receives the apology from Cr Collins.

### MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

## 2 CONDOLENCES

### 2.1 - Condolences Report

#### PURPOSE

To acknowledge and observe a minute silence for the recently deceased throughout the Whitsunday Region.

#### OFFICER'S RECOMMENDATION

That Council observe one (1) minute's silence for the recently deceased.

### RESOLUTION OM2022/11/23.2

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council observe one (1) minute's silence for the recently deceased.

### MEETING DETAILS

*Cr Brunker, on behalf of Cr Collins, acknowledged the passing of Doug Winterflood - long standing member of the Lions Club in Proserpine. Sincere condolences are passed onto the family.*

*Cr Wright acknowledged the passing of Mt Coolon resident Donna Thompson who operated the servo out at Mt Coolon. Sincere condolences are passed onto Donna's Husband, John and the family.*

The motion was Carried 5 / 0.

CARRIED

### **3            DECLARATIONS OF INTEREST**

There were no declarations made during this meeting.

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### **4            MAYORAL MINUTE**

There was no mayoral minute for this meeting.

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<b>Wednesday 9 November</b>	<ul style="list-style-type: none"> <li>• Council Meeting, in Proserpine</li> <li>• Welcomed the Celebrity Eclipse Ship to Shute Harbour for their inaugural visit</li> <li>• That evening attended Collinsville State High School Awards Night</li> </ul>
<b>Thursday 10 November</b>	<ul style="list-style-type: none"> <li>• Recorded the Monthly Mayoral Talkback segment with ABC radio</li> <li>• Attended State of the Whitsundays presentation in Cannonvale</li> <li>• Catch up with CEO, in Proserpine</li> <li>• Met with CQ Rescue, in Proserpine</li> <li>• Filmed Australia Day information video</li> <li>• Met with Whitsunday News</li> </ul>
<b>Friday 11 November</b>	<ul style="list-style-type: none"> <li>• Attended Remembrance Day service at Bowen RSL</li> <li>• Met with ratepayers, in Bowen</li> </ul>
<b>Saturday 12 November</b>	<ul style="list-style-type: none"> <li>• Attended QFES Open Day, in Cannonvale</li> </ul>
<b>Sunday 13 November</b>	<ul style="list-style-type: none"> <li>• Attended Baby Welcoming Ceremony at Hansen Park, Bowen</li> <li>• That evening attended Mackay Isaac Whitsunday Regional Community Forum Welcome Dinner, in Collinsville.</li> </ul> <p>Ministers attending were the Honourable Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, the Honourable Meaghan Scanlon, Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs and Julieanne Gilbert MP, Member for Mackay and A/Minister for Health and Regional Health Infrastructure</p>
<b>Monday 14 November</b>	<ul style="list-style-type: none"> <li>• Met with ratepayer, in Collinsville</li> <li>• Attended Mackay Isaac Whitsunday Regional Community Forum, in Collinsville.</li> <li>• That evening attended Bowen State High School Awards Night</li> </ul>
<b>Tuesday 15 November</b>	<ul style="list-style-type: none"> <li>• Onsite meeting with ratepayer, in Proserpine</li> <li>• Attended Storytime at Proserpine Library to promote disaster preparedness</li> <li>• Internal meetings, in Proserpine</li> </ul>
<b>Wednesday 16 November</b>	<ul style="list-style-type: none"> <li>• Briefing Session, Bowen</li> <li>• Hosted the visit of Assistant Minister for Local Government, Nikki Boyd touring our regions Works for Queensland projects and addressed local issues</li> </ul>
<b>Thursday 17 November</b>	<ul style="list-style-type: none"> <li>• Travelled to Mackay to attend the Greater Whitsunday Council of Mayors meeting</li> <li>• That evening attended Bowen Gumlu Growers Association's End of Year Function</li> </ul>
<b>Friday 18 November</b>	<ul style="list-style-type: none"> <li>• Met with Jay Ellul, Regional Manager for Local Government Division for State Government</li> <li>• Attended Bowen State High School Graduation Ceremony</li> </ul>

	<ul style="list-style-type: none"> <li>• Internal meetings</li> </ul>
<b>Saturday 19 November</b>	<ul style="list-style-type: none"> <li>• Officially opened the Whitsunday Swimming Club Annual Meet, in Proserpine</li> </ul>
<b>Sunday 20 November</b>	<ul style="list-style-type: none"> <li>• Welcomed the first Quantum of the Seas Cruise Ship into Shute Harbour</li> </ul>
<b>Monday 21 November</b>	<ul style="list-style-type: none"> <li>• Filmed Council's Christmas video, in Bowen</li> <li>• Internal meetings, in Bowen</li> </ul>
<b>Tuesday 22 November</b>	<ul style="list-style-type: none"> <li>• Attended Audit and Risk Committee Meeting, in Proserpine</li> <li>• Filmed Council Meeting update</li> <li>• Internal meetings, in Proserpine</li> </ul>



## 6.1 - Confirmation of Minutes

### PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Council Meeting held on 9 November 2022 are provided for Councils review and confirmation.

### OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 9 November 2022.

### RESOLUTION OM2022/11/23.3

Moved By: CR G SIMPSON

Seconded By: CR J CLIFFORD

That Council confirms the Minutes of the Ordinary Meeting held on 9 November 2022.

### MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

### 7 BUSINESS ARISING

There were no business arising matters for this meeting.

### 8 DEPUTATIONS

There were no deputations for this meeting.

### 9 PETITIONS

There were no petitions for this meeting.

### 10 NOTICES OF MOTION

There were no notice of motions for this meeting.

## 11 QUESTIONS ON NOTICE

There were no questions taken on notice for this meeting.

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## 12 QUESTIONS FROM THE PUBLIC GALLERY

***The Chief Executive Officer read out the public question on behalf of Mr Bauman, who was unable to attend the meeting.***

**Name:** Clay Bauman

**Question:**

Dear Madam Mayor and Councillors,

In the Council meeting on the 26<sup>th</sup> of October, Cr Simpson asked whether the 1.5 metre wide footpath, for the front of the Harvey Norman shop, was too narrow.

The advice given was that the requirements for the minimum width were from the Council's development manual. Galbraith Park Road has been designated as a 'collector street' from traffic surveys undertaken in 2018 and the actual minimum footpath width required by the development manual is 2 metres.

As the planning department seems to have failed to include the minimum width they stated is required, what will Council do now?

Will Council issue new development notices correcting the administrative errors on both the Supercheap and Harvey Norman approvals, as you did for the Port of Airlie high-rise mistake, or will Council leave the ratepayers to foot the bill for fixing this in the future?

I look forward to your reply,

Clay Bauman

***Director of Development Services, Mr Neil McGaffin provided a response to Mr Baumans' question during the meeting. The response is outlined below:***

*Galbraith Park Road is not constructed to the normal or standard Collector Street formation for its entire length. Councillors will remember there is a wide and open stormwater drain on the northern side of Galbraith Park Road. This has meant the road has been designed closer to the southern road reserve boundary than would normally be the case, and as such does not comply with the minimum verge width in the Development Manual.*

*The formation of Galbraith Park Drive and existing services limit the ability to provide a 2m wide footpath for the full frontage of Lot 1 and 2 SP310407 with a minimum distance of 900 mm from the kerb.*

*The aim was not to produce a 2m wide footpath flush up against the kerb and channel on a Collector Road as this would be a safety issue, nor have a footpath of varying widths along Galbraith Park Road. Council has been advised that the pedestrian demand in the vicinity is low.*

*The notes in Table D1.3 of the Development Manual provide that the minimum widths for footpaths may be varied with the approval of Council where circumstances so require, which has happened in this instance.*

*It was therefore recommended to Council a 1.5m wide footpath be constructed - which is the minimum footpath width used in the Development Manual.*

*Ratepayers will not be out of pocket and there is no failure to include the minimum width required by the Development Manual*

*The information provided to Council in response to Councillor Simpsons question was correct.*

*This matter will be considered closed once a formal response is forwarded to Mr Bauman.*

## 13 OFFICERS REPORTS

### 13.1 Office of the Mayor and CEO

#### 13.1.1 - Funding Opportunity - SES and Queensland Feral Pest Initiative

##### PURPOSE

To seek funding support from the Queensland Feral Pest Initiative Round 7 and the SES Support Grant 2023-24.

##### OFFICER'S RECOMMENDATION

That Council:

1. Support the *Quantifying feral pig impacts on carbon sequestration and biodiversity in coastal wetland ecosystems* project (cost \$337,000) for submission to the Queensland Feral Pest Initiative Round 7 program.
2. Approve the proposed Council co-contribution should funding application be successful for the *Quantifying feral pig impacts on carbon sequestration and biodiversity in coastal wetland ecosystems* project for \$15,000 in-kind Officer support.
3. Support *Cannonvale SES Shed Modifications* project (cost up to \$50,000) for submission to the SES Support Grant 2023-24.
4. Consider allocating the proposed Council co-contributions should funding application be successful for the *Cannonvale SES Shed Modifications* project for up to \$12,500 from the 23/24 capital budget bid process.

##### RESOLUTION OM2022/11/23.4

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council:

1. Support the *Quantifying feral pig impacts on carbon sequestration and biodiversity in coastal wetland ecosystems* project (cost \$337,000) for submission to the Queensland Feral Pest Initiative Round 7 program.
2. Approve the proposed Council co-contribution should funding application be successful for the *Quantifying feral pig impacts on carbon sequestration and biodiversity in coastal wetland ecosystems* project for \$15,000 in-kind Officer support.
3. Support *Cannonvale SES Shed Modifications* project (cost \$63,000) for submission to the SES Support Grant 2023-24.
4. Consider allocating the proposed Council co-contributions should funding application be successful for the *Cannonvale SES Shed Modifications* project for up to \$15,750 from the 23/24 capital budget bid process.

##### MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

### 13.2.1 - Notification of Water Meter Reading Period

#### PURPOSE

To obtain a resolution for the declaration of the date for the reading of water meters in the first half of the financial year 2022/2023.

#### OFFICER'S RECOMMENDATION

That Council declare the water meter reading date to be 19 December 2022 for the commencement of reading the water meters for the billing period.

#### RESOLUTION OM2022/11/23.5

Moved By: CR M WRIGHT

Seconded By: CR M BRUNKER

That Council declare the water meter reading date to be 19 December 2022 for the commencement of reading the water meters for the billing period.

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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### 13.2.2 - Policies Review

#### PURPOSE

To review Council's councillor related policies.

#### OFFICER'S RECOMMENDATION

That Council

1. Adopt the Complaints about Public Official Policy with no changes
2. Adopt the Social Media Policy with no changes
3. Adopt proposed minor amendments to Investigations Councillor Conduct
4. Adopt proposed minor changes to the Councillor Confidentiality Policy
5. Adopt proposed minor changes to the Related Party Disclosures Policy.

#### RESOLUTION OM2022/11/23.6

Moved By: CR M BRUNKER

Seconded By: CR G SIMPSON

That Council:

1. Adopt the Complaints about Public Official Policy with no changes
2. Adopt the Social Media Policy with no changes
3. Adopt proposed minor amendments to Investigations Councillor Conduct
4. Adopt proposed minor changes to the Councillor Confidentiality Policy
5. Adopt proposed minor changes to the Related Party Disclosures Policy.

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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# Complaints about Public Official Policy

Office of the Mayor & CEO - Branch

[Policy Number]

## Purpose

The purpose of this policy is to:

- set out how the *Council* will deal with complaints that involve or may involve corrupt conduct of its *public official (CEO)*;
- ensure compliance with section 48A of the *Crime and Corruption Act 2001* 'the Act';
- promote public confidence in the way suspected corrupt conduct of Council's public official (*CEO*) is dealt with; and
- promote accountability, integrity and transparency in the way the Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of its public official (*CEO*).

## Scope

The Chief Executive Officer (CEO) is the public official of the Whitsunday Regional Council within the meaning of the *Crime and Corruption Act 2001* (CC Act).

The objective of this policy is to set out how the Council will deal with a complaint (also information or matter) that involves or may involve corrupt conduct of its CEO.

## Policy Statement

1. For the purpose of s48A of the ~~Crime and Corruption Act 2001~~ CC Act, the person holding the position of Mayor of Whitsunday Regional Council shall be the *nominated person* to receive complaints about a public official (*CEO*).

The contact details for the nominated person are:

Mayor - Whitsunday Regional Council

Phone: (07) 4945 0206

Email: [info@whitsundayrc.qld.gov.au](mailto:info@whitsundayrc.qld.gov.au)

Post: PO Box 104 PROSERPINE QLD 4800

2. Complaints involving a reasonable suspicion of corrupt conduct shall be reported to the Mayor and to other persons to whom there is an obligation to report under legislation, even if uncertainty exists as to whether or not a complaint should be reported.
3. The Mayor may appoint, with or without consulting the Crime and Corruption Commission ("the Commission"), a delegate to perform the functions of the nominated person in respect of a particular complaint. Any delegate thus appointed shall liaise closely with the CEO throughout the process of managing the complaint.
4. The Mayor shall notify the Commission if a delegate has been appointed as the nominated person in respect of a particular complaint and provide contact details for the such delegate.
5. If the nominated person is of the opinion that a complaint requires technical expertise, they may outsource the management of the complaint to a suitably qualified professional; if the nominated person is not the Mayor, they must consult with the Mayor prior to the engagement of an external party.





## Complaints about Public Official Policy

### Office of the Mayor & CEO - Branch

[Policy Number]

6. If the nominated person reasonably suspects the complaint may involve corrupt conduct of the public official (CEO) they shall:
  - 6.1. notify the Commission of the Complaint; and
  - 6.2. deal with the complaint, subject to the Commission's monitoring role, when –
    - 6.2.1. direction issued under section 40 of the Act apply to the complaint; or
    - 6.2.2. the omission refers the complaint to the nominated person to deal with.
7. If the public official (CEO) reasonably suspects that a complaint may involve corrupt conduct on their part, the public official (CEO) must:
  - 7.1. report the complaint to the nominated person as soon as practicable and may also notify the Commission; and
  - 7.2. take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Council.
8. If directions are issued under section 40 of the Act, the nominated person shall deal with the complaint and the public official (CEO) shall take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Council.
9. The Council shall ensure that sufficient resources are available to the nominated person to enable them to deal with complaints appropriately.
10. The nominated person shall ensure that consultations, if any, for the purpose of securing resources to deal with a complaint appropriately are confidential and not disclosed, other than to the Commission, without authorisation under a law of the Commonwealth or the State.
11. The nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - 11.1. purposes of the Act;
  - 11.2. the importance of promoting public confidence in the way suspect corrupt conduct in the Council is dealt with;
  - 11.3. the Council's statutory, policy and procedural framework; and
  - 11.4. declare any conflicts of interests they may have in handling the complaint.
12. If the nominated person has responsibility to deal with the complaint, they:
  - 12.1. are delegated the same authority, functions and powers as the public official (CEO) to direct and control staff of the Council as if the nominated person is the public official (CEO) of the Council for the purpose of dealing with the complaint only;
  - 12.2. are delegated the same authority, functions and powers as the public official (CEO) to enter into a contract on behalf of the Council for the purpose of dealing with the complaint;
  - 12.3. do not have any authority, function or power that cannot - under the law of the Commonwealth or the State - be delegated by either the Council or the public official (CEO) to the nominated person.; and
  - 12.4. must declare immediately of any conflict of interest they may have in handling the complaint.





## Complaints about Public Official Policy

Office of the Mayor & CEO - Branch

[Policy Number]

13. The public official (CEO) must keep the Commission and the nominated persons informed of:
  - 13.1. the contact details for the public official and the nominated persons; and
  - 13.2. any proposed changes to this policy.
14. The public official (CEO) shall consult with the Commission when preparing or amending any policy about how the Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.
15. The nominated persons must maintain confidentiality as far as practicable in dealing with complaints.

### Applicable Legislation

This policy is in reference to section 48A of the Act.

### Definitions

**CEO** refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the Local Government Act 2009.

**Commission** refers to the Crime and Corruption Commission.

**Council** refers to the Whitsunday Regional Council

**Corruption** refers to corrupt conduct

**Corrupt Conduct** refers to section 15 of the Act

**Crime and Corruption Commission** refers to the Commission form under the Act

**Employee** refers to any employee, contractor, volunteer etc. of the Council

**Nominated Person** refers to the Mayor or a delegate authorised by the Mayor

**Public Official** refers to the CEO

### Related Documents

N/A

### Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

| COUNCIL POLICY                |  |                    |  |
|-------------------------------|--|--------------------|--|
| Date Adopted by Council       |  | Council Resolution |  |
| Effective Date                |  | Next Review Date   |  |
| Responsible Officer(s)        |  | Revokes            |  |
| Public Consultation: Yes / No |  |                    |  |





# Confidentiality for Councillors Policy

Office of the Mayor & CEO - Branch

[Policy Number]

## Purpose

The purpose of this policy is to:

- to provide guidance to Councillors in complying with Section 171(3) of the Local Government Act 2009 'the Act' regarding the proper handling of confidential information;
- to support Councillors in balancing the right and duty to inform the public and consult with constituents about Council business with the interest Council has in preventing disclosure of confidential information; and
- to assist Councillors in determining what confidential information is and how to deal with such information.

A Councillors role requires them to be in receipt of confidential information that may or may not be part of a formal Council meeting. Councillors must use Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.

Note: A contravention of subsection (3) is misconduct

## Scope

This policy is applicable to all Councillors including Councillors of past administrations.

This policy does not override an individual Councillor's statutory obligation in respect of the use of information, nor does it override Council's obligations under the Act or any other legislation or subordinate legislation to disclose or publish information where this is required by law.

## Applicable Legislation

This policy is in reference to section 171(3) of the Act and the Right to Information Act 2009 and the Information Privacy Act 2009.

### 1. Policy Statement

1.1 Council acknowledges that it is custodian of extensive confidential information, the improper use or disclosure of which may affect individuals, organisations or Council or give an unfair advantage to someone.

1.2 Council shall operate in an environment of public accountability that seeks to inform the public of issues under consideration and the nature of decisions made by Council.

1.3 Council believes in the principle that information should be released to the public unless there are compelling reasons which indicate that this is not in the public interest.

1.4 Council is conscious of the need to handle Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.





## Confidentiality for Councillors Policy

Office of the Mayor & CEO - Branch

[Policy Number]

~~1.5 Council shall endeavour, in the interests of public accountability, to limit the number of matters that are considered in closed sessions although Council acknowledges that it is appropriate to consider certain matters in closed meetings.~~

~~2. Council shall operate in an environment of public accountability that seeks to inform the public of issues under consideration and the nature of decisions made by Council.~~

~~3. Council believes in the principle that information should be released to the public unless there are compelling reasons which indicate that this is not in the public interest.~~

~~4. Council is conscious of the need to handle Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.~~

~~5. Council shall endeavour, in the interests of public accountability, to limit the number of matters that are considered in closed sessions although Council acknowledges that it is appropriate to consider certain matters in closed meetings.~~

### Confidential Information **2. Confidential Information**

~~6.~~ **2.** The following types of information shall be deemed to be confidential to Council unless or until Council resolves to the contrary in a particular instance:

~~6.1.~~ **2.1** commercial in confidence information - including where the release of information would affect a company's competitive advantage; this is particularly relevant in a competitive tender situation;

~~6.2.~~ **2.2** information derived from government departments or ministers that has been classified as confidential;

~~6.3.~~ **2.3** information of a personal nature or about personal affairs, for example the personal details of Councillors or Council employees;

~~6.4.~~ **2.4** information relating to a property disposal or acquisition process where release of the information may prejudice Council;

~~6.5.~~ **2.5** information relating to a matter which is under investigation by the CEO or another agency;

~~6.6.~~ **2.6** financial and legal analysis where the disclosure of that information may compromise Council or another person or organisation;

~~6.7.~~ **2.7** information contained in correspondence to or from Council marked "private and confidential" or featuring like words;

~~6.8.~~ **2.8** information relating to clients of Council;

~~6.9.~~ **2.9** information not owned or controlled by Council;

~~6.10.~~ **2.10** information that could result in any legal action being taken against Council, including for defamation;

~~6.11.~~ **2.11** information involving legal advice to Council or a legal issue or a matter before the courts;

~~6.12.~~ **2.12** information that is expressly given to councillors in confidence; and

**2.13** information discussed in a closed session of a Council meeting.

~~6.13.~~ **2.13.1** Information examined or discussed at councillor briefing sessions, unless the Chief Executive Officer declares that such information (or part thereof) is not confidential;





## Confidentiality for Councillors Policy

Office of the Mayor & CEO - Branch

[Policy Number]

~~7.~~ 3. Council acknowledges that some of the above classes of information may need to be disclosed from time to time for legal proceedings or in accordance with the *Right to Information Act 2009* and *Information Privacy Act 2009*.

~~8.~~ 4. Information presented or discussed at a Council Briefing Session shall be considered confidential.

~~9.~~ 5. The CEO may make a declaration that information concerning a specific matter is to be treated as confidential to Council, and the information will remain confidential unless or until Council resolves to the contrary.

~~10-6.~~ If Council exercises its powers under the Act to close its meeting to members of the public, all information in relation to the matters discussed during that closed meeting or the closed portion of the meeting is confidential, unless and until the Council resolves to the contrary.

~~11-7.~~ If a Councillor has any doubt as to whether Council considers information to be confidential, the Councillor is to act on the assumption that Council does consider the information confidential until the doubt is resolved by the CEO or at a subsequent meeting of Council.

### Responsibilities of Councillors **3. Responsibilities of Councillors**

~~12-8.~~ Councillors shall:

~~12-18.1.~~ 1. exercise due care when handling or using information acquired in their role as a Councillor;

~~12-218.2.~~ 2. acknowledge that there will be information that must be treated as confidential because to release it would reduce public trust and confidence in the integrity of Council;

~~12-318.3.~~ 3. acknowledge that disclosure of confidential information constitutes a breach of the Act and the Code of Conduct for Councillors and that Council may take legal action for any damages caused and refer the breach to the relevant State Government agency;

~~12-418.4.~~ 4. if uncertain, presume information is confidential, and seek advice from the CEO prior to any release of it;

~~12-518.5.~~ 5. not disclose, and use their best endeavours to prevent disclosure of, confidential information to any person or organisation, specifically:

~~128.5.1~~ 5.1 avoid discussing confidential Council information with family, friends, business associates and/or the media; and

~~128.5.2~~ 5.2 ensure documents containing confidential information are properly safeguarded at all times - including materials stored at private or business residences.

~~128.6.~~ 6. not use confidential information (or any information acquired as a Councillor) to gain improper advantage for themselves or any other person or body;

~~128.7.~~ 7. not use confidential information (or any information acquired as a Councillor) to cause harm or detriment to Council or any other person or body;

~~128.8.~~ 8. ensure that information that may harm, prejudice or compromise the interests of Council, or any individual or organisation, is treated confidentially; and

~~128.9.~~ 9. ensure that information that may enable any individual or organisation to gain a financial advantage, is treated confidentially.





## Confidentiality for Councillors Policy

Office of the Mayor & CEO - Branch

[Policy Number]

~~428~~.10 appropriately declare conflicts of interest and/or material personal interests in a way which will avoid them becoming aware of confidential information relevant to their interest.

~~428~~.11 use IT facilities in accordance with Reimbursement of Expense and Provisions of Facilities for Councillors policy, protecting confidential information on any IT device they use, including not storing Council information on a device that is not owned by Council

### Release of Confidential Information **4. Release of Confidential Information**

~~43~~. 9. The release of confidential information includes, but is not limited to:

~~439~~.1. orally telling any person about the information or any part of the information;

~~439~~.2. providing the original or a copy of documentation or any part of the documentation that is marked confidential; or

~~43-29~~.3.1. paraphrasing, in writing or orally, any confidential information.

~~14~~. ~~The release of confidential information by a Councillor may be regarded as Misconduct under Section 176 (3) of the Act and will be referred to the relevant State Government agency accordingly.~~

#### Breach of this Policy

1.1 A person may make a complaint about a breach by a councillor of section 171(3) by giving notice of the complaint to the Council's Chief Executive Officer. A breach of section 171(3) is "misconduct".

1.2 Allegations of misconduct must be referred by the Chief Executive Officer to the Office of Independent Assessor.

1.3 Allegations of misconduct must be referred by the Chief Executive Officer to the Office of the Independent Assessor.

1.4 If the assessor decides that a councillor has breached section 171(3) of the Act, the assessor may make any one or more of the following orders or recommendations:

1.4.1 Dismiss the complaint about the conduct of the councillor;

1.4.2 If the assessor reasonably suspects the councillor's conduct is inappropriate conduct – refer the suspected inappropriate conduct to the local government to deal with; or

1.4.3 If the assessor is reasonably satisfied the councillor's conduct is misconduct – make an application to the conduct tribunal about the conduct; or





## Confidentiality for Councillors Policy

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1.4.4 Take no further action in relation to the conduct.

1.5 If the tribunal decides that a councillor has breached the Act, the tribunal may make any one or more of the following orders or recommendations:

1.5.1 Order that the councillor make a public admission that the council has engaged in misconduct or inappropriate conduct;

1.5.2 An order reprimanding the councillor;

1.5.3 An order that the councillor attend training or counselling to address the councillor's conduct;

1.5.4 Order that the councillor pay to the local government an amount that is not more than the monetary value of 50 penalty units;

1.5.5 Order that the councillor reimburse the local government for all or some of the costs arising from the councillor's misconduct;

1.5.6 Order that the councillor is not to attend a stated number of local government meetings, up to a maximum of 3 meetings;

1.5.7 Order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor; or

1.5.8 A recommendation to the Minister that the councillor be suspended from officer for a stated period or from performing particular functions of the office.



## Confidentiality for Councillors Policy

Office of the Mayor & CEO - Branch

[Policy Number]

### Applicable Legislation

This policy is in reference to section 171 of the Act and the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

### Definitions

**CEO** refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the Local Government Act 2009.

#### Conflict of Interest

**Council** refers to the Whitsunday Regional Council

**Councillor** refers to the elected Mayor and Councillors of the Whitsunday Region

**Information** refers to any material including but not limited to letters, reports, documents, facsimiles, attachments, tapes, emails, electronic media and other forms of information including discussions during meetings.

#### Material Personal Interest

### Related Documents

Acceptable Request Guidelines

Councillor Code of Conduct

Standing Orders - Meeting Policy

### Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

| COUNCIL POLICY                |  |                    |  |
|-------------------------------|--|--------------------|--|
| Date Adopted by Council       |  | Council Resolution |  |
| Effective Date                |  | Next Review Date   |  |
| Responsible Officer(s)        |  | Revokes            |  |
| Public Consultation: Yes / No |  |                    |  |





# Related Party Disclosure Policy

Corporate Services - Governance

[Policy Number]

## Purpose

The purpose of this policy is to ensure that Council's financial statements comply with the disclosure requirements under the Australian Accounting Standard AASB 124 Related Party Disclosures.

## Scope

This policy is applicable to all Councillors and Key Management Personnel 'KMP'.

## Policy Statement

1. This policy shall be applied by Council and its auditors in:
  - 1.1. identifying related party relationships and transactions;
  - 1.2. identifying outstanding balances between Council its related parties;
  - 1.3. identifying the circumstances in which disclosure of the items in paragraphs 1.1 and 1.2 are required; and
  - 1.4. determining the disclosures to be made about the items in paragraphs 1.1 and 1.2.

### Disclosure Requirements

2. Council shall report in its annual report details of remuneration, expenses incurred and facilities provided to Councillors as required under s186 of the Regulation.
3. Council shall report in its annual report details of remuneration to KMP as required under s201 of the *Local Government Act 2009* ('the Act').
4. Compensation to Key Management Personnel as per clause 3 is to be disclosed in total and for each of the following categories:
  - 4.1. short-term employee benefits;
  - 4.2. post-employment benefits;
  - 4.3. other long-term benefits; and
  - 4.4. termination benefits.
5. Council shall disclose in its financial statements related party relationships, leases, transactions (monetary and non-monetary), outstanding balances and commitments. At a minimum, disclosures shall include:
  - 5.1. the value of the transaction(s);
  - 5.2. the value of outstanding balance(s) and their terms and conditions, including whether they are secured, and the nature of consideration to be provided in settlements;
  - 5.3. the nature of the related party relationship;
  - 5.4. details of any guarantees given or received;
  - 5.5. provisions for doubtful debts related to the amount of outstanding balances; and
  - 5.6. the expense recognised during the period in respect of bad or doubtful debts due from related parties







### Related Party Disclosure Policy

#### Corporate Services - Governance

[Policy Number]

6. Disclosures made as per clause 5 shall be made separately for the following categories:
  - 6.1. subsidiaries (irrespective of whether there have been transactions between entities);
  - 6.2. associates;
  - 6.3. joint ventures in which Council is a joint venturer;
  - 6.4. KMP and close family members; and
  - 6.5. other related entities.

#### Excluded from detailed disclosure

7. Council shall exclude from detailed disclosures those transaction with related parties of the Council that:
  - 7.1. occur within a normal employee, customer or supplier relationship and at arm's length;
  - 7.2. occur under normal terms and conditions;
  - 7.3. are trivial or domestic in nature; or
  - 7.4. are individually or collectively immaterial.
8. Such transactions and amounts receivable or payable shall be disclosed in the financial statements by aggregate or general description.
9. The arm's length principle is the condition or fact that the parties to a transaction are independent and on an equal footing.
10. Normal terms and conditions are those that apply to the general public.
11. Transactions or balances are trivial in nature when they are of little or no interest to the users of the financial report in making decision about the allocation of scarce resources.
12. Transactions are domestic in nature when they are related to a person's personal household activities.
13. Materiality takes its meaning as defined in AASB 101 Presentation of Financial Statements. Assessing materiality requires judgement and shall be done in consultation with Council's external auditor and audit committee.

#### Ordinary Citizen Transactions 'OCT'

14. Transactions with related parties of the Council which are of a nature that any ordinary citizen would undertake will be captured but will not be reported. If an OCT occurs on terms and conditions that are different to those offered to the general public, the transaction will be captured and reported in the financial statements.
15. OCT are transactions that occur during the course of delivering local government service objectives and which occur on no different terms to that of the general public.
16. Examples of OCT include:
  - 15.1. using the Council's public swimming pool after paying the normal fee;
  - 15.2. parking fees at rates available to the general public;





## Related Party Disclosure Policy

### Corporate Services - Governance

[Policy Number]

- 15.3. attending Council functions that are open to the public;
- 15.4. fines on normal Terms and Conditions; and
- 15.5. paying rates and utility charges.
- 17. Example of transactions that are not OCTs include:
  - 16.1. infrastructure charges; and
  - 16.2. purchase of goods, regardless of conditions.

#### Identification of Related Parties

- 18. The Office of the Mayor and CEO is responsible for maintaining a current register of related parties.
- 19. The Office of the Mayor and CEO will review the register of related parties every six months, or after a significant restructure. As part of said review, the KMP are required to review their Declaration.
- 20. KMP's are required to complete a Related Parties Declaration, to update their declaration within ~~40~~30 business days of any change in circumstances and to review their Declaration annually.

#### Privacy and Freedom of Information

- 21. Collection and storage of personal information is governed by the *Information Privacy Act 2009*.
- 22. Information provided by KMP and other related parties shall be held for the purpose of compliance with obligations under this policy and shall be disclosed where required for compliance or legal reasons only.

#### Breach of Policy

- 23. Failure to disclose related party transactions will be deemed a breach of this policy and will be followed with disciplinary action.

#### Notice of a Suspected Related Party Transaction

- 24. If any Councillor or employee believes that a transaction may constitute a related party transaction they must notify either the CEO or the Director Corporate Services.

#### Training

- 25. Council will make this policy available to Councillors, management, officers, employees, consultants and contractors.
- 26. Internal training will be provided to relevant staff.

### Applicable Legislation

This policy is in reference to *Local Government Act 2009* ('the Act'), Local Government Regulation 2012 'the Regulation' and the Australian Accounting Standards.

### Definitions

**AASB** refers to Australian Accounting Standards Board

**CEO** refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the Act.

Commented [LB1]: Do we have a fact sheet or something similar to assist our KMPs making their disclosures?

Commented [JN2R1]: @leah the forms have guidance notes which are prescriptive, however we can develop something internal and load up on the intranet





# Related Party Disclosure Policy

Corporate Services - Governance

[Policy Number]

**Council** refers to the Whitsunday Regional Council

**Employee** refers to any employee, contractor, volunteer etc. of the Council

**Entities** include companies, trusts, joint ventures, partnerships and non-profit associations.

**Key Management Personnel and/or KMP** refers to persons having authority and responsibility for planning, directing and controlling activities of the entity, directly or indirectly. These have been identified as Senior Executive staff including Councillors, Chief Executive Officer, Directors, Chief Operating Officer, Executive Managers, and selected managers (Manager Financial Services, and Manager Governance and Administration).

**Related party transactions** refers to transactions between a responsible person or a responsible person related party and Council and include but are not limited to loans, loan repayments, shares and share options within the economic entity. A transfer of resources, services or obligations regardless of whether a price is charged.

**Related parties** refers to AASB 124 Related Party Disclosure, namely "...a person or entity that is related to the entity (KMP) that is preparing its financial statements." A person or a close member of that person's family is related to Whitsunday Regional Council (COUNCIL) if that person:

- has control or joint control of Council;
- has significant influence over Council; or
- is a member of the KMP of Council.

A related party includes the spouses of the KMP, children and dependents of such KMP or spouses and any other entity under the joint or several control or significant influence of such related parties, spouses or children.

**Remuneration** refers to the remuneration package and includes any money, consideration or benefit received or receivable by the person as a responsible person or employee, but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transactions.

## Related Documents

Councillor Code of Conduct

Employee Code of Conduct

## Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.





## Related Party Disclosure Policy

Corporate Services - Governance

[Policy Number]

| COUNCIL POLICY                |  |                    |  |
|-------------------------------|--|--------------------|--|
| Date Adopted by Council       |  | Council Resolution |  |
| Effective Date                |  | Next Review Date   |  |
| Responsible Officer(s)        |  | Revokes            |  |
| Public Consultation: Yes / No |  |                    |  |





## Social Media Policy

Office of the Mayor & CEO - Communications & Media  
Marketing  
[Policy Number]

### Purpose

Council engages in social media to provide information on Council initiatives, facilities, services, events and programs. Social media is considered an important tool for Council to actively engage with our community, providing a place for discussions and active exchange of ideas.

Council also acknowledges that Councillors and Council employees may use social media professionally in their capacity as a representative of the Council and personally as an individual and member of the community. The purpose of this policy is to establish:

- A culture of openness, trust and integrity in Council's social media activities;
- Responsibilities and expectations for the professional and personal use of social media by Councillors and Council employees.

### Scope

This policy applies to social media activities conducted by Whitsunday Regional Council employees and Councillors.

### Policy Statement

#### Council Employees

##### 1. Using Council Social Media

###### 1.1. Becoming Authorised to Post and Comment

Before engaging in social media as a representative of Council, you must become authorised, expressly in writing, to post and comment by the Communications and Marketing Manager or the CEO.

###### 1.2. Primary Responsibility for Council Social Media

The Communications and Marketing Department is generally responsible for all public social media platforms on behalf of Council and members of that team are hereby authorised to distribute information and respond to comments and feedback posted on these platforms. Should a situation arise where employees are requested to disclose information externally, please consult with an authorised member of the Communications and Marketing Department or the CEO. The Human Resources Manager is responsible for Whitsunday Regional Council's LinkedIn Recruitment and LinkedIn Learning Platforms on behalf of Council. The Human Resources Manager is authorised to delegate tasks within these platforms to members of their team. The Communications and Marketing Department is responsible for all other aspects of the social media platform.

###### 1.3. Directions

The Communications and Marketing Manager or the CEO may issue directions to persons who are authorised to comment as a representative of the Council, addressing issues such as:

- a) service standards (including turnaround times for responses);
- b) replying to comments or queries received on Council's Social Media sites;
- c) when and how content (including comments and queries) is redacted or removed; and
- d) such other matters as they see fit.





## Social Media Policy

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### 1.4. Security

Council will implement appropriate measures to ensure that its social media accounts are secure.

### 1.5. Public Records

Council will ensure all public records of content posted by Council on social media is captured and managed in Council's official record keeping application.

For the purposes of this policy, social media content posted by Council requiring capture as a public record includes:

- Unique content related to service delivery;
- Content related to public consultation exercises;
- Content providing formal advice or guidance (e.g. response to a query); or
- Content that triggers an internal process (e.g. request for information, complaint, threat).

### 1.6. Rules of Engagement

Employees who have been expressly, in writing, authorised to post or comment on behalf of Council (in accordance with this Policy) must adhere to the following guidelines:

- Only publish content that is classified as public information. Employees must not disclose confidential information. This includes, but is not limited to, reporting on conversations or information that are deemed confidential, classified or deal with matters of an internal nature;
- All content posted must be accurate and have been approved by the CEO or a member of the Communications and Marketing Department and comply with all relevant Council policies;
- Comments must be respectful of the community and portray the Whitsunday local government area in a positive manner;
- Media releases issued by Council will be posted on appropriate social media pages at the discretion of the Communications and Marketing Department, unless authorised by the CEO;
- All content must be evenly distributed, impartial and apolitical. It must not over-promote or bias one service, facility, event etc. over others or promote elected members, specific employees or projects in a bias manner;
- Not publish announcements that have not received Council approval;
- Engaging in social media on behalf of Council on social media sites not owned by Council is not permitted, except as approved by the Communications and Marketing Manager or the CEO;
- The CEO and/or authorised members of the Communications and Marketing Department, reserve the right to approve or reject (as they see fit) requests from employees in relation to content to be posted or promoted on Council's social media sites. Social media should be one component of an overall marketing and communication campaign;
- Consent or a signed waiver declaration form must be sought by a third party, including a Council employee or Councillor, before posting a photo of the third party on social media;
- In relation to taking or posting photos of children, express permission from the child's parents/guardian must be sought and the parents must have a full understanding of what the photo will be used for;



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- k) At all times adhere to the terms of use and guidelines associated with the relevant social media platform/website and other laws relevant to the use of and/or information being posted on the social media site;
- l) Council's social media sites must expressly state that any references or links to other websites, other social media pages or the like, on/from the Council social media sites (including if they are "liked", "tagged" or "shared") does not constitute publication (or re-publication), endorsement of, or particular affiliation with those sites or any content thereon by the Council. The Council's social media site must disclaim Council's responsibility in respect of any content published on such referenced or linked external websites or social media pages;
- m) Ensure that content does not otherwise cause damage to Council's representation or bring it into disrepute (including, indirectly); and,
- n) Council supports the Facebook Statement of Rights and Responsibilities ([www.facebook.com/terms.php](http://www.facebook.com/terms.php)) and related Facebook policies, and we request that visitors to our page to do the same.

### 1.7. Comments and Replies

- a) Comments can be posted by the public on Council's social media pages at any time and will be monitored by the Communications and Marketing Department.
- b) Although Council considers social media such as, for example Facebook, to be an informal communication channel, we will endeavour to reply to comments that ask a question about Council, or a matter related to Council.
- c) Where possible, a response should be coordinated with the relevant department and answered within 24 – 48 hours. However, should a person have a formal request or enquiry, they are encouraged to contact Council on the below:  
[info@whitsundayrc.qld.gov.au](mailto:info@whitsundayrc.qld.gov.au) or 1300 WRC QLD (1300 972 753)
- d) Comments received outside of normal business hours (e.g. after-hours, weekends, public holidays) will be acknowledged on the following working day.
- e) When assessing comments, the following guidelines must be adhered to:
  - (i) Comments by the public are subject to deletion if they are deemed to be offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, mentions a person by name, reveals any personal or sensitive information about others, constitutes spam, infringes copyright, constitutes a contempt of court, breaches a court suppression order or is otherwise unlawful;
  - (ii) Other comments that may potentially jeopardise Council's financial, legal or operational capacity may be removed on approval by the CEO or the Communications and Marketing Manager; and
  - (iii) Comments or posts that are not Council-related may be removed. This includes promotion of commercial services, products or entities.

Users found to be repeatedly engaging in the above activities will be blocked from Council's social media sites.

### 1.8. Disaster Management





## Social Media Policy

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[Policy Number]

The Communications and Marketing Department will be actively involved in the Whitsunday Disaster Coordination Centre at all times during activations to monitor and inform the community during times of natural disasters or other disaster event via social media.

Life threatening emergencies and disaster related enquiries received on the Council's social media pages will be referred to the relevant agencies within the Whitsunday Disaster Coordination Centre during activation.

### 1.9. Commenting on Social Media Pages not Owned by Council

- a) Council will not respond to general commentary made by residents on social media pages not owned by Council.
- b) However, Council may respond indirectly through addressing the issue on its own social media site/s when the post is considered to:
  - (i) contain defamatory information;
  - (ii) contain incorrect or inaccurate information about Council and/or its services and facilities;
  - (iii) is a matter of high community interest; or
  - (iv) in such other circumstance as considered appropriate by the CEO or the Communications and Marketing Manager.

### 2. Using Personal Social Media

Council recognises that employees may wish to use social media for personal use and this policy is not intended to discourage or unduly limit your personal expression or online activities. However, it is important for employees to recognise the potential for damage to be caused (either directly or indirectly) to Council in certain circumstances - especially via their personal use of social media when they can be identified as Council employees. Employees are personally responsible for the content published in a personal capacity on any form of social media and must do so in accordance with Council's Code of Conduct for Employees and the following guidelines:

- a) do not criticise Council or any of its employees or stakeholders;
- b) do not disclose or use any confidential information (whether obtained in your capacity as employees or otherwise). Only disclose or discuss publicly available information;
- c) do not imply that you are authorised to speak as a representative of Council or give the impression that the views expressed are those of Council. Further, you must not use your Council email address or any Council logos or insignia that may give the impression of official support by Council of your personal posts or comments;
- d) in any post that identifies you as a Council Employee, you must expressly state that any content is personal views/preferences only and that they do not represent the views of Council;
- e) do not use the identity or likeness of another Council employee;
- f) do not post anything which may affect Council's or the public's trust and confidence in you as a Council employee;
- g) do not make comments, use location-based services (e.g. check-in), like, 'tag' or share certain pages, 'tag' others or allow others to 'tag' you in photographs, or post any material that might otherwise cause damage to Council's reputation or bring it into disrepute (including indirectly). If employees are 'tagged' in any such photographs, then they must immediately contact the person who has tagged them and do all things reasonable to be 'untagged';







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- h) it is not acceptable to spend time using social media (including from personal or Council electronic devices) that is not related to your work unless it occurs in your own time (e.g. during lunch/meal breaks and after work);
- i) adhere to applicable laws such as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws as detailed in this policy, and any other applicable Council policies;
- j) adhere to the terms of use and guidelines associated with the relevant social media platform/website and other laws relevant to the use of and/or information being posted on the social media site;
- k) it is not acceptable to upload work-related photographs or videos to a personal social media sites unless permission is sought from the Communications and Marketing Department. This includes uploading images of employees wearing council-branded uniforms, such that the activities being engaged in in the photograph could be perceived to have taken place during work hours or on behalf of Council;

Please note that this conduct extends to actions such as "liking" or promoting data or information on social media platforms that offends this Policy.

### Councillors

#### 3. Conduct on Social Media

Councillors will ensure that their conduct on all social media, whether in an official capacity as a Councillor or personal capacity as a member of the public, is in accordance with the Code of Conduct for Councillors in Queensland by:

- a) Considering the appropriateness and public perception of any comment or activity undertaken on all social media platforms, regardless of which account they are using;
- b) Ensuring their actions do not reflect adversely on the reputation of Council;
- c) Maintaining confidentiality of Council information they have access to that is not publicly available;
- d) Not directly and unnecessarily criticising other Councillors or Whitsunday Regional Council employees;
- e) Not attempting to unduly influence other Councillors and Whitsunday Regional Council employees or undermine public confidence in the processes of Council;
- f) Being alert to the possibility that personal comments about public issues may compromise their ability to perform their duties in an independent and unbiased manner;
- g) Ensuring their comments do not indicate that they have come to a conclusive view on a matter coming before Council, prior to fully considering the proposal and related issues;
- h) Ensuring that when posting photographs of third parties, they have consent from the third party (or, with regards to children, the consent of the child's parent/guardian) prior to posting the content;
- i) Respecting the democratic process and publicly represent Council decisions when speaking on behalf of Council (in reference to Council's Media Relations Policy); and,





## Social Media Policy

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- j) Not making announcements through social media prior to the announcement being made through official corporate channels, unless prior approval is sought by the CEO or the Communications and Marketing Team.

#### 4. Using a Councillor Social Media Account

Councillors will adhere to the principles, values and behavioural standards outlined in the Code of Conduct by:

- a) Moderating their Councillor social media accounts in a way which recognises that everyone has a right to comment and engage with the content, in a way which may be positive, neutral or negative;
- b) Retaining the right block persons who post or comment content, and remove said content, which:
  - Harasses, abuses or threatens a Councillor, Council employees or a member of the public;
  - Attacks someone based on their age, gender, impairment, political beliefs, race, religion or sexuality;
  - Contains obscene or offensive language; or
  - Constitutes spam or solicit business;
- c) Referring complaints received about Whitsunday Regional Council to Council for appropriate management and resolution;
- d) Referring comments or posts which look like complaints about their conduct in their role as a Councillor to the Office of the Independent Assessor;
- e) Ensuring all public records created in their role as a Councillor on social media are provided to Whitsunday Regional Council for capture and management in Council's official record keeping application.

#### 5. Using Personal Social Media

Councillors will maintain a clear distinction between personal and council related social media use by:

- a) Using increased privacy settings for their personal social media accounts; and,
- b) Acting in accordance with Council's Private Email and Social Media Platforms Policy.

#### Other

##### 6. Photographs

Any photographs or video taken by a Council-owned device remain the property of Council and can only be used with express approval by the relevant Director or Department Manager;

##### 7. Compliance and Enforcement Matters

###### 7.1. General Non-Compliance

Depending on the circumstances, non-compliance with this policy may constitute a breach of employment or contractual obligations, misconduct, sexual harassment, discrimination, or some other contravention of the law. Those who fail to comply with this policy may face disciplinary action and, in some cases, termination of their employment or engagement with Council.

###### 7.2. Copyright

When posting on Council or personal social media sites, Councillors and employees must take care to ensure that they respect copyright laws and attribute work to the original author/source wherever possible.





## Social Media Policy

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### 7.3. Harassment and Bullying

- a) Council's Workplace Bullying/Harassment policy applies online, including on social media sites, and in the physical workplace.
- b) Abusive, harassing, threatening or defaming postings are in breach of Council's Harassment and Discrimination Policy, and may result in disciplinary action being taken, and in breach of Council's Code of Conduct.
- c) Workplace bullying and harassment includes any bullying or harassing comments employees make online, including on their own private social networks and when out of office hours.

7.4. Defamation Councillors and employees must not post material that may cause damage to another person, organisation, association or company's reputation. If thought necessary to do so, then approval must be obtained from the CEO or the Communications and Marketing Manager.

7.5. Contempt of Court Councillors and employees must exercise care if referring to pending court proceedings (particularly if related to Council) to avoid posting material that may prejudice those proceedings, in particular, material that will not be part of the evidence in those proceedings. Enquiries should be made as to any applicable court suppression orders prior to commenting on any court proceeding (whether past or pending).

7.6. Duty to Inform If on a Council social media site or another site, you notice inappropriate or incorrect content, or content that may otherwise breach this policy, you should report the circumstances to the Communications and Marketing Manager and/or the CEO.

## Applicable Legislation

Legislation also imposes responsibilities that affect the appropriate use of Social Media, including:

- a) *Right to Information Act 2009*;
- b) *Information Privacy Act 2009*;
- c) *Local Government Act 2009*;
- d) *Public Records Act 2002*;
- e) *Anti-Discrimination Act 1991*; and
- f) *Work, Health and Safety Act 2011*.

## Definitions

**CEO** means the Chief Executive Officer of Council;

**Confidential Information** includes:

- a) information derived from any source (including, without limitation and for example, government departments or ministers) that has been classified as confidential or which Employees should reasonably know ought be kept confidential;
- b) commercial-in-confidence information - including where the release of information would affect a company's competitive advantage;
- c) information of a personal nature or about personal affairs, for example the personal details;





## Social Media Policy

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- d) terms of contracts or arrangements (including proposed) involving Council or any other party (including its divisions, related entities, contractors, suppliers, Employees);
- e) information relating to a matter which is under investigation by the CEO or another agency;
- f) financial, business, product, analysis or strategic information of Council or its divisions, related entities, residents, Employees, contractors or suppliers;
- g) information contained in correspondence to or from Council marked "private and confidential" or featuring like words;
- h) information relating to residents or clients of Council;
- i) information not owned or controlled by Council;
- j) information that could result in any legal action being taken against Council, including for defamation;
- k) information involving legal advice to Council or a legal issue or a matter before the courts;
- l) information that is expressly given to Employees in confidence; and
- m) information discussed in a closed session of a Council meeting;
- n) technological products, ideas and concepts of Council or its divisions, related entities, clients, contractors, suppliers;
- o) research and development information; and
- p) business, marketing, strategic and other plans of Council for its business, products or services.

**Commenting**, for the purposes of this policy, can also be a reference to posting, uploading, sharing, tagging, liking or linking any form of content on social media

**Communications and Marketing Manager** means the Manager of the Communications and Marketing Department within Council;

**Council** means Whitsunday Regional Council;

**Councillor Social Media Account** means a social media account operated by a Councillor in their official capacity as an elected representative of the Whitsunday local government area.

**Electronic Devices** includes any electronic devices such as mobile phones, electronic notebooks, electronic tablets and laptops), Employees must use these resources reasonably;

~~**Personal Use** is an individual or private user using an individual's own social media platforms for purposes or reasons not reasonably attributable to corporate or professional use or in an official capacity as an elected representative of the Whitsunday local government area;~~

**Employees** includes employees, officers, volunteers and contractors of Council;

~~**Personal Use** is an individual or private user using an individual's own social media platforms for purposes or reasons not reasonably attributable to corporate or professional use or in an official capacity as an elected representative of the Whitsunday local government area;~~

**Social Media** means web-based technology allowing an exchange of dialogue between organisations, communities and individuals. Social media may include (but is not limited to):

- a) Social networking websites (e.g. Facebook, LinkedIn, Google+);
- b) Video and photo sharing platforms (e.g. Instagram, Snapchat, Flickr, Youtube);
- c) Blogs, including corporate blogs and personal blogs;





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- d) Blogs hosted by media outlets (e.g. 'comments' on news articles etc.);
- e) Micro-blogging (e.g. Twitter);
- f) Wikis and online collaborations (e.g. Wikipedia);
- g) Forums, discussion boards and groups (e.g. Google groups);
- h) Vod and podcasting;
- i) Online multiplayer gaming platforms;
- j) Instant messaging (including SMS); and
- k) Geospatial tagging (e.g. Foursquare, Facebook, Check-in).

### Related Documents

#### Creative Commons Licence

The Whitsunday Regional Council social media policy is derived from the Department of Justice Social Media Policy which is licensed under a Creative Commons Attribution-ShareAlike 3.0 Unported licence. For more information on the licence terms, visit Creative Commons Australia.

<http://www.justice.vic.gov.au/utility/social+media/social+media+policy>

Your Social Media and You - A guide for elected council members in Queensland

The Whitsunday Regional Council social media policy has been created with reference to the Office of Independent Assessor and Local Government Association of Queensland's below document.

<https://oia.qld.gov.au/resources/oia/for-councillors/your-social-media-and-you.pdf>

Council also has other policies that may relate to the appropriate use of social media including (but not limited to):

- a) Media Relations Policy;
- b) Councillor Code of Conduct;
- c) Employees Code of Conduct;
- d) Confidentiality Policy for Councillors;
- e) Whitsunday Regional Council Corporate Communications Strategy (being developed);
- f) Harassment Policy;
- g) ICT Facilities User Policy; and
- h) IT Access Control Policy.

Employees should ensure that they are also aware of their obligations under and comply with those related policies.

### Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.





## Social Media Policy

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[Policy Number]

| COUNCIL POLICY                |  |                    |  |
|-------------------------------|--|--------------------|--|
| Date Adopted by Council       |  | Council Resolution |  |
| Effective Date                |  | Next Review Date   |  |
| Responsible Officer(s)        |  | Revokes            |  |
| Public Consultation: Yes / No |  |                    |  |



# Councillor Conduct Investigation Policy

Office of the Mayor and CEO

[Policy Number]

| COUNCIL POLICY          |  |                    |  |
|-------------------------|--|--------------------|--|
| Date Adopted by Council |  | Council Resolution |  |
| Effective Date          |  | Next Review Date   |  |
| Responsible Officer(s)  |  | Revokes            |  |

## Purpose

The purpose of this policy to govern how complaints about the inappropriate conduct of Councillors will be dealt with as required by the section 150AE of the Local Government Act 2009 (the LGA). However, this policy does not relate to more serious Councillor conduct.

## Scope

This policy is applicable to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor.

## Applicable Legislation

Local Government Act 2009

## Policy Statement

### 1. Confidentiality

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation policy.

Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the Local Government. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to the local government may be contrary to section 171(3) of the LGA and dealt with as misconduct.

### 2. Natural Justice

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

"Natural justice" or procedural fairness, refers to three key principles:

- the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing)
- the investigator(s) should be objective and impartial (absence of bias), and
- any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.





## Councillor Conduct Investigation Policy

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An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

### 3. Assessor's referral

The Council may receive from the Assessor a referral notice about the suspected inappropriate conduct of a Councillor/s. Council may also receive referrals directly.

### 4. Receipt of Assessor's referral

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Assessor, the Council's Chief Executive Officer will forward a copy of that referral notice to the Mayor and all Councillors as a confidential document.

Should the Mayor or a Councillor/s (other than the subject of the complaint or the complainant) disagree with any recommendation accompanying the Assessor's referral notice or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting to decide on the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council's meeting procedure requirements.

### 5. Investigator

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.

If the suspected inappropriate conduct involves conduct that in the circumstances, the Mayor believes, it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

If the suspected inappropriate conduct involves:

- an allegation about the conduct of the Mayor, or
- the Mayor as the complainant, then the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.





## Councillor Conduct Investigation Policy

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### 6. Early resolution

Before beginning an investigation, the investigator must consider whether the matter is appropriate for resolution prior to the investigation. This consideration includes any recommendation made by the Assessor.

A matter is only appropriate for early resolution if the parties to the matter agree to explore early resolution.

The investigator may engage an independent person with suitable qualifications or experience to facilitate this process. If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.

If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all Councillors that the matter has been resolved. The Chief Executive Officer will also update the Councillor Conduct Register to reflect this.

### 7. Timeliness

The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor (if the Mayor is not the investigator) to seek an extension of time.

### 8. Assistance for investigator

If the Mayor is the investigator of a matter of suspected inappropriate conduct, the Mayor may use section 170A of the LGA to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

### 9. Possible misconduct or corrupt conduct

If during the course of an investigation the investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or Crime and Corruption Commission to be inappropriate conduct.

### 10. Completion of investigation



## Councillor Conduct Investigation Policy

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On the completion of an investigation, the investigator will provide a report to the Council outlining the investigation process, the investigation findings, any recommendations about dealing with the conduct and a record of the investigation costs.

The Council will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA. Provisions for internal and external review of decisions are set out in sections 150CO to 150CS of the LGA.

### 11. Notice about the outcome of investigation

After an investigation is finalised, the Council must give notice about the outcome of the investigation to the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation.

#### 15. Disciplinary action against councillors

If the council decides at the completion of the investigation that the councillor has engaged in inappropriate conduct, the council may:

- (i) order that no action be taken against the councillor, or
- (ii) make an order outlining action the councillor must undertake in accordance with section 150AH(1)(b) of the LGA.

### 12. Councillor conduct register

The Chief Executive Officer of the respective Council must ensure decisions about suspected inappropriate conduct of a Councillor/s must be entered into the Councillor conduct register.

Where a complaint has been resolved under section 10 of this policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

### 13. Expenses

Council must pay any reasonable expenses of Council associated with the informal early resolution or investigation of suspected inappropriate conduct of a Councillor including any costs of:

- the president of the Tribunal in undertaking an investigation for Council
- a mediator engaged under this investigation policy
- a private investigator engaged on behalf of or by the investigator
- travel where the investigator needed to travel to undertake the investigation or to interview witnesses
- seeking legal advice
- engaging an expert.

Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct.

Any costs incurred by complainants or the subject Councillors will not be met by Council.



## Councillor Conduct Investigation Policy

Office of the Mayor and CEO

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### Definitions

- **Assessor** means the Independent Assessor appointed under section 150CV of the LGA
- **behavioural standard** means a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA
- **conduct** includes—
  - a) failing to act; and
  - b) a conspiracy, or attempt, to engage in conduct
- **Councillor conduct register** means the register required to be kept by Council as set out in section 150DX of the LGA
- **inappropriate conduct** see section 150K of the LGA
- **investigation policy**, refers to this policy, as required by section 150AE of the LGA
- **investigator** means the person responsible under this investigation policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor
- **LGA** means the *Local Government Act 2009*
- **local government** meeting means a meeting of—
  - a) a local government; or
  - b) a committee of a local government.
- **misconduct** see section 150L of the LGA
- **model procedures** see section 150F of the LGA
- **natural justice** – a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.
- **referral notice** see section 150AC of the LGA
- **Tribunal** means the Councillor Conduct Tribunal as established under section 150DK of the LGA
- **unsuitable meeting conduct** see section 150H of the LGA

### Related Documents

Code of Conduct for Councillors

Standing Orders Council Meeting Policy

### Human Rights Compatibility Statement

This policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

### 13.2.3 - Ordinary Council Meeting Action Items - Quarterly Review

#### PURPOSE

To provide Councillors with an update on the action's arising from the Ordinary Council Meetings.

#### OFFICER'S RECOMMENDATION

That Council receives the progress report on the Ordinary Council Meeting Actions to the end of October 2022.

#### RESOLUTION OM2022/11/23.7

Moved By: CR G SIMPSON

Seconded By: CR M BRUNKER

That Council receives the progress report on the Ordinary Council Meeting Actions to the end of October 2022.

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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### **13.2.4 - 500.2022.0082 - Tender Evaluation - Lease - Lot 6 RP 730105, Foxdale**

#### **PURPOSE**

The report is presented to Council for consideration, based on the evaluation panel's recommendation to award Contract 500.2022.0082 Lease – Lot 6 River Road, Foxdale and enter into a lease agreement.

#### **OFFICER'S RECOMMENDATION**

That Council:

- a) Subject to the negotiation of a part of land lease award the Contract 500.2022.0082 Lease – Lot 6 RP 730105, Foxdale to the Auld Family Trust as TTE trading as Tailing Gully Farming; and
- b) authorise the Chief Executive Officer to execute a part of land lease over Lot 6 RP 730105, Foxdale for a term of 10 years with the Auld Family Trust as TTE trading as Tailing Gully Farming.

#### **RESOLUTION OM2022/11/23.8**

**Moved By: CR G SIMPSON**

**Seconded By: CR J CLIFFORD**

That Council:

- a) **Subject to the negotiation of a part of land lease award the Contract 500.2022.0082 Lease – Lot 6 RP 730105, Foxdale to the Auld Family Trust as TTE trading as Tailing Gully Farming; and**
- b) **authorise the Chief Executive Officer to execute a part of land lease over Lot 6 RP 730105, Foxdale for a term of 10 years with the Auld Family Trust as TTE trading as Tailing Gully Farming.**

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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### 13.2.5 - Finance Reporting - FY 2022-23 - Period ending October 2022

#### PURPOSE

To inform Council of the current financial performance and position for the period to 31 October 2022.

#### OFFICER'S RECOMMENDATION

That Council receive the Financial Report, Capital Delivery Report and Unaudited Financial Statements 2022/23 for the period ended 31 October 2022.

#### RESOLUTION OM2022/11/23.9

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council receive the Financial Report, Capital Delivery Report and Unaudited Financial Statements 2022/23 for the period ended 31 October 2022.

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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### **13.2.6 - Corporate Services Monthly Report - October 2022**

#### **PURPOSE**

To provide an overview the Corporate Services Directorate for the month of October 2022.

#### **OFFICER'S RECOMMENDATION**

That Council receive the Corporate Services Monthly Report for October 2022.

#### **RESOLUTION OM2022/11/23.10**

**Moved By: CR J CLIFFORD**

**Seconded By: CR M WRIGHT**

**That Council receive the Corporate Services Monthly Report for October 2022.**

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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**13.3.1 - 20220686 - Development Application for Reconfiguration of a Lot - One (1) Lot into Four (4) Lots and Access Easement, 171 Wrights Road, Strathdickie, Shead C/-Veris**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council refuse the Development Application for Reconfiguration of a Lot - One (1) Lot into Four (4) Lots and Access Easement, made by L E Shead, on L: 15 SP: 199086 and located at 171 Wrights Road Strathdickie, for the following reasons:

1. The proposal is not consistent with the State Planning Policy in respect of fragmentation of Agricultural Land Classification (ALC) Class A and Class B land;
2. The proposal is not consistent with the Mackay, Isaac and Whitsunday Regional Plan in respect of rural residential development in an area which is not identified as a rural living area, compromising the intent of the regional plan to protect productive agricultural land;
3. The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 and cannot be conditioned to comply. Specifically:
  - a) The Rural Zone is the correct zone for this site, being the default zone for the majority of the planning scheme area which is not included in an urban zone;
  - b) The predicted demand and supply of rural residential land within the planning scheme area was modelled by the Whitsunday Regional Council Urban Growth Study and adequate land is zoned to accommodate predicted demand;
  - c) The proposal is not consistent with the Rural Zone Code, which specifies a minimum lot size of 100 hectares;
  - d) The proposal is not consistent with the Agricultural Land Overlay, which does not support fragmentation of land.
  - e) The application conflicts with the Extractive Resources Overlay as the reconfiguration results in the creation of additional lots used or capable of being used for Accommodation activities within the resource separation buffer area.
4. Access to Proposed Lot 1 does not comply with Safe Intersection Siting Distance (SISD) requirements for an 80kmh road.

**RESOLUTION OM2022/11/23.11**

**Moved By: CR G SIMPSON**

**Seconded By: CR M BRUNKER**

**That the item lie on the table pending further review of the conditions and a site visit.**

**MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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### 13.3.2 - Secondary Dwellings

#### PURPOSE

To inform Council on the Planning (Secondary Dwellings) Amendment Regulation 2022 and how the amendment affects the region.

#### OFFICER'S RECOMMENDATION

That Council note the amended definitions for secondary dwellings (aka granny flats), household, dual occupancy, dwelling house and multiple dwelling, and promote the amendment of 'granny flats' being able to be rented out to a third party.

#### RESOLUTION OM2022/11/23.12

Moved By: CR M BRUNKER

Seconded By: CR J CLIFFORD

That Council note the amended definitions for secondary dwellings (aka granny flats), household, dual occupancy, dwelling house and multiple dwelling, and promote the amendment of 'granny flats' being able to be rented out to a third party.

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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### **13.3.3 - Proserpine to Airlie Beach Growth Study and Structure Plan Adoption**

#### **PURPOSE**

To consider and endorse the Submission Analysis Report for the Public Consultation of the Proserpine to Airlie Beach Growth Study and Structure Plan and adopt the final Growth Study and Structure Plan.

#### **OFFICER'S RECOMMENDATION**

That Council:

1. Endorse the Proserpine to Airlie Beach Growth Study and Structure Plan Consultation Submission Analysis Report.
2. Respond to submissions and report back to the community on the consultation results.
3. Adopt the Proserpine to Airlie Beach Growth Study V1.2 and the Proserpine to Airlie Beach Structure Plan V1.2 being the exhibited version subject to the changes identified.

#### **RESOLUTION OM2022/11/23.13**

**Moved By: CR J CLIFFORD**

**Seconded By: CR G SIMPSON**

That Council:

1. Endorse the Proserpine to Airlie Beach Growth Study and Structure Plan Consultation Submission Analysis Report.
2. Respond to submissions and report back to the community on the consultation results.
3. Adopt the Proserpine to Airlie Beach Growth Study V1.2 and the Proserpine to Airlie Beach Structure Plan V1.2 being the exhibited version subject to the changes identified.

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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### 13.3.4 - Abbot Point Draft Master Plan and Port Overlay Public Consultation

#### PURPOSE

To inform Council of the ongoing Public Consultation for the Draft Masterplan and the Draft Port Overlay for the priority Port of Abbot Point and endorse the Letter of Support to Department of Transport and Main Roads (DTMR) about the public consultation.

#### OFFICER'S RECOMMENDATION

That Council:

1. Note the Draft Master Plan for Priority Port of Abbot Point, and the Draft Port Overlay for the Priority Port of Abbot Point
2. Endorse the attached letter of support for the Draft Master Plan and Draft Port Overlay of Abbot Point.

#### RESOLUTION OM2022/11/23.14

Moved By: CR M WRIGHT

Seconded By: CR M BRUNKER

That Council:

1. Note the Draft Master Plan for Priority Port of Abbot Point, and the Draft Port Overlay for the Priority Port of Abbot Point
2. Endorse the attached letter of support for the Draft Master Plan and Draft Port Overlay of Abbot Point.

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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*Cr Clifford advised the meeting that she chairs the Whitsunday Housing Company and does not believe there is a conflict of interest.*

### **13.3.5 - Affordable Housing Submission Analysis**

#### **PURPOSE**

Council is being asked to endorse the Submission Analysis Report for the Public Consultation of the Affordable Housing and the actions following on from this Report.

#### **OFFICER'S RECOMMENDATION**

That Council:

1. Endorse the Affordable Housing Consultation Submission Analysis Report.
2. Report back to the community on the consultation results.
3. Decide to amend the Whitsunday Planning Scheme, the Whitsunday Planning Scheme Major Amendment (Affordable Housing Amendment Package 1 & Affordable Housing Amendment Package 2), in accordance with the Ministers Guidelines and Rules 2020, being:
  - a. To reduce the minimum lot size for dual occupancies to 600 m<sup>2</sup>; and
  - b. To increase the floor areas for secondary dwellings (granny flats) to 120 m<sup>2</sup> Total Use Area.
4. Advocate for Economic Development to develop an Aged Care Investment Attraction Plan for the Region.

#### **RESOLUTION OM2022/11/23.15**

**Moved By: CR J CLIFFORD**

**Seconded By: CR G SIMPSON**

**That Council:**

1. **Endorse the Affordable Housing Consultation Submission Analysis Report.**
2. **Report back to the community on the consultation results.**
3. **Decide to amend the Whitsunday Planning Scheme, the Whitsunday Planning Scheme Major Amendment (Affordable Housing Amendment Package 1 & Affordable Housing Amendment Package 2), in accordance with the Ministers Guidelines and Rules 2020, being:**
  - a. **To reduce the minimum lot size for dual occupancies to 600 m<sup>2</sup>; and**
  - b. **To increase the floor areas for secondary dwellings (granny flats) to 120 m<sup>2</sup> Total Use Area.**
4. **Advocate for Economic Development to develop an Aged Care Investment Attraction Plan for the Region.**

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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**13.4.1 - Special Projects Grant Applications - Round 1 - Monday 11 July - Friday 7 October 2022**

**PURPOSE**

For Council to consider the funding for the Special Projects Grant Applications for Round 1 of the 2022-23 Program.

**OFFICER'S RECOMMENDATION**

That Council approve the following:

1. the payment of Special Projects Grant – Round 1, to assist the following recipients:
  - a) Bowen Meals on Wheels Inc. - \$5,000
  - b) Bowen & District Childcare Centre - \$10,000
  - c) Whitsunday Community & Education Centre - \$11,335
  - d) Bowen Community Council Inc. - \$11,875
  - e) Bowen Horse & Pony Club Inc. - \$12,677
  - f) Bowen Woodworkers & Woodturners Association Inc. - \$20,000
  - g) Heronvale Rural Fire Brigade - \$20,000
2. the applicant below be advised they were unsuccessful:
  - a) Whitsunday Community Services - \$19,416

**RESOLUTION OM2022/11/23.16**

**Moved By: CR M WRIGHT**

**Seconded By: CR J CLIFFORD**

**That Council approve the following:**

1. the payment of Special Projects Grant – Round 1, to assist the following recipients:
  - a) Bowen Meals on Wheels Inc. - \$5,000
  - b) Bowen & District Childcare Centre - \$10,000
  - c) Whitsunday Community & Education Centre - \$11,335
  - d) Bowen Community Council Inc. - \$11,875
  - e) Bowen Horse & Pony Club Inc. - \$12,677
  - f) Bowen Woodworkers & Woodturners Association Inc. - \$20,000
  - g) Heronvale Rural Fire Brigade - \$20,000
2. the applicant below be advised they were unsuccessful:
  - a) Whitsunday Community Services - \$19,416

*Cr Brunker moved an amendment in favor of Cr Wrights request for the change in donation to the Bowen Horse & Pony Club Inc. The reason for the change is to help the Pony Club fix up the general condition of the grounds and also provide some assistance to the club after shutting down for 2 years due to COVID-19.*

## **AMENDMENT**

**Moved By: CR M BRUNKER**

**Seconded By: CR M WRIGHT**

**That Council approve the following:**

- 1. the payment of Special Projects Grant – Round 1, to assist the following recipients:**
  - a) Bowen Meals on Wheels Inc. - \$5,000**
  - b) Bowen & District Childcare Centre - \$10,000**
  - c) Whitsunday Community & Education Centre - \$11,335**
  - d) Bowen Community Council Inc. - \$11,875**
  - e) Bowen Horse & Pony Club Inc. - \$15,000**
  - f) Bowen Woodworkers & Woodturners Association Inc. - \$20,000**
  - g) Heronvale Rural Fire Brigade - \$20,000**
- 2. the applicant below be advised they were unsuccessful:**
  - a) Whitsunday Community Services - \$19,416**

## **MEETING DETAILS**

The amendment was Carried 4 / 1.

Cr Wright called for a Division:

**For:** Cr Wright, Cr Clifford, Cr Hall, Cr Brunker

**Against:** Cr Simpson

The amendment became the motion.

The motion was carried 4/1

**CARRIED**

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## **PROCEDURAL MOTION - ADJOURNMENT OM2022/11/23.17**

**Moved by: CR M WRIGHT**

**Seconded by: CR G SIMPSON**

**That the meeting be adjourned for the purpose of morning tea at 10.11am.**

## **MEETING DETAILS:**

The procedural motion was Carried 5 / 0

**CARRIED**

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## **PROCEDURAL MOTION - RECONVENE OM2022/11/23.18**

**Moved by: CR J CLIFFORD**

**Seconded by: CR G SIMPSON**

**That the meeting be reconvened from morning tea at 10.30am.**

### **MEETING DETAILS:**

The procedural motion was Carried 5 / 0

**CARRIED**

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## **13.4.2 - Australia Day Awards 2023**

### **PURPOSE**

Council to consider a proposal to combine the Bowen and Proserpine / Airlie Beach Australia Day Awards ceremonies to be held on Thursday 26 January 2023.

### **OFFICER'S RECOMMENDATION**

That Council endorse the piloting of a Regional Australia Day Awards Ceremony combining the Bowen, Proserpine and Airlie Beach events into a single community event to be undertaken on a rotational basis across the region, commencing in Proserpine, on the afternoon of Thursday 26th January 2023.

### **RESOLUTION OM2022/11/23.19**

**Moved By: CR J CLIFFORD**

**Seconded By: CR G SIMPSON**

**That Council endorse the piloting of a Regional Australia Day Awards Ceremony combining the Bowen, Proserpine and Airlie Beach events into a single community event to be undertaken on a rotational basis across the region, commencing in Proserpine, on the afternoon of Thursday 26th January 2023.**

### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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### **13.4.3 - Financial Support for a Junior Elite Athlete - November 2022**

#### **PURPOSE**

For Council to consider the applications for Financial Support for a Junior Elite Athlete.

#### **OFFICER'S RECOMMENDATION**

That Council approve financial support for the following applicants:

- a) Ruby Cran – Horseball Championships – \$1,000
- b) Amy Gray - Horseball Championships - \$1,000
- c) Lachlan Gray – Horseball Championships - \$1,000
- d) Charlotte Adams – Horseball Championships - \$1,000
- e) Charlotte Lee – Horseball Championships - \$1,000
- f) Brooke Mizzi – Horseball Championships - \$1,000
- g) Corey Stroud – Australian Futsal U14 Boys Team – \$2,000
- h) Jacob Godden – 2022 National Futsal Championships - \$2,000

#### **RESOLUTION OM2022/11/23.20**

**Moved By: CR J CLIFFORD**

**Seconded By: CR G SIMPSON**

That Council approve financial support for the following applicants:

- a) **Ruby Cran – Horseball Championships – \$1,000**
- b) **Amy Gray - Horseball Championships - \$1,000**
- c) **Lachlan Gray – Horseball Championships - \$1,000**
- d) **Charlotte Adams – Horseball Championships - \$1,000**
- e) **Charlotte Lee – Horseball Championships - \$1,000**
- f) **Brooke Mizzi – Horseball Championships - \$1,000**
- g) **Corey Stroud – Australian Futsal U14 Boys Team – \$2,000**
- h) **Jacob Godden – 2022 National Futsal Championships - \$2,000**

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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#### **13.4.4 - Donation on Council Fees November 2022**

##### **PURPOSE**

Council to consider providing financial support for Not-for-Profit organisations to enable their event and facilities to continue to be an invaluable resource to our local communities.

##### **OFFICER'S RECOMMENDATION**

That Council approve the donation on Council fees for the following applicants.

1. Parkrun Australia Airlie Beach – Local Law Licence Renewal - \$208
2. Parkrun Australia Bowen – Local Law Licence Renewal - \$208
3. Airlie Beach RSL Sub-Branch – Class 3 Event Application Fee - \$407

##### **RESOLUTION OM2022/11/23.21**

Moved By: **CR M WRIGHT**

Seconded By: **CR J CLIFFORD**

That Council approve the donation on Council fees for the following applicants.

1. **Parkrun Australia Airlie Beach – Local Law Licence Renewal - \$208**
2. **Parkrun Australia Bowen – Local Law Licence Renewal - \$208**
3. **Airlie Beach RSL Sub-Branch – Class 3 Event Application Fee - \$407**

##### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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### **13.5.1 - Disaster Recovery Funding Arrangements (DRFA) Progress Report - October 2022**

#### **PURPOSE**

This report presents the progress of 2022/2023 Disaster Recovery Funding Arrangements Capital Projects for October 2022.

#### **OFFICER'S RECOMMENDATION**

That Council receive the Disaster Recovery Funding Arrangements (DRFA) Progress Report for October 2022.

#### **RESOLUTION OM2022/11/23.22**

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council receive the Disaster Recovery Funding Arrangements (DRFA) Progress Report for October 2022.

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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### **13.5.2 - Infrastructure Services Capital Progress Report - October 2022**

#### **PURPOSE**

This report presents the progress of 2022/2023 Capital Projects up until 31 October 2022.

#### **OFFICER'S RECOMMENDATION**

That Council receives the Infrastructure Services Capital Progress Report for October 2022.

#### **RESOLUTION OM2022/11/23.23**

**Moved By: CR J CLIFFORD**

**Seconded By: CR G SIMPSON**

**That Council receives the Infrastructure Services Capital Progress Report for October 2022.**

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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### **13.5.3 - Whitsunday Water and Waste Business Activity Report October 2022 (Unaudited)**

#### **PURPOSE**

To provide Council with information on the operational performance of the Whitsunday Water and Waste business activity.

#### **OFFICER'S RECOMMENDATION**

That Council receive the unaudited Whitsunday Water and Waste Business Activity Report for October 2022.

#### **RESOLUTION OM2022/11/23.24**

**Moved By: CR J CLIFFORD**

**Seconded By: CR M BRUNKER**

**That Council receive the unaudited Whitsunday Water and Waste Business Activity Report for October 2022.**

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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#### **13.5.4 - Operational Report - Infrastructure Services October 2022**

##### **PURPOSE**

The report is to provide Council with information regarding the operational performance in relation to services supplied by the Roads & Drainage, Disaster Management and Parks & Gardens Teams.

##### **OFFICER'S RECOMMENDATION**

That Council receive the Infrastructure Services Operational Report for October 2022.

##### **RESOLUTION OM2022/11/23.25**

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council receive the Infrastructure Services Operational Report for October 2022.

##### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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## **14 MATTERS OF IMPORTANCE**

### **MATTERS OF IMPORTANCE – ELECTRONIC TROLLEY LOCKS 4802**

#### **RESOLUTION OM2022/11/23.26**

**Moved By: CR J CLIFFORD**

**Seconded By: CR G SIMPSON**

**That the Chief Executive Officer write to the supermarkets in 4802 requesting electronic locks for trolleys.**

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

**The following matters of importance items were also addressed at this meeting:**

1. Cr Wright - Bowen Golf Course Stage 2 Drainage Maintenance
2. Cr Brunner - Field Street & McKenzie Street drainage review at Q3 capital works
3. Cr Brunner - Mt Nutt Tree clearing - request for Director to provide some clarification on the work undertaken

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## **15 LATE REPORT ITEMS**

There were no late report items for this meeting.

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## **16 CLOSURE OF MEETING**

The Meeting closed at 11.18am

Confirmed as a true and correct recording this 14 December 2022

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**Cr Julie Hall  
MAYOR**