

ORDINARY COUNCIL MEETING	5.12
16 JUNE 2015	

GENERAL POLICIES OF A FINANCE AND ADMINISTRATION NATURE

Rebecca Assman, Manager Governance : #455975

Darryl Crees, General Manager Corporate Services

RECOMMENDATION:

1. That Council adopts the Acquisition/Resumption of Land by Council for Road or other Purpose General Policy;
2. That Council adopts the Adornment of Graves General Policy;
3. That Council adopts the Advertising Spending General Policy;
4. That Council adopts the Asset Capitalisation General Policy;
5. That Council adopts the Asset and Service Management General Policy;
6. That Council adopts the Busking General Policy;
7. That Council adopts the Commercial Filming Photography General Policy;
8. That Council adopts the Council's Role in Regional Economic Development General Policy;
9. That Council adopts the Crime Prevention through Environmental Design General Policy;
10. That Council adopts the Debt Recovery General Policy;
11. That Council adopts the Development Interaction Guidelines General Policy;
12. That Council adopts the Directional Signs General Policy;
13. That Council adopts the Douglas Libraries Internet General Policy;
14. That Council adopts the Drinking Water Quality General Policy;
15. That Council adopts the Election Caretaker Provisions General Policy;
16. That Council adopts the Entertainment and Hospitality Expenditure General Policy;
17. That Council adopts the Equal Employment Opportunity (EEO) and Workforce Diversity General Policy;
18. That Council adopts the Fitness for Work General Policy;
19. That Council adopts the Fraud General Policy;
20. That Council adopts the Hoarding, Scaffolding, Gantry & Depositing Good & Materials on Roads General Policy;

- 21. That Council adopts the Information Privacy General Policy;**
- 22. That Council adopts the Intellectual Property Rights General Policy;**
- 23. That Council adopts the Investment General Policy;**
- 24. That Council adopts the Management of Confidential Information General Policy;**
- 25. That Council adopts the Public Interest Disclosure General Policy;**
- 26. That Council adopts the Recycled Water General Policy;**
- 27. That Council adopts the Revaluation of Non-Current Assets General Policy;**
- 28. That Council adopts the Roadside Vending General Policy;**
- 29. That Council adopts the Security – Council Buildings & Depots General Policy;**
- 30. That Council adopts the Sewer Construction – Replacement of Trees General Policy;**
- 31. That Council adopts the Vegetation on Council controlled Land: Planting, Removal and Maintenance General Policy;**
- 32. That Council adopts the Water Meter Installation General Policy;**
- 33. That Council adopts the Water Restrictions General Policy;**
- 34. That Council re-adopts the Code of Conduct for Councillors General Policy;**
- 35. That Council revokes the Asbestos Disposal General Policy;**
- 36. That Council revokes the Business and Residential Parking Permits General Policy;**
- 37. That Council revokes the Liquor Licensing General Policy;**
- 38. That Council revokes the Registration/Microchipping for Aged Pensioners' Dogs and Guide, Hearing and Assistance for Life Dogs General Policy;**
- 39. That Council revokes the Reports and Information Council May Request General Policy;**
- 40. That Council revokes the Structures within the Road Reserve including Subdivision in Strata General Policy;**
- 41. That Council revokes the Information Security General Policy;**
- 42. That Council revokes the Extensions to Relevant Period for Development Approvals General Policy;**
- 43. That Council delegates authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to have the ability to effect any minor administrative changes.**

EXECUTIVE SUMMARY:

Douglas Shire Council is required to review all policies that transferred across from Cairns Regional Council under the *Local Government (De-amalgamation Implementation) Regulation 2013*. The third stage of this work is now complete with 33 general policies reviewed for adoption, 8 additional policies have been identified as not relevant to Douglas Shire Council and are to be revoked, and 8 policies to be reviewed at a later date.

BACKGROUND:

Through de-amalgamation, 168 policies transferred across from Cairns Regional Council. Managers have assessed the relevance of these policies to Douglas Shire Council.

To date:

- 102 have been revoked
- 17 have already been adopted

As a result of this final review:

- 33 are to be adopted by Douglas Shire Council
- 8 to be revoked
- 8 to be reviewed at a later date

The recommendation for the additional 8 policies to be revoked is based on the following:

- That the policies are Cairns specific
- They are not in line with our business principles or Douglas Shire Council Corporate Plan

PROPOSAL:

That Council adopt 33 general policies, which have been converted over from Cairns Regional Council to Douglas Shire Council documents, revoke a further 8 policies, and review another 8 policies at a later date.

The policies to be reviewed at a later date are:

The Markets General Policy	This policy needs to be reviewed in line with the feedback regarding hot food at the markets
Rates Based Financial Assistance Policy	This policy will be adopted as part of the budget process
Full Pay for Use Water Management for all Council Leases General Policy	These policies are all part of the ongoing statutory reviews being conducted by the manager of Water & Waste Water
Irregular Payment of Policy for Residential Consumers of Drinking Water - General Policy	
Metering of Council Properties and Public Facilities General Policy	
Pre-Payment for Water Consumption Charges General Policy	
Usage of Metered Standpipes General Policy	
Water Conservation General Policy	

These policies will continue to operate under Douglas; however there may still be some reference to Cairns in the policies.

In addition some amendments have been made to the Councillors Code of Conduct and this policy is submitted for re-adoption.

It should be noted that if a policy is revoked and there appears to be a need in the future for it to be re-instated it can be bought to Council for adoption.

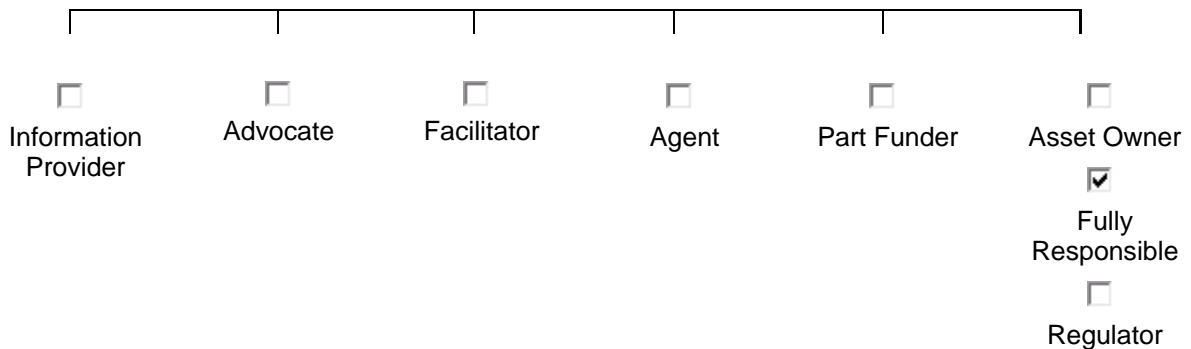
CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:

This report has been prepared in accordance with the following Corporate Plan 2014-2019 actions:

5.2.2 *Implement adopted policies and guidelines to ensure consistency in administrative management which also encourages innovation in Council operations.*

COUNCIL'S ROLE

The following areas outline where Council has a clear responsibility to act:



Fully Responsible: Funding the full cost of a program or activity.

FINANCIAL/RESOURCE IMPLICATIONS:

This work has been completed within the budget constraints of the 2104/2015 Operational Plan.

RISK MANAGEMENT IMPLICATIONS:

All legislative requirements have been considered in the drafting of this report and reviewing of the general policies.

The streamlining of policies will assist in providing clarity to Council and the Community therefore minimising potential financial risk or uncertainty.

INTERNAL/EXTERNAL CONSULTATION:

Consultation has occurred with the appropriate internal stakeholders

A list of to be revoked/to be adopted policies was provided to Councillors on 4 June 2015 and workshopped with Councillors on 9 June 2015.

ATTACHMENT 1

Policies to be adopted.



**ACQUISITION / RESUMPTION OF LAND BY COUNCIL
FOR ROAD OR OTHER PURPOSE GENERAL POLICY**

Intent To establish overarching principles for acquiring and/or resuming land by Council for local government purposes.

Scope This policy will allow for the efficient management of the process of acquiring and or resuming land either by voluntary or compulsory acquisition.

REFERENCE

Legislation:

Acquisition of Land Act 1967

PROVISIONS

Council will only acquire land pursuant to the *Acquisition of Land Act 1967* when there is a genuine community purpose to be fulfilled and for which a local government may lawfully undertake. Acquisition of land cannot proceed unless Council has formally resolved the need for the land complies with functions that Council legitimately perform.

As soon as feasible, Council will advise the owner of the intent to acquire the land and to compensate the owner for the acquisition. This acquisition can be achieved through either voluntary or compulsory acquisition.

Regardless of the acquisition method, Council will obtain market valuation advice from a suitable industry professional to ensure fair and reasonable compensation is provided to the land owner.

All actions undertaken in the land acquisition process will conform to the requirements of the *Acquisition of Land Act 1967* and any other statutory requirements to which Council is bound.

For the purposes of this policy:

- Voluntary acquisition is when land is acquired by negotiation between parties and compensation amount is mutually agreed upon.
- Compulsory acquisition occurs when Council and the landowner are unable to come to a mutually agreeable compensation amount and Council has resolved to progress the land acquisition as per legislative requirements.

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This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

General Manager Corporate Services

ADOPTED:



DUE FOR REVISION:

REVOKED/SUPERSEDED:

ADORNMENT OF GRAVES GENERAL POLICY

Intent The intent of this policy is to specify the type and quantity of adornments and tributes that can be placed by the public on graves, mausoleums and facilities for the receiving of ashes in Council-operated cemeteries.

Scope This policy applies to all interments within all Council-operated cemeteries.

Definitions

Adornments: Include flowers and ornaments placed on graves, mausoleums and facilities for the receipt of ashes, such as columbarium walls, by visitors to the cemeteries.

Council-approved receptacle: A vase or container which is not ceramic or made of glass and is not able to hold water.

Interment: The act of being interred or buried; including placement into a mausoleum and placement of ashes into a columbarium wall or other facility provided by Council.

PROVISIONS

The policy is designed to ensure the general public can visit the cemeteries and reflect in a safe, tidy and well maintained environment.

Adornments – General

Flowers can be placed on graves/memorials. Fresh or limited artificial flowers are welcome tributes. These should be housed in non-glass or unbreakable containers which, in order to prevent mosquito breeding, must not be able to hold water. Visitors are requested to remove wrapping and rubber bands from floral arrangements before they are left as a tribute. Should the tributes be of value to the visitor, Council requests that such items be removed before they become unsightly or deteriorated.

Council will keep the grounds of the cemeteries operated by the Council neat and tidy by removing withered or deteriorated floral arrangements and any tributes deemed unsuitable or unsightly. This will be carried out at Council's discretion.

The placement of glass vases or receptacles, ornaments, flags, photo frames, candles, toys, wind chimes or other items of memorabilia in standard burial or memorial areas is not permitted and any such items will be removed, at Council's discretion. These items can be a safety hazard for visitors and cemetery staff and present difficulties in efficiently maintaining the cemeteries.

Permanent planting of bushes, flowers or trees is not permitted on grave lots and any such items will be removed.

All tributes shall be placed against the headstone or head of the grave. No tributes are to be placed on any grassed areas.

Douglas Shire Council is not responsible for items placed at the grave site and reserves the right to remove all tributes and plants of any kind from the cemetery when they do not conform to the provisions within this policy.

Adornments – Quantity

To ensure that items do not encroach on the memorial or burial locations of neighbouring families, the different interment types have been designated a limit on the number of permitted tribute receptacles that can be placed at each burial or memorial site. These are specified as follows:

In Lawn Beam Sections, Plaque and Headstone

No more than two (2) Council-approved, receptacles for holding fresh or artificial flowers will be permitted per site. Such receptacles must not be able to hold water. Additional floral tributes may be permitted for no longer than 1 week after the funeral, provided they do not impede adjacent graves.

In Full Monumental Sections

All adornments must be contained within the confines of the monument or until an approved monument has been erected on the gravesite. No more than two (2) Council-approved self-draining receptacles for holding fresh or artificial flowers are permitted to be placed at the head of the grave. Such receptacles must not be able to hold water. Additional floral tributes may be kept at Council's discretion for a period of one week after the funeral, provided they do not impede adjacent graves. Installation of paving or extended footpaths around the perimeter of graves is not permitted as these may create a tripping hazard for visitors.

In Full Lawn Sections

One (1) only Council-approved below ground flower-holding receptacle is permitted per grave. Such receptacle must not be able to hold water. Fresh flowers only are permitted in full lawn sections.

On Mausoleum Walls

No more than two (2) Council-approved, flower-holding receptacles for fresh or artificial flowers per vault are permitted. Such receptacles must not be able to hold water. Adornments are not permitted on the ground in front of the mausoleums and will be removed without notice.

On Columbarium Walls

One (1) only Council-approved, flower-holding receptacle per niche is permitted. Such receptacle must not be able to hold water. Adornments are not permitted on the ground in front of the columbarium walls and will be removed without notice.

The limit on receptacles is designed to allow families to pay tribute, but also ensures that other families do not feel marginalised or impinged upon by the placement of excessive items upon neighbouring locations. The restriction on water-holding containers is to prevent the possibility of mosquito breeding.

Removal of Adornments for Maintenance

The nature of the flat-lying plaques at cemeteries means that all tributes may need to be removed, at the discretion of the Cemetery Ganger, to enable mowing and surface maintenance.

The mowing and maintenance schedule operates on a seasonal basis but may vary depending on prevailing weather conditions:

Pre Cyclone Season Clean-Up

In October each year, cemetery staff will undertake a clean-up of the cemetery grounds and graves prior to the on-set of the wet season. Public Notices will be placed during September each year advising the general public of the pre-cyclone season clean-up.

All items that have the potential to become dangerous flying objects during storms will be removed at Council's discretion.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Infrastructure Services

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



ADVERTISING SPENDING GENERAL POLICY

- Intent** To provide guidelines outlining the control on expenditure on advertisements placed by Council in various media to ensure that this advertising is in the public interest.
- Scope** The policy applies to any paid advertisement or notice in any media to promote goods or services (including facilities) provided by the Council. This policy does not apply to advertising for: recruitment of staff, or Council's procurement activities.

REFERENCE

Legislation:

Local Government Regulation 2012

PROVISIONS

The *Local Government Regulation 2012* requires Council to have a policy on advertising and for the purpose of this policy advertising is defined as:

“promoting to the public an idea, goods or services by using a medium commonly used for promoting ideas, goods or services and for which a fee is paid. Examples of mediums commonly used for promoting ideas, goods or services— magazine, newspaper, radio, television and social media”

Advertising should be used where the purposes of the Council or the benefit of the community is advanced. It should not be used to promote the particular achievements or plans of particular Councillors or groups of councillors. In particular advertising that is paid for by the Council should not be used to influence the voters in an election.

Council may incur expenditure for advertising only if—

- a) the advertising is for providing information or education to the public; and
- b) the information or education is provided in the public interest

All advertising must be approved by the relevant Manager who must ensure that:

- (i) The expenditure is in accordance with this policy;
- (ii) The cost of the advertisement is appropriate for the number of people it is intended to inform and provides a commensurate benefit to the Council or to the public.
- (iii) The cost is available in the relevant budget item and meets the usual requirements for expenditure approvals.

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This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

General Manager Corporate Services

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED**



ASSET AND SERVICE MANAGEMENT GENERAL POLICY

Intent:

Section 104 (s) (a) (ii) of the *Local Government Act 2009* and Section 167 of the *Local Government Regulation 2012* requires the production of a long-term Asset Management Plan. Section 168 of the regulation outlines requirements of the Asset Management Plan.

This policy also supports Council's Corporate Plan 2014-2019, Theme 2.1.1 "Develop management plans for all Council assets and adequately resource their implementation".

The goal of the Asset Management Plan is for Douglas Shire Council, on behalf of the community, to meet a required level of service in a way that is financially sustainable through the creation, acquisition, operation and maintenance, renewal and disposal of assets to provide for present and future customers and communities. An Asset Management System approach is central to asset management by taking account of the total cost of an asset throughout its life. A successful asset management plan is judged through better service at an improved costing, not a better asset.

The Douglas Shire Council Asset Management System follows the recognised Plan, Do, Check, Act cycle. This cycle is used to effect both major performance breakthroughs as well as small incremental improvements in projects and processes.

Scope:

This Policy applies to all Douglas Shire Council Activities (excluding Controlled Entities).

Background:

Douglas Shire Council is committed to implementing a systematic asset management methodology in order to implement appropriate asset management best-practices across all areas of Council. This includes ensuring that assets are planned, created, operated, maintained, replaced and disposed of in accordance with Council's priorities for service delivery.

Asset Management relates directly to the objectives of Council's Corporate Plan, and will ensure that Council delivers the appropriate level of service through its assets. This will provide positive impact upon:

- Members of the public and staff;
- Council's financial position;
- The ability of the organisation (Council) to deliver the expected level of services and infrastructure;
- The political environment within which the Council operates; and
- The legal liabilities of Council.

Purpose (Objectives)

Douglas Shire Council applies the asset management framework to achieve the following objectives:

1. Ensure that Council delivers effective & efficient services and infrastructure, at the appropriate levels to residents, visitors and the environment;
2. Safeguard Council assets including physical assets and employees by implementing appropriate asset management strategies, and appropriate financial treatment of those assets;
3. Create an environment where all Council employees will take an integral part in overall management of Council assets (create an asset management awareness throughout Council);
4. Meet or surpass legislative compliance for asset management;
5. Ensure resources and operational capabilities are identified and responsibility for asset management is allocated; and
6. Demonstrate transparent and responsible asset management processes that align with appropriate best practice.

Principles

- A consistent framework must exist for implementing systematic asset management, and appropriate asset management best-practices throughout all of Council;
- Ensure “whole of life” costing is adopted for all asset management processes;
- Outcomes must be capable of being integrated at an appropriate organisational level for reporting purposes;
- Relevant legislative requirements and political, social and economic environments are to be taken into account in asset management;
- Integration of asset management within existing planning and operational processes is to occur;
- Asset renewal plans will be prioritised and implemented progressively based on the required service levels, and the effectiveness of the current assets to provide that level of service;
- Systematic and cyclic reviews will be applied to all asset classes, to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards; and
- Council’s Asset Management Strategy is being driven through an Asset Steering Committee; and
- Levels of Service will be developed and set in consultation with the community while clearly considering the ongoing cost of service provision and using the community planning process and other suitable consultation mechanisms;

Asset and Service Management Plans are to be developed for all major asset groups. Plans are to be linked to, and support, other corporate planning and reporting processes. The following details will be included in each plan:

- Details of the specific asset group (e.g. roads, water, buildings);
- Linkages to other corporate plans and strategies;
- Broad asset lifecycle management strategies;
- Current and desired “levels of service”;
- Risk management and mitigation;
- Consideration of “non-asset” service solutions;
- Financial summary including maintenance and operational costs and capital expenditures relating to potential renewal, upgrade or new works;
- Relevant performance indicators; and
- Improvement strategies.

Assets and related management operations will be periodically re-evaluated to determine the most cost effective and appropriate service delivery solutions, thoroughly considering “total lifecycle costs” and all relevant matters surrounding long-term sustainability and

intergenerational equity. Any changes in strategy are then to be reflected in updated Asset Management Plans and Long-term Financial Plans.

The **Asset Steering Committee** is the cross functional team responsible to manage the end to - end asset management process. Its' primary purpose is to ensure that:

- The strategic goals for the organisation drive effective asset management;
- A solution development focus is enabled in Douglas Shire Council;
- Activities and tasks of the Asset Management Plan are prioritised if resources are not available to complete all tasks;
- Any risks and or issues are mitigated in an appropriate manner;
- Asset Management Plans reporting is reviewed on a regular basis;
- Trust and partnership are fostered across the organisation;
- A risk management approach is taken with regards to decision making; and
- Review Business process and opportunities to improve asset lifecycle.

Membership of the Asset Steering Committee

The membership consists of:

General Manager Corporate Services (alternating Chair);
 General Manager Operations (alternating Chair);
 Manager Infrastructure;
 Manager Water and Waste;
 Manager Development and Environment;
 Manager Finance & IT;
 Manager Governance.

Reporting, Agenda and Minutes

The Committee through the alternating chair persons of the General Manager Corporate Services and the General Manager Operations will report to the Chief Executive Officer. The Committee will meet every 2 months. The Manager Infrastructure will request agenda items and prepare agendas and minutes prior to and after each Committee Meeting respectively. The minutes will be circulated to each Committee member.

Roles and Responsibilities

Councillors adopt the policy and ensure sufficient resources are applied to manage the assets.

The **Chief Executive Officer** has overall responsibility for developing asset management business processes, systems, organisational policies and procedures and reporting on the status and effectiveness of asset management within Council.

General Managers and **Branch Managers** are responsible for developing asset management plans, implementing asset management business processes, systems, organisational policies and procedures. It is noted they form the base of the Asset Steering Committee, with input from other officers as required.

Employees with management or supervisory responsibilities will be held accountable for the management of assets within their areas of responsibility as determined under the asset management plans.

Employees will be tasked, based on the relevant Core Asset Management Plans and will be responsible for the timely completion of activities contained within these plans.



The policy to remain in force until otherwise determined by Council

Manager Responsible for Review:

Manager Infrastructure Services

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



ASSET CAPITALISATION GENERAL POLICY

Intent: To set thresholds for the capitalisation of non-current assets for Douglas Shire Council.

Scope This policy applies to all Douglas Shire Council activities.

REFERENCE

Legislation:

Local Government Regulation 2012

Other:

Australian Accounting Standards issued by the Australian Accounting Standards Board (AASB)

PROVISIONS

The following sets out the Asset Capitalisation Thresholds for Douglas Shire Council as required by Section 206 of the *Local Government Regulation 2012*.

Definition

Australian Accounting Standard AASB 116 defines Property Plant and Equipment as tangible items that:

- (a) are held for use in the production or supply of goods or services, for rental to others, or for administrative purposes; and
- (b) are expected to be used during more than one period.

The Standard states that the cost of an item of property, plant and equipment shall be recognised as an asset if, and only if:

- (a) it is probable that future economic benefits associated with the item will flow to the entity; and
- (b) the cost of the item can be measured reliably.

In simpler terms a non-current asset may generally be an item with a life of more than 12 months and any expenditure on an item which meets the above criteria may be eligible for capitalisation.

Thresholds

In accordance with the limits prescribed by Section 224 of the *Local Government Regulation 2012*, the capitalisation thresholds for Council are set at \$1 for land, \$1 for network assets, \$5,000 for plant and equipment and \$10,000 for all other assets. Any expenditure below these thresholds is expensed in the period in which it is incurred.

Related Documents

This policy is to be used in conjunction with Council's:

- Procurement General Policy
- Revaluation of Non-Current Assets General Policy



This policy will take effect from 01 July 2015 and is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Finance & IT

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



BUSKING GENERAL POLICY

- Intent:**
- To encourage activities that contribute vibrancy and life to public areas and to allow opportunities for public performances.
 - To provide an equitable system of use for popular busking sites among the buskers earning a living through their art form.
 - To minimise complaints, criticism and other problems associated with buskers operating in the city area.

Scope This policy shall apply to busking carried out on all Council and state-controlled land within the Douglas Shire Council area. Authorised busking is permitted in approved areas in , Front Street, Mossman and the Port Douglas town centre, under the conditions outlined in this policy. Douglas Shire Council reserves the right to limit the number of approvals at any time, or to regulate through application of fees and charges.

Reference:

Local Law No. 1 (Administration) 2011
Subordinate Local Law No. 1 – Schedule 6

PROVISIONS

- Douglas Shire Council recognises a strong tradition of busking in the Region. Buskers contribute to a sense of place, provide entertainment and thought provoking experiences to tourists and members of the general public.
- Busking is recognised as a valid means for people to make a living. Buskers make an important contribution to the cultural life of a city by reflecting styles, values and the issues of society at large.
- Busking should not interfere with pedestrian traffic, the conduct of business, or contribute to a lack of safety.

DEFINITIONS

Busker: A street entertainer who provides performances for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places.

Circle acts: Structured performances requiring the audience to stop and watch or participate in the performance. Approximate duration: 20 minutes.

Dangerous materials and implements: Materials and implements that pose a risk, hazard or uncertain outcomes for people. *Dangerous materials* include flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property.

Dangerous implements include knives, spears, swords, spikes and sharp implements of any kind that pose a threat of harm to the general public.

Offering for sale: The display or demonstration of items, particularly multiples of items, with an implication that they are available for sale or otherwise in exchange for money (for example, CDs or cassettes).

Percussion Instruments: A musical instrument played by striking, such as a drum.

Performance: Musical, dramatic or other entertainment substantially involving musical, theatrical or circus performance skills.

Restricted areas: specified areas within the town that have had restrictions placed on busking activities that may occur in them.

Soliciting of funds: The act of asking, begging or requesting money or goods from members of the public.

Special Busking Areas: An area designated as suitable for high risk activities such as Circle Acts, use of Dangerous Materials or Percussion instruments.

Special Events: An event/s of a public nature utilising wholly or in part public land, public roads and/or footpath areas.

Walk-by acts: Spontaneous performances where the audience is not required to stop and watch.

OBTAINING AN AUTHORISED PERMIT TO BUSK

Application for a Busking Permit must be made on the approved form, and be accompanied by payment of required fees and charges.

Criteria for assessing a proposed busking activity can include:

- Quality of audition
- Presentation and appearance of the performer/s
- Entertainment value and uniqueness of the performer/s
- Professionalism of the performer/s

For the purposes of identification, applicants will be required to present or provide the following items at the time of application before a Busking Permit will be issued:

- Proof of identify
- Proof of parental consent for applicants under the age of 18 years. Consent forms signed by applicants' parents or guardians must be lodged at the time of application for a permit to busk.

Three (3) Monthly Busking Permits will be issued to individuals. Permits are not transferable or refundable.

The following are not considered to be busking under the terms of this policy and as such a permit will not be issued:

- tarot card and palm readers, fortune readers;
- artists selling their works (such as portrait artists);
- masseurs or masseuses;
- vendors of any kind solicitors of money for any purpose, or;
- any like act or activity.

CONDITIONS FOR BUSKING:

Buskers must hold an authorised permit to busk, issued by Douglas Shire Council.

Buskers **must** display their Permit to Busk in a prominent, highly visible position in the busking site at all times during their acts.

Buskers may only perform between the hours of 8:00am and Midnight inclusive.

Buskers may perform for a maximum of two (2) hours at any one site.

Buskers must keep the site in use clean while they are working and ensure that their use of the site does not pose a threat to public safety.

Buskers may receive voluntary donations from the audience but may not solicit funds.

Buskers approved to use amplification are restricted to battery operated amplifiers. Use of amplification is to cease at 10:00pm. Restricted areas may apply.

Buskers may offer for sale Compact Discs consisting of the busker's own work. No other goods or services may be offered for sale, displayed, demonstrated or advertised. Buskers must not interfere with pedestrian flow or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause such interference. A minimum two (2) metre pedestrian corridor must be maintained so that a continuous corridor is maintained parallel to the roadway.

Buskers who are utilising pavement (chalk) art as a form of entertainment may only do so under the terms and conditions outlined in Attachment 1.

Buskers may only use dangerous implements and materials if they hold a Special Busking Permit to do so and must comply with the terms and conditions in the Code of Practice at Attachment 2.

The use of percussion instruments is limited to restricted areas and the use of percussion instruments is to cease at 10:00 pm.

Police and Council's Authorised Officers are able to revoke permits if the holder is causing public inconvenience, is likely to cause harm to the public or property, or is otherwise in breach of this Policy.

Additional Terms and Conditions may be applied to individual Permits by Council's Authorised Officer as required.

RESTRICTED AREAS

Busking is not allowed within areas designated as restricted.

Busking is not permitted in relation to Special Events unless busking forms part of that event or specific invitation is granted by Council.

Busking is not permitted within 10 metres of outdoor dining facilities or Licensed venues during operational hours unless specific invitation has been supplied by management of the business.

Busking is not permitted within 10 metres of Market Stalls.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Development & Environment

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:**

DUE FOR REVISION:
REVOKED/SUPERSEDED:

RELATED DOCUMENTS

456092	Procedure – Issuing Busking Permits
456000	Busking Permits Register
456066	Application for a Busking Permit
456061	Busking Permit Card template
332880	Busking Audition Checklist

Attachment 1: Pavement Art Code of Practice

- 1) This code of practice only covers the areas that are the responsibility of Douglas Shire Council.
- 2) Busking may include pavement art where it can be seen as a public form of entertainment under the guidelines of the Douglas Shire Council Busking Policy, with all of the Douglas Shire Council Busking Policy conditions applying and including the following specific applications of Douglas Shire Council policies to pavement art
- 3) Pavement art, for the purposes of this policy, is defined as Chalk Drawings rendered directly onto the pavement, or renderings done in other materials on removable surfaces, such as canvas or plastic, laid out onto the pavement.
- 4) Drawing directly onto the pavement may only occur where:
 - a. The material used is removable by water and does not leave a residue; and
 - b. The surface of the pavement is non-porous material, such as bitumen or concrete. Surfaces not able to be drawn upon directly include sandstone, granite and other porous surfaces.
- 5) Individual renditions of the artists work may not be offered for sale, or sold to the public.
- 6) Any proposed material to be used in carrying out pavement art must not be slippery (whether wet or dry) and must not be such as to be likely to cause a public hazard.
- 7) There must be no complaints received from shop owners regarding walking materials used in carrying out the pavement art into shops (such as chalk).

Attachment 2: Use of Dangerous Materials and Implements in Busking: Code of Practice

Douglas Shire Council recognises that many buskers use materials and/or implements in their performance that may reasonably be considered as dangerous. Council also acknowledges that, in the hands of skilled and experienced performers, the use of fire or superficially dangerous implements such as knives and swords within circus or juggling acts lends an appealing theatrical element that is popular with the viewing public.

The purpose of this code of practice is to ensure that the use of dangerous materials and implements is restricted to buskers who have highly developed skills and experience in their use and who are able to ensure the safety of both the performer and the viewing public.

1. Approval of the use of dangerous materials and/or implements

Buskers using dangerous materials and/or implements must hold a current Special Busking Permit to use such items in their performance. Buskers holding Special Busking Permits must adhere to all terms and conditions of the standard busking licence.

All dangerous implements to be used in the performance, as defined under the *Dangerous Goods Act*, Clauses 14, 31, 239, 240, 242, covering the use of prohibited items, must have edges blunted and rendered non dangerous (including chain saws and mechanical items). An implement is determined to be blunt if it is incapable of piercing human skin when pressure is directly applied to its edge or point against human skin.

Where flammable liquids are to be used, all storage and transport must be as per the Australian Dangerous Goods Code, section 7, including:

- Portable plastic containers to be no greater than 5 Litre capacity
- Containers to be conspicuously marked "HIGHLY FLAMMABLE"

2. Approved sites for the use of dangerous materials and implements.

Buskers may only use dangerous materials and/or implements within designated Special Busking Sites. Special Busking Sites will be recorded on a schedule of approved busking sites.

3. Process for Obtaining a Special Busking Permit

Special Busking Permits apply only to individual performers and not groups. All individual performers within a group must hold Special Busking Permits if they are to use dangerous materials and/or implements.

Special Busking Permits are available under the same terms and conditions as standard Busking Permits with the exception of the additional requirements nominated below:

A completed Risk Management Plan must accompany Special Busking Permit application. This risk Management Plan must include a minimum requirement the following items;

- Plan of performance area indicating minimum safety space between performer and audience
- Detail of means used to maintain safety space for duration of performance
- Detail of all dangerous implements and/or materials to be used in the performance.
- Detail of all safety devices on site during the performance
- Detail of first aid kit and First Aid Officer on site during performance
- Detail of all appropriate licences / certificates e.g. Chain Saw operators certificate, pyrotechnics certificate.



CODE OF CONDUCT FOR COUNCILLORS GENERAL POLICY

Intent The intent of this policy is to detail the standard of behaviour expected of Councillors of Douglas Shire Council.

Scope The provisions of this policy apply to all actions of Councillors.

REFERENCE

Legislation:

Local Government Act 2009

PROVISIONS

This code has been adopted by resolution of Council. Council accordingly considers this code to be a "procedure", as the term is used in section 176(4) of the *Local Government Act 2009*.

Key Ethical and Behavioural Obligations

Councillors must:

- 1) ensure their personal conduct does not reflect adversely on the reputation of the Council
- 2) demonstrate respect for fellow Councillors, Council staff and other members of the public
- 3) refrain from harassing, bullying or intimidating fellow Councillors, Council staff or other members of the public
- 4) with the exception of the Mayor, not communicate with the public or media on behalf of the Council, unless expressly authorized by the Council to make that communication
- 5) when communicating with the public or the media, make it clear when they are expressing a personal opinion, and when they are speaking on behalf of Council
- 6) when communicating with the public or the media to express a personal opinion about a Council resolution, respect the democratic process by first acknowledging that Council resolutions represent the majority view of Council
- 7) use their allocated Council business email address to communicate or conduct any aspect of Council business electronically, unless exceptional circumstances require otherwise
- 8) not carbon copy or blind carbon copy email communications about any aspect of Council business to private email accounts associated with a Councillor
- 9) comply with legislative obligations relating to the management, maintenance and confidentiality of public records,

In relation to paragraph 7) above, exceptional circumstances do **not** include a technical failure preventing a Councillor from accessing their email account, unless the Chief Executive Officer certifies to the Mayor that such a technical failure has occurred.

Consequences of Failing to Comply with this Code

Section 176(4) of the *Local Government Act 2009* provides: -

- (4) **Inappropriate conduct** is conduct that is not appropriate conduct for a representative of a local government, but is not misconduct, including for example—
- (a) a Councillor failing to comply with the local government's procedures; or
 - (b) a Councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.

A failure to comply with this code by a Councillor will be inappropriate conduct (as defined in section 176(4)(a) of the *Local Government Act 2009*) and will render a Councillor liable to disciplinary action prescribed by section 181(2) of that Act,

Section 181(2) provides: -

- (1) The mayor or the department's chief executive may make either or both of the following orders that the mayor or department's chief executive considers appropriate in the circumstances—
- (a) an order reprimanding the Councillor for the inappropriate conduct;
 - (b) an order that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct.

In addition, failure to comply with paragraphs 7, 8 or 9 of this code may in some circumstances amount to misconduct.

Section 176(3) of the *Local Government Act 2009* provides:-

- (3) **Misconduct** is conduct, or a conspiracy or attempt to engage in conduct, of or by a councillor—
- (a) that adversely affects, or could adversely affect, (either directly or indirectly) the honest and impartial performance of the councillor's responsibilities or exercise of the councillor's powers; or
 - (b) that is or involves—
 - (i) the performance of the councillor's responsibilities, or the exercise of the councillor's powers, in a way that is not honest or is not impartial; or
 - (ii) a breach of the trust placed in the councillor; or
 - (iii) a misuse of information or material acquired in or in connection with the performance of the councillor's responsibilities, whether the misuse is for the benefit of the councillor or someone else; or
 - (iv) a failure by the councillor to comply with a direction to leave a meeting of the local government or its committees by the chairperson presiding at the meeting; or
 - (v) a refusal by the councillor to comply with a direction or order of the regional conduct review panel or tribunal about the councillor; or

- (c) that is a repeat of inappropriate conduct that the mayor or the department's chief executive has ordered to be referred to the regional conduct review panel under section 181(2); or*
- (d) that contravenes section 171(3) or 173(4).*

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This policy is to remain in force until otherwise determined by Council.

**Manager Responsible for Review: General Manager Corporate
 Services**

**ORIGINALLY ADOPTED: 20 May 2014
CURRENT ADOPTION: 20 May 2014
DUE FOR REVISION: 20 May 2018
REVOKED/SUPERSEDED:**



COMMERCIAL FILMING / PHOTOGRAPHY GENERAL POLICY

Intent The intent of this policy is to allow with Council consent, commercial filming and photography to be carried out on any roads, land, parks or reserves under the control of Council regardless of promotional purpose. The applicant is entitled to use the area either **exclusively** or **non-exclusively** for the dates specified on their permit.

Scope This Policy applies to commercial filming and photography operations which are undertaken either **exclusively** or **non-exclusively** on any roads, land, parks or reserves under the control of Council.

Reference

Local Law No. 1 (Administration) 2011
 Subordinate Local Law No. 1 (Administration) 2011 Schedule 8 –
 Prescribed Activity: Commercial Use of Local Government Controlled
 Areas & Roads

DEFINITIONS

Commercial Filming is defined as:

Filming or photography “for sale, hire, reward, promotion or profit”. Commercial filming includes advertisements, feature films, on commercial networks (e.g. Pay TV and free to air stations) TV or internet drama, documentaries, educational films, Government sponsored filming and tourism promotions. Commercial photography includes images for magazines, postcards, commercial websites, promotional material, books and advertisements and the commercial photography of private events, including professional wedding photography.

Non-exclusive Use

Non-exclusive activities are defined by the following criteria:

- No more than 6 cast and crew
- No significant disruption is caused to stakeholders, retailers or motorists or other events in the vicinity of the activities
- Activities are contained to footways or public open space areas only and no road closures or traffic diversions are required.
- Public safety is maintained at the locations at all times during the conduct of the activities
- Vehicles associated with the conduct of the activities are legally parked at all times and are not driven onto footpaths or parks

Exclusive Use

Exclusive activities are defined by the following criteria:

- 7 or more cast and crew; *and / or*
- Restriction of general public access in vicinity of filming; *and / or*

- Closures or diversions of roads or footpaths may be required either whole or in part either for filming, vehicle parking or equipment placement or storage; *and / or*
- Construction of sets or erection of infrastructure required; *and / or*
- Equipment / lighting other than hand held equipment; *and / or*
- Unit base or bases are required; *and / or*
- Special access is required to any proposed filming location (keys for locked gates, special permits, permission or passes are required) for access to any area to which public access/or private vehicle access is usually not permitted.

A single point of contact in Council's Environmental Health & Regulatory Services unit will manage and coordinate all exclusive film productions.

Authorised Officer

Under S259 of the Local Government Act 2009 the CEO will delegate authority to implement this policy.

PROVISIONS

1. Application for Approval / Permit Process

A permit to conduct commercial filming / photography will be granted only after approval is given by the authorised officer. This will take place after a full application has been received, the applicable fees and charges have been paid and approval is granted.

1.1. For non-exclusive use at least seven (7) working days, and for exclusive use at least fourteen (14) working days prior to the commencement of filming, Council must be supplied with a complete application which includes:

- (a) Contact details of applicant
- (b) Production details including:
 - a. Production type
 - b. Production name
 - c. Synopsis
 - d. Date and time shooting begins
 - e. Date and time shooting ends
 - f. Number of personnel including crew, talent, visitors, clients and security
 - g. Vehicle number and type
 - h. On site production contact details, including mobile phone numbers and role in production
 - i. Estimated budget
- (c) Location details including:
 - a. Location types
 - b. Location names
 - c. Location activities and equipment used
 - d. Special requirements
 - e. Start date and time
 - f. End date and time
 - g. Extra pages to be attached if more than one location
 - h. A photo or detailed map with locations clearly marked

- (d) Signed agreement accepting compliance to the conditions of the permit.
- (e) A copy of the applicants Public Liability Insurance Policy which must state that the Douglas Shire Council is noted for their respective rights and interests.
- (f) Additional attachments:
 - a. If interviews are to be conducted in public areas, a list of interview questions
 - b. If proposing to close footpaths, parking bays or roads, a detailed site plan/mud map or Traffic Management Plan or Guidance Scheme is to be provided
 - c. A notification letter to residents and/or businesses that may be affected
 - d. Tourism Queensland or Tourism Tropical North Queensland letter of support (non-exclusive use only).
- (g) Payment of fees as listed on application.
 - a. This fee will not be refunded if filming does not proceed unless otherwise determined.
 - b. A refundable bond maybe payable in advance and will be determined on a case by case basis.
 - c. News and current affairs programs are exempt from fees and charges for non-exclusive use.

2. Conditions of Permit

The following are standard conditions of which all or any may attach to the issue of a permit:

- 2.1.** Any permits or approvals by any Government Department are to be obtained. Compliance with the conditions of the permit or approval that any Government Department may impose is essential prior to commencement.
- 2.2.** The Council is to be indemnified and kept indemnified in respect of any actions, suits, proceedings, costs, claims and demands brought or made by any person or persons, corporation or corporations, authority or authorities in respect of any accident, injury or damage in consequence of or arising out of the filming operation.
- 2.3.** Insurance with an insurance company to cover any claims which may arise from injury to persons or damage to property arising from or attributable to the filming operation is to be taken out. The policy is to be kept current during the continuance of the filming operation and shall be endorsed to note that Douglas Shire Council is joint insured.
- 2.4.** Public Liability insurance cover required is \$10,000,000. Public liability insurance less than \$20,000,000 would involve an assessment of risk prior to permit approval. A certificate of currency shall be supplied to the CEO or its Authorised Officer.
- 2.5.** All areas used are to be left in a clean and tidy condition
- 2.6.** The amenity of the public is not to be disturbed or adversely impacted upon whether by noise or any other manner.

- 2.7. All negotiations regarding the use of images of persons are the responsibility of the permit holder.
- 2.8. Filming/Photography on roads is to be carried out so as not to compromise road safety or unduly disrupt traffic. In all instances the approval of the Queensland Police Department is to be obtained.
- 2.9. Use of vehicles, aircraft, vessels, noise generating activities and/or equipment and non-filming equipment on foreshores, parks and reserves requires Special Council Approval.
- 2.10. The Council is to be kept fully and immediately informed in writing of any alterations to the filming schedule.
- 2.11. Should there be non-observance with any of the conditions of the approval or damage caused which necessitates remedial or reinstatement works to be performed by the Council the costs of the works undertaken are to be met by the permit holder.
- 2.12. The provisions of all Council's Local Laws are to be observed at all times.
- 2.13. The permit or conditions of the permit may be altered, amended or revoked by the Council at any time and for any reason.
- 2.14. Where possible, council assistance in the production should be acknowledged in the end credits, or as mutually agreed. The acknowledgment will generally read "Filmed in Douglas Shire Council region" or "Thanks to Douglas Shire Council".
- 2.15. Any issue(s) in relation to the content of what is being filmed or how it is going to be used, which could be considered sensitive or offensive to Douglas Shire Council is to be detailed in an attachment to the Film Permit Application. Sensitive or offensive issues might include nudity, violence, content with political or racial implications etc.
- 2.16. The production company/producer will not portray Douglas Shire Council as endorsing or supporting any product, service or any views, opinions, attitudes or ideas suggested, conveyed, advertised, canvassed, depicted or otherwise expressed, without prior written consent from Council.
- 2.17. Douglas Shire Council may request permission from the production company/producer to photograph the crew during filming. All images will be used solely for promotional purposes to attract filming to Douglas Shire Council. Further consultation on this matter will be on a case-by-case basis.
- 2.18. At least 7 days before filming commences, residents living adjacent to the filming locations are to be informed in writing by letter drop of the appropriate timing, date and the nature and scale of the activities.

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This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

General Manager Operations

ADOPTED:

DUE FOR REVISION:

REVOKED/SUPERSEDED:

RELATED DOCUMENTS

456252 Application to Conduct Commercial Filming & Photography



Council's Role in Regional Economic Development GENERAL POLICY

Intent This policy defines Council's role in economic development and promotion.

Scope This policy addresses economic development and promotion in the Douglas Shire

PROVISIONS

Douglas Shire Council plays a lead role in economic development and promotion of the Shire.

This role includes:

- Assisting existing businesses and new enterprises as required, through the provision of information and assistance, referral and support where appropriate;
- Acting as a catalyst (or advocate) for new business development;
- Ensuring appropriate infrastructure is available to facilitate the development of business and industry;
- Establishing coordinating forums or business networks with the direct goal of improving communication links, sharing ideas and the long-term goal of wealth creation, export growth and employment creation;
- Working in partnership with government and non-government organisations to progress economic development opportunities or to respond to threats to or negative impacts on the local economy;
- Providing exemplary levels of customer service to assist business expansion (and attract business investment); and

Undertaking the above with a view to improving the overall sustainability of the local government area; pursuing economic advancement while preserving or improving social, cultural and environmental elements of our region.

The *Local Government Act 2009* provides direction in this regard:

"Matters relevant to good rule and government"

494.(1) A matter that, in a local government's opinion, is directed to benefiting, and can reasonably be expected to benefit, its area, or a part of its area, is taken to be conducive to the good rule and government of its territorial unit.

- (2) *The matters that may be of benefit to a local government area include, for example –*
- (a) *Promoting or contributing to economic development of a part of the area; and*

- (b) Promoting or attracting commerce, industry or tourism in or to a part of the area; and
- (c) *Promoting or providing opportunities for employment in a part of the area; and*
- (d) *Promoting or helping the supply of services to a part of the area; and*
- (e) *Helping the finances of the area's local government; and*
- (f) *Helping the exercise of the jurisdiction of local government in the area."*

Council will apply its corporate planning process to the identification of specific long-term economic development outcomes and strategies to be pursued by Council in carrying out its role in this area.

Support for Tourism Marketing and Information Services

Douglas Shire Council is a strong supporter of the local and regional tourism industry given tourism's significance to the local economy. This support is reflected primarily through Council's support for local tourism marketing and information organisations, with funding levels determined by Council.

Council also recognises the valued contributions of other community specific tourism marketing and information organisations and is supportive of their ongoing work.

Chambers of Commerce

Council is supportive of the role of Chambers and other more locally focused organisations promoting economic activity within the local government area.

Support is expressed through membership of various organisations and through consideration of specific partnership proposals put forward to foster economic development of local communities.

Support for Economic Development initiatives

Council recognises that there is value in Council supporting specific initiatives or projects that will have significant economic benefits for all or parts of the local government area. Where support for these initiatives or projects has been requested by entities outside of Council, the assistance may take the form of cash grant, in-kind assistance.

Support will only be provided where analysis of any proposal is able to demonstrate significant economic benefit accruing to the community. Council may also choose to attach specific conditions to the granting of such assistance.

Council's Rates and Charges

In making, recovering and granting concessions for rates and charges, Council has regard for a number of principles including "flexibility to take account of changes to the local economy". Refer to Council's Revenue Policy for details.

Council's Planning Scheme

The Planning Scheme contains a list of DEOs to respond to the economic development strand of ecological sustainability.

- DEO 5 – A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities, is supported by the sustainable use and management of the natural resources of the Shire.
- DEO 6 – The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.
- DEO 7 – The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly the sugar, horticultural and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas.
- DEO 8 – The economic development of the Shire is facilitated by the provision of physical infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.

Council as a provider of critical urban and rural infrastructure

Council recognises the critical importance, from an economic development perspective, of its role as a provider of essential urban and rural infrastructure. Efficient and effective water, wastewater, refuse, road network, regulated parking and drainage infrastructure is critical to the success of the region's economic activity.

Council as an employer

Council recognises the influence that it has over the local economy as one of the largest employers operating in the local government area. Council endeavours where possible to leverage this position in support of State and Federal Government employment generating programs.

Council as a procurer of goods and services

Council recognises the influence that it has over the local economy through the level of spending that it undertakes annually. The *Local Government Act 1993 (s.481)* actually states that, in entering into contracts for the carrying out of work, or the supply of goods and services, a local government must have regard to a range of principles including enhancement of the capabilities of local business and industry. Application of this principle is addressed by way of Council's Procurement Policy.

Role of Elected Members

The Mayor fulfils a lead role for Council in relation to region wide economic development activities undertaken by or supported by Council. This lead role extends to leading and hosting delegations, and participating in Regional Development Australia. Councillors play a key role in relation to activities occurring within the Shire.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Executive Officer

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN GENERAL POLICY

Intent To promote design features within new developments and the redevelopment of existing areas, which will enhance the safety from crime for the community, including visitors to the city.

Scope The objectives are:

- to enhance public safety by reducing opportunities for crime to occur,
- to reduce the fear of crime through the provision of safe, well designed and maintained buildings, facilities and public spaces,
- to optimise the community use of public spaces and facilities,
- to encourage development on private land which promotes safety on neighbouring public and private land.

PROVISIONS

1. CAR PARKS

Background

Car parks are often the site of thefts from motor vehicles, damage to motor vehicles, and theft of vehicles and, less frequently, assaults against people. In addition, people often express concern about returning to cars, which may be parked in dark and/or isolated parks.

Intent

To reduce the opportunity for crimes to be committed against people and property in car parks.

Planning Features

- Landscaping/Vegetation suitable to enhance safety while removing reasons for loitering, as per reference *Cairns City Council – FNQROC Development Manual & 2.5.4 CPTED Principles*
- Paths between buildings and car parks should be well lit and obvious to ensure safe pedestrian access.
- Lighting utilised in car parks should be in accordance with Australian Standards.
- Car parks should be well lit. However, lighting should not be so bright as to prevent users from observing people approaching in the dark.
- Car parks should be sited to permit maximum opportunities for surveillance from both users of the current development and passers-by.
- Where possible, large car parks should be avoided except where good surveillance is possible. Where large car parks are unavoidable, remedial measures to avoid isolation and fear should be considered, eg. public telephones, surveillance equipment or security patrols etc. The planning of multiple smaller car parks is often preferable.

- Multi-storey car parks should be designed to permit maximum natural surveillance, access control and illumination, eg. by using cable railings in place of concrete retaining walls.
- Good signage on paths between buildings and car parks to assist people to buildings and car parks.
- Open car park structures should be encouraged to increase natural surveillance from adjoining uses.
- Barriers to divert cars to safe areas after hours should be established to divert people away from unsafe car parking areas
- Access to parking areas should be via a surveillance entry point

2. SIGHTLINES

Background

Natural surveillance can have a huge impact on the likelihood of unlawful acts. By ensuring clear sightlines, the opportunity to commit a crime is decreased.

Intent

To have a clear sightline of an area for users, and passers-by

Planning features

- Landscaping should be:-
 - sufficiently low so as not to block opportunities for surveillance or provide opportunities for concealment, e.g. ground covers and well maintained shrubs, or,
 - sufficiently high to afford shade and comfort without limiting observation opportunities e.g. tall trees with low branches removed to a height of 1.8m.
- Blind corners should be avoided, e.g. by installing mirrors, by building corners from clear materials or by designing curves or angles in place of 90° corners.
- All developments should provide an adequate lighting plan to ensure that surveillance of the site is also possible during the hours of darkness.
- Where possible, sites should be planned to avoid the creation of remote and potentially unsafe areas e.g. isolated and obscured car parking at the rear of a site.

3. LANDSCAPING AND VEGETATION (INCLUDING ON-STREET LANDSCAPING)

Background

Landscaping and vegetation enhance the natural amenity of any site. It is important, however, to ensure that dense foliage and inappropriate planting does not lead to opportunities for concealment and possible assault sites.

Intent

To promote the development of landscape plans which enhance the visual amenity of an area but which do not have the potential to jeopardise the safety of the users of a site.

Planning Features

- Landscaping should not restrict sightlines and opportunities for natural surveillance within, and of a site, as per reference *Cairns City Council – FNQROC Development Manual & 2.5.4 CPTED Principles*

- Low level ground covers look attractive and do not restrict sightlines. The combination of the latter with clear trunks to a height of 1.8 metres will be required where landscaping is applied around high use features such as car parks, walkways, open space/public parks, etc.
- Where shrubs are planted, they should be appropriately spaced to avoid clumping and to retain sightlines and opportunities for surveillance.
- Landscaped areas should undergo a regular maintenance regime

4. **LIGHTING / STREET LIGHTING**

Background

Appropriate lighting is frequently cited as being a feature, which people associate with enhanced safety. In addition to facilitating surveillance, lighting is often used to beautify a site and to attract people to a site.

- **Street lighting (under old standards) had little regard to pedestrian safety and was merely a tool for marking the position of the road ahead at night.**

Intent

To promote the development of lighting plans and providing pedestrian and street lighting which enhance the amenity of a site and which further promote safety, by optimising opportunities for surveillance and reducing feelings of fear and vulnerability, and to provide security for all road users.

Planning Features

- Lighting to meet minimum Australian Standards.
- Lighting should be directed onto areas accessed by people using the site and away from neighbouring properties.
- Lights not to be obscured by foliage and does not produce shadows
- Possible entrapment spots such as loading bays, rubbish bin bays, alleys etc. should be lit with vandal-resistant and energy saving lighting.
- Entrances and exits should be clearly identified via lighting.
- Lighting used in car parks should illuminate continuously in hours of darkness
- Lights should be in accordance with Australian Standards and highly mounted on buildings/structures.
- Street lighting should be evenly placed to ensure that the entire street is sufficiently lit and “black spots” are avoided.
- Street lighting should be of an appropriate intensity and colour of illumination, to ensure that sufficient light is cast to illuminate the streets and to permit visual surveillance of a street.
- Street lighting should provide sufficient light spill onto footpaths and minimise light spill into residential windows.
- Street lighting must be planned to permit effective and timely maintenance of non-functioning lights.
- Street lighting should have effective and timely maintenance of non-functioning lights

5. TOILET FACILITIES AND PARENT ROOMS

Background

Most developments will be required to provide public toilet facilities. Public toilets are often subject to vandalism and in addition, are frequently identified by Police and members of the general community as being possible assault sites. Use of any site may be enhanced if people feel that they may access toilet facilities safely and comfortably. Greater numbers of intended users will heighten perceptions of safety and reduce loitering behaviours within toilets.

Intent

To reduce opportunities for assault, vandalism and other inappropriate behaviours by avoiding the planning of isolated toilet facilities, whether they be facilities for staff, or public toilet facilities.

Planning Features

- Toilet facilities should be sited in the most convenient and accessible location to increase use.
- Entrances should be located so as to permit monitoring by intended users, eg, reception desk staff, passing motorists etc.
- Internal and external lighting of toilets should be bright, vandal resistant and where toilets are open after hours should illuminate in hours of darkness or be sensor/movement sensitive.
- Maze entry rather than double doors.
- Avoid loitering cues (i.e. location of telephones or notice boards).

6. RESIDENTIAL UNITS, MULTIPLE DWELLINGS (INCLUDING ACCOMMODATION UNITS, HOTEL ACCOMMODATION STUDENT ACCOMMODATION)

Background

Given the demographics of the Douglas population, multiple occupancy dwellings are a common feature of the Douglas built environment. Whilst unit developments meet the needs of many people, they also pose additional challenges regarding security and safety.

Intent

To ensure that safety is optimised for long and short-term occupants of multiple occupancy dwellings.

Planning Features

- Private spaces such as court yards, stairwells and parking bays should be clearly identified to reduce use by undesirable users. Strategies may include the use of pavers, varied textured paths, fencing, log barriers, landscaping and others.
- Should be able to clearly distinguish between private and public areas
- Accommodation units should be designed to allow people within the units to observe and monitor communal areas within the development and the street area, eg. Car parks, swimming pool areas, gardens etc.
- Lighting should be provided within the site. Areas requiring lighting should include driveways, property entrances, parking areas, footpaths, communal service areas (eg. rubbish bin bays, letter boxes, clotheslines), lobbies and stairwells. Lighting should be illuminated in hours of darkness or should be sensor/movement sensitive. Stairwells to have mirrors where stairs turn

7. WALKWAYS AND PATHWAYS (INCLUDING STAIRS AND STAIRWELLS)

Background

Well designed walkways and pathways are a public convenience and will enhance use of a site. However, walkways, pathways, tunnels, stairways, bridges and other similar conveniences allow observers to predict the movement of the users of a site. Care must, therefore, be taken with design to enhance the actual and perceived safety of walkway users, by avoiding leading people into potentially dangerous situations or areas.

Intent

To ensure that movement corridors do not become, or lead to possible assault sites.

Planning Features

- Safe walkways & pathways be sufficiently well lit at all times to avoid use of unsafe routes (i.e. underpasses).
- Good sightlines and signage to assist people along paths. Where possible pathways to be overlooked from residential properties.
- Walkways and pathways should be sufficiently well lit at all times.
- Paths to be located near activity generators and areas with natural surveillance
- The design of walkways & pathways through underpasses should be avoided.
- Provide or have walkways and pathways near activity generator
- Increase natural surveillance
- Walkways and pathways, including walkways provided between allotments and subdivisions, should be designed and located such that they do not become potential assault sites.
- Walkways, pathways and stairs should be located so that they are easily accessible and designed such that there are no blind corners in the walkways. Straight or gently curved walkways are, therefore, encouraged.
- Walkways and pathways should not be obstructed by foliage planted close to walkways, which provide opportunities for concealment.
- Walkways and pathways should be designed to have at least one clearly marked "exit" sign to an area of traffic (vehicular, pedestrian or residential) every 50 metres.
- Provide safe routes from public transport, shopping centres etc, where possible

8. ALLEYWAYS

Background

Dark, narrow alleyways constitute possible assault sites as people may be dragged from a lit street down an unlit alley without being seen by passers-by. Alleys may also be accessed by undesirable and inappropriate users who wish to engage in non-sanctioned behaviours where they will not be observed.

Intent

To avoid the creation of possible assault sites and to thereby reduce opportunities for crimes to be committed against a person or persons who are legitimately using a site. To also reduce the number of public areas available for inappropriate, abnormal, non-sanctioned or criminal behaviour.

Planning Features

- The design of external alleys and access-ways between buildings should be avoided.
- Where alleys are unavoidable, they should be lit and/or secured using natural surveillance and not of long distance
- Alleyways should be maintained free from landscaping and the accumulation of objects such as rubbish bins and boxes, which would facilitate concealment or the illicit entry to buildings.
- Gates serving alleys should be sufficiently tall and appropriately designed to prevent people climbing over them.
- Gates should be transparent or semi-transparent and designed to permit surveillance of alleyways through the gates.
- Gates should be designed to maintain the visual amenity of the site.
- Lighting should be vandal proof and should illuminate in hours of darkness or on a sensor/movement sensitive controlled system.
- Well lit signage to deter people.

9. OPEN SPACES, PARKS & OUTDOOR RECREATION

Background

A space perceived as public because it lacks any significant ownership interest is perceived by some as environments in which unauthorised activities will be tolerated. Empty lots, under-utilized spaces, and poorly maintained spaces are readily recognised and exploited by criminal elements. Public recreation land used for parks, sporting fields and recreation facilities, is part of a city wide open space system that forms essential infrastructure for the social and environmental health of communities.

Intent

To reduce the opportunity for crimes to be committed against people and property in outdoor parks and open spaces. To promote the development of opens space plans which enhance the visual amenity of an area but which do not have the potential to jeopardise the safety of the users of a site. To reduce opportunities for assault, vandalism and other inappropriate behaviours by avoiding the planning of isolated parks and open spaces.

Planning Features

- Providing surveillance of recreational/gathering areas from adjoining uses.
- Barriers to unsafe routes after hours to deter people from using these routes.
- Located near activity generators.
- Design of landscaping to enhance the natural amenity, but allow for natural surveillance and good sight lines.
- Safe routes through open space & parks (i.e. well lit, signed to assist people along paths & good sightlines).

10. AUTOMATIC TELLER MACHINES

Background

Automatic Teller Machines (ATMs) are an integral aspect of modern life. The placement and features surrounding ATMs need to increase safety for users; prevent loiterers and increase surveillance by both

users, and those in the vicinity. This policy is intended as a guide, and Council supports bank industry standards.

Intent

To ensure that users of ATMs, at all hours, are safe and aware of their surroundings

Planning features

- Facilities such as these which are frequently accessed after-hours must be well lit with vandal resistant lighting.
- These facilities should be positioned so as to permit maximum opportunities for natural surveillance from within the site and by observers.
- These facilities should not be recessed as this may provide opportunities for concealment and prevent users from observing approaching people.
- Reflective material may be applied to automatic teller machines so that users may observe anyone approaching from behind.
- Positioning of ATMs to minimise reflection of sunlight into consumer's sight.

11. PUBLIC TELEPHONES

Background

Public telephones have often been the target of vandalism and destructive acts. This costs the community through having a telephone out of use, as well as costing the telephone companies and Councils to repair the damage done.

Intent

To ensure that public telephones have a decreased likelihood of being vandalised or destroyed; and that users of public telephones have suitable views of their environment.

Planning features

- Public telephones should be sited in the most convenient and accessible locations to facilitate use. Isolated or concealed locations should be avoided.
- Public telephones should not be located in proximity to public toilet entrances as this legitimises loitering behaviour.
- Public telephones should be located in areas with adequate, vandal resistant lighting. Lighting should not be so bright as to prevent telephone users from observing anyone approaching from the dark.
- Passers-by should have good opportunities to observe a public telephone.
- Consideration should be given to the benefit of installing public telephones within a building to reduce the need for people to exit and walk any distance to access a public telephone.

12. BUS SHELTERS

Background

Bus shelters need to provide an undercover area for public transport users.

Intent

To design safe and comfortable bus shelters which are used for their intended purpose (to wait for public transport), with users away from weather elements, as well as being accessible for all including those with limited mobility.

Planning features

- Bus shelters should be well lit with vandal resistant lighting. Lighting should not be so bright as to prevent users from observing people approaching from the dark.
- Bus shelters should be well maintained.
- Seating should be designed to be adequate for short-term use only, and should not be so comfortable as to encourage long-term occupation and sleeping.
- Bus shelters should be located with unobstructed sightlines to the footpath, street and any nearby buildings.
- Bus shelters should be designed to permit people to observe inside the shelter as they approach e.g. by constructing shelters with one or 2 transparent or semi-transparent walls.
- Low level landscaping (below a height of 0.5m) may be appropriate adjacent to a bus shelter.
- Along the seating area, there should be enough space for a mobility impaired person (eg, using a wheelchair) or with a child's pram to wait comfortably undercover.

13. VANDAL PROOFING**Background**

Vandalism costs the community not only in depleting resources to fix / deter vandalism, but also in promoting a perception of threat (lack of safety) in an area. Ideal targets for vandals are interior surfaces that are open to the public but private enough for vandals to go undetected. There is a need to reduce or eliminate the likelihood and possibility for vandalism.

Intent

Vandalism is influenced by an area's availability of surveillance by residents, local workers or passersby; adequate lighting; proximity to places where potential vandals congregate; speed of maintenance; aesthetic appeal

Planning Features

Format of consideration must be given to:

- The need for vandal resistant lights
- The need to secure all flammable and other materials which may be used in vandalism
- The use of vandal resistant paint in dark colours on external surfaces, particularly in public areas
- The use of vandal proof materials which are hardy and not easily removable from the building. (Where materials are likely to be removed from a building, they should be easily replaceable.)
- The avoidance of solid fences and blank walls which attract graffiti. (Where solid, blank surfaces are provided, consideration should be given to the use of screen landscaping or creepers, murals, vandal resistant paint and other means to discourage graffiti)

- Locating elements which may be vandalised, e.g. appropriately designed external seating, in areas of high natural surveillance or in inaccessible locations
- The use of toughened glass, screens and other measures in windows which are provided at ground floor level, to deter break and enters
- Use of electronic surveillance equipment where possible.

14. FENCING

Background

The physical environment can exert a direct influence on crime settings by delineating territories, reducing or increasing accessibility and by facilitating surveillance of an area.

Intent

To ensure development incorporates appropriate and suitable fencing dependent upon the type of site.

Planning features

- The height of a fence should be a maximum of 2 metres. Areas adjacent to access ways to public lands may have semi-transparent fences up to 2 metres high.
- Whilst solid fences provide maximum privacy, they may be inappropriate for certain sites (for example, commercial or industrial sites) as they prevent opportunities for surveillance and the monitoring of inappropriate uses on neighbouring sites. By definition, semi-transparent fencing has a minimum of 50% transparency.
- Where noise is an issue, a balance must be drawn between the need for safety and the need for noise attenuation.
- For commercial or industrial sites, when deciding on fencing type, consideration must be given to:-
 - the desired role of the fence
 - the use of neighbouring sites
 - the need for definition or identification of a site versus screening a site
 - likely after-hours activities on the current and neighbouring sites
 - existing or planned lighting for the site
 - the need for gates to restrict after-hours access
 - any unit site regulations

15. SITE PLANNING

Background

To use the existing topography and landscaping to avoid the creations of areas of concealment.

Intent

Plan ahead to avoid possible creation of unsafe areas on site that allow for maximum use potential

Planning features

- Whilst regarding the need for privacy, buildings should be located with windows overlooking potential problem areas such as carparks, building entrances and exits, children's play areas, congregation areas, etc.
- Where possible, if multiple uses are expected within a site, care should be taken to ensure that these uses and the intended users will complement each other.

- Where this is not possible, steps should be taken to avoid the potential impact of conflicting uses e.g. locating playgrounds for small children away from uses which are likely to attract older children e.g. basketball courts.
- The promotion of multiple uses of a site is to be encouraged as the presence of legitimate users will generally act as a deterrent to would-be offenders. This may be achieved by:-
 - creative timing and early planning e.g. locating stalls in underground and multi-storey car parks to increase the presence of observers or,
 - encouraging legitimate afterhours use of malls and CBDs e.g. markets, outdoor dining, concerts, performing arts spaces, etc.
- The installation of rubbish bins which complement the overall site design will discourage litter and the perception that an area is not monitored and maintained and thus not safe.

16. ENTRANCES AND EXITS

Background

Providing safe access to / from an area or building

Intent

Provide safe and high visibility entry and exit points

Planning features

- Main entrances/exits should preferably be located at the front of a site and in view of the street.
- Developments should have a limited number of entrances and exits which should be obvious, well lit, sign posted, free from obscuring landscaping and signage, etc. Where multiple entrances are required, less frequently used entrances should be secured at night with signs clearly indicating at what time these entrances will be closed.(the above should not impact or restrict the number of fire exits required)
- Recessed doorways which restrict opportunities for natural surveillance of building entrances and which may constitute a concealment opportunity should be avoided.
- Where recessed doorways exist, they should be well lit, mirrored, have angled approaches or have gates to counteract the recess.
- Entrances and exits should have a logical relationship to car parking.
- People entering and exiting a development should have adequate opportunity to look either in or out, prior to entering or exiting the development.
- Approaches to entrances should be open and sited so as to maximise opportunities for observing people entering or exiting the site.
- Where possible, natural surveillance of an entrance by exiting users should be optimised, e.g. locating the reception desk in the direct line of site of the entrance

17. CONGREGATION AND SEATING AREAS

Background

Congregation and seating areas with a development should be safe places for the community by the use of different designs

Intent

To design public spaces which meet community needs.

Planning features

- Where necessary, appropriate areas for congregation, which offer good opportunities for surveillance, should be identified within a site.
- Identified congregation areas should be planned to encourage use of the desired location rather than any other area, e.g. via installation of seating, recreational equipment, shade areas and objects of interest.
- Congregation areas should be well lit with vandal resistant lighting.
- Congregation areas should be easily surveillable by other users of the site and passers-by.
- Where congregation must be avoided in certain areas, steps should be taken to secure the area eg via fencing, gates and other measures which restrict public access.



This policy is to remain in force until otherwise determined by Council

Manager Responsible for Review:

Manager Development & Environment

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**

Checklist for Material Change of Use (Impact Assessment) & Reconfiguring a Lot & Operational Works

Attachment 1

Feature

Car parks
Open structures

Planning Features

Appropriate opportunities for surveillance
Car parks not obscured by vegetation
Parking bays well lit (with lighting that is operational all evening or sensor controlled)

Please explain how your design meets the planning features (attach other pages if necessary)

Feature

Entrances & Exits
Main entrances/exits

Planning Features

Limited number of entrances and exits
Located at the front of a site and in view of the street
Entrances and exits have a logical relationship to car parking

Please explain how your design meets the planning features (attach other pages if necessary)

Feature

Landscaping & Vegetation
(Including on-street landscaping)

Planning Features

Landscaping does not restrict sightlines
Landscaping plan submitted or required
Trees planted around high use features such as car parks, walkways, and
Open space areas have clean trunks to a height of 1.8 metres and use of low level ground covers
Compliance with existing Council Policies

Please explain how your design meets the planning features (attach other pages if necessary)

Feature

Toilet facilities &
Parent rooms

Planning Features

Toilet facilities convenient and accessible location to increase use
Entrances surveillable by intended users
Features which encourage or legitimise loitering behaviour not located near toilets
Toilets are well lit

Please explain how your design meets the planning features (attach other pages if necessary)

Feature

Residential Units,
Multiple Dwellings
(including
accommodation houses)

Planning Feature

Private spaces are clearly identified
Communal areas permit natural surveillance
Lighting is provided in all necessary areas, is illuminated in hours of
darkness or is sensor/movement sensitive

Please explain how your design meets the planning features (attach other pages if necessary)

Feature

Walkways & Pathways
paths
(including stairs &
metres
stairwells)

Planning Features

Landscaping does not provide opportunities for concealment along
There is one clearly marked 'exit' to an area of traffic every 50
Pathways well lit at all times

Please explain how your design meets the planning features (attach other pages if necessary)

Feature

Alleyways

Planning Features

Alleyways and paths between buildings or allotments avoided
where possible
External alleyways avoided where possible
Alleyways are maintained free of items, which facilitate
concealment or entry to buildings
Lighting is vandal proof, illuminated in hours of darkness or is
sensor/movement sensitive
Unavoidable alleys are lit and/or secured
Gates serving alleys are sufficiently tall and appropriately designed
to prevent access
Gates permit surveillance of alleys
Gates maintain the visual amenity of the site

Please explain how your design meets the planning features (attach other pages if necessary)

Feature

Lighting

Planning Features

Lighting plan submitted or required
Lighting directed onto areas of use within site and away from
neighbouring properties
Possible entrapment spots lit with vandal-resistant lighting or is
sensor/movement sensitive

Please explain how your design meets the planning features (attach other pages if necessary)

Note: Council may, as a condition of approval, require any of the following as a condition of approval:

- 1. Submission of lighting plan and/or landscape plan prior to the issue of a Development Approval for Operational Works*
- 2. The provision of any other reasonable or relevant information or measures to measure the safety of the general community*

Additional Comments:

Planning Officers Signature:



DEBT RECOVERY GENERAL POLICY

Intent To establish a policy for the recovery of outstanding Rates and Charges and other accounts receivable.

Scope This policy applies to all Rates and Charges levied and other accounts receivable of Council.

REFERENCE

Legislation:

Local Government Act 2009

Local Government Regulation 2012

PROVISIONS

Principles

Rates and charges are identified in Chapter 4 of the *Local Government Regulation 2012* as including differential general rates, minimum general rate levies, separate rates and charges, special rates and charges, utility charges and accrued interest on outstanding balances. Accounts Receivable are debts owed to Council by customers for the supply of goods and services.

Council will undertake appropriate debt recovery action for all outstanding rates and charges and other accounts receivable in accordance with its debt recovery procedures, including compliance with the relevant provisions of the *Local Government Regulation 2012*. Such action will include the establishment of repayment plans where appropriate.

No action will be commenced regarding the possible sale of properties / assets to recover outstanding monies without first providing a report to Council and obtaining an appropriate resolution from Council.

Delegation of Authority

The Chief Executive Officer has delegated authority to write off amounts of up to \$2,500 for rates and charges (including interest and legal costs) or other accounts receivable per customer as a bad debt.

The General Manager Corporate Services has delegated authority to write off amounts of up to \$500 for rates and charges (including interest and legal costs) or other accounts receivable per customer as a bad debt.

Outstanding amounts greater than \$2,500 can only be written off by Council resolution.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Finance & IT

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



DEVELOPMENT INTERACTION GUIDELINES GENERAL POLICY

Intent This Policy provides ethical guidance for Councillors and staff when dealing with parties involved in or associated with a development application.

Scope The provisions of this policy apply to all Councillors and staff.

PROVISIONS

Contact with Council is undertaken by many people in the community in relation to a broad range of matters. The public has a clear expectation that such contact is carried out ethically and transparently.

For avoidance of doubt, this policy clarifies requirements and processes imposed upon Councillors and staff by the *Local Government Act 2009*¹, *Integrity Act 2009*², *Sustainable Planning Act 2009*³ and associated Regulations. This Policy does not seek to circumvent or undermine requirements within this legislation, rather, the Policy seeks to provide clarification and guidance for the assistance of Councillors, staff and the public who interact with Council regarding a range of matters.

Definitions

For the purposes of this policy, the following terms are defined: -

“Councillor” means the Mayor and Councillors of Douglas Shire Council.

"Making a development application" for purposes of Section 42(2)(j) of the *Integrity Act 2009* and this Policy in so far as it applies to Councillors and staff may include:

- (a) Actions associated with provision of advice regarding, preparation of and processing of development application/s lodged under the *Sustainable Planning Act 2009*, including, but not limited to:
 - (i) Pre-lodgement enquiries, meetings and responses provided thereto;
 - (ii) Informal meetings and discussions regarding proposed development applications not yet lodged for assessment;
 - (iii) Application lodgement;

¹ Available for download at <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/L/LocalGovA09.pdf>

² Available for download at <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/I/IntegrityA09.pdf>

³ Available for download at <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/S/SustPlanA09.pdf>

- (iv) Acknowledgement Notices, discussions regarding amendments or clarification regarding same;
- (v) Information Requests, discussions regarding same or clarification regarding requirements, responses or meetings;
- (vi) Information Responses provided by an Applicant or Applicant's representative, including discussions regarding same, clarification or provision of further information;
- (vii) Clarification of outstanding or additional, unforeseen information required during the Decision Period for an Application;
- (viii) Meetings, site visits, telephone conversations and other discussions regarding a development application/s lodged with Council;
- (ix) Preliminary advice, discussions, site meetings, telephone conversations, post-lodgement requests and enquiries regarding applications lodged with Council for assessment, including applications for which Council is a 'concurrence agency' or similar in accordance with the *Sustainable Planning Regulation 2009*, or decision maker under Local Law or other State legislation.

“Staff” means full time and part time staff of Douglas Shire Council including contract staff and consultants.

Other terms used in this Policy and not defined above are already defined within the *Local Government Act 2009*, *Integrity Act 2009*, *Sustainable Planning Act 2009*, and / or their associated Regulations.

Requirements

1. Councillors and staff must comply with obligations within the *Local Government Act 2009*, *Integrity Act 2009* and relevant Codes of Conduct in dealings with development application matters. If a Councillor is aware that they may have a conflict of interest, they must remove themselves from discussions regarding the matter, pending notification to the Chief Executive Officer, and potentially further advice being provided.
2. Technical consultants including town planners, engineers, architects and / or economists need not be registered Lobbyists' for purposes of the *Integrity Act 2009*, in order to enable discussions with Councillors and staff to occur. Notwithstanding, interaction between technical consultants and Councillors and staff must be undertaken in compliance with requirements in that Act and this General Policy.
3. Councillors and staff cannot give definitive advice regarding an Applicant's chances of being successful in the Application as proposed.
4. During various phases of the development assessment process, Councillors and staff may be contacted by applicants and / or submitters for information regarding the progress of an application, and they may also wish to discuss the merits of that application. Table 1 below illustrates Council's preferred manner of addressing these requests for contact in various phases of the process:

Table 1

Phase	Councillor	Manager	Planning Officer	Written Record
Pre-Lodgement enquiries, including meetings	M	Y	Y	Y
Application lodgement	M	M	Y	Y
Acknowledgement Notice	M	M	Y	Y
Information Request	M	Y	Y	Y
Information Response	M	M	Y	Y
Additional information	M	M	Y	Y
Additional meetings, site visits or discussions	M	M	Y	Y
Referral agency decision	M	M	Y	Y
Council decision phase, but are able to request an update as to status and timing only	N	Y	Y	Y
Council decision phase with registered lobbyist	M	Y	Y	Y

M = As requested, invited or required

Y = Involvement required

N = No involvement required or permitted

5. If Councillors are concerned at the manner in which application/s are being assessed, these concerns should be discussed with the Manager - Development & Environment or General Manager - Operations.
6. In addition to Table 1 above, in order to allay any confusion that may result, it is confirmed that within the decision phase, Councillors and staff may respond to queries from applicants and / or technical consultants in regard to progress of an Application, or other technical matters, including provision of additional information if required. If applicants, technical consultants and / or lobbyists are seeking contact to attempt to influence a decision or recommendation from staff, contact should be undertaken with due regard to requirements of the *Integrity Act 2009*. Importantly, Councillors and officers should be mindful of requirements in regard to:
 - a. Recording of meetings, issues discussed and advice / comment provided;
 - b. Ensuring that meeting attendees are fully briefed prior to the meeting on issues to be discussed at meetings, and / or the development application or issue in question;
 - c. Ensuring that officers involved in the assessment of applications are involved in the meeting, if possible, and / or informed of the outcomes or major issues discussed at or raised during such meetings.
7. Appendix 1 to this General Policy provides a simple checklist for items to be taken into account by Councillors and staff during interactions with the public, including applicants, developers, consultants and submitters involved in development applications.
8. Council is required to keep and maintain appropriate records in accordance with the *Public Records Act 2002*. Further requirements in regard to

maintenance of an illegal lobbyist register and records requirements are confirmed within the *Integrity Act 2009*. Additional detail regarding Council's requirements in respect to record keeping is available within those Acts. Councillors and staff should be mindful of these requirements in regard to the manner in which records from such meetings are maintained.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

**Manager Development &
Environment**

ADOPTED:

CURRENT ADOPTION:

DUE FOR REVISION:

REVOKED/SUPERSEDED:

Appendix 1

Councillors can involve themselves in discussions with developers, their constituents and others about planning matters. However difficulties can be avoided if you follow these useful hints:

Do	Don't
<ul style="list-style-type: none"> ✓ Consider your requirements under the Local Government Act 2009 to represent the whole Council area before your Division ✓ Be prepared to meet with applicants and officers before a DA is lodged, not after it has been submitted ✓ Always involve officers and in discussions with developers, their consultants or representatives ✓ Inform officers about any approaches made to you and seek advice ✓ Be aware of what predisposition, predetermination and bias mean in your role ✓ Preface discussions with disclaimers; keep notes of meetings and phone calls and make clear at the outset that the discussions are not binding ✓ Be aware of what personal and prejudicial interests are ✓ Recognise the distinction between giving advice and engaging in negotiation and when this is appropriate in your role ✓ Use meetings to show leadership and vision ✓ Encourage positive outcomes ✓ Be aware that you can engage in discussions but you must have and be seen to have an open mind at the point of decision making ✓ Suggest that the developer seek independent professional advice 	<ul style="list-style-type: none"> ✗ Use your position improperly for personal gain or to advantage your friends or close associates ✗ Meet developers alone or put yourself in a position where you appear to favour a person, company or group – even a friendly private discussion with a developer could cause other to mistrust your impartiality ✗ Attend meetings or be involved in decision-making where you have a conflict of interest - except when speaking when the general public are also allowed to do so ✗ Seek to influence officers or put pressure on them to support a particular course of action in relation to a planning application ✗ Compromise the impartiality of officers ✗ Give definitive advice about the developer's chance of success

Adapted from "positive engagement – a guide for planning councillors" – Planning Officers Society – England



DIRECTIONAL SIGNS GENERAL POLICY

Intent	A policy for directional signs within the Douglas Shire Council Area
Scope	This policy covers the installation of directional signs.

PROVISIONS

1.0 INTRODUCTION

Douglas Shire Council is committed to providing information that assists both the local community and visiting persons to further appreciate the assets of the region. Directional signage is intended to inform and advise road users and pedestrians about the direction of destinations on the route they are following, or along other roads which intersect their route.

Directional signage are also known as finger pointer signs. They are a useful tool to assist the general public find their way to and between public places and other destinations. They have the potential to enrich community awareness and experiences within the region.

2.0 INTENT

This policy intends to regulate the installation, maintenance and removal of directional signage so that:

- Signs are consistent with the Manual of Uniform Traffic Control Device Queensland and Department of Transport & Main Roads (DTMR) Guidelines on Tourist Signs for Commercial tourist attractions on State controlled roads;
- Increase awareness of facilities and public places;
- The potential adverse impact of a proliferation of signs is avoided; and
- Safety risks for road users is minimised.

3.0 DEMONSTRATION OF NEED

The approval of directional signage must meet the following criteria:

- Signs are not to be erected unless they can be shown to fulfil a need for guidance to a service or facility open to the public;
- The directional signage must only provide direction and not constitute a form of advertising. If the application is deemed to be advertising it should be referred to Council's Advertising Local Law;
- Should only be permitted where they provide additional directional information that is not readily obtainable from alternative signage, street directories and city maps and the location is not readily apparent to a traveller;
- Signs to private or commercial establishments will not be favoured except where they are of service to travellers and meet the criteria set out by DTMR guidelines for Tourist Signs for Commercial tourist attractions on State controlled roads.

4.0 LOCATION OF SIGNAGE

The location of directional signage must meet the requirements and specifications as set out in the Manual of Uniform Traffic Control Devices and Austroads publications for specific road classes and speed environments. Deviations from these standards

are only permitted where approved by a suitably qualified Registered Professional Engineer of Queensland.

5.0 SIGN CHARGES

Commercial activities (including churches and other places of religious worship) shall be liable to meeting the full cost of purchase and installation of signs. In addition to a bond equal to twice the installation cost to cover future maintenance, the signs when erected on roads or road related areas controlled by Douglas Shire Council, are a council asset and may be removed by council at any time should the need for removal be established on safety grounds. No refund or partial refund or other compensation or restitution shall be payable by Council should removal be necessary on safety grounds.

Should the facility close or for any other reason the sign be no longer required or appropriate it may be removed with No refund or partial refund or other compensation or restitution shall be payable by Council.

Signs provided for not for profit organisations or charitable institutions may be exempt from all or part of the fees and charges at the discretion of the Chief Executive Officer Douglas Shire Council.

Signs directing to an area or precinct shall be installed at the discretion and expense of Douglas Shire Council.

6.0 SPECIFICATIONS OF SIGNAGE

All signs are to be installed in accordance with the Manual of Uniform Traffic Control Devices. Installation is to take into account the fixings, clearances, orientation, design and number of signs on each pole.

7.0 MAINTENANCE AND REMOVAL OF SIGNS

Should a sign be damaged or need replacement, the Applicant must meet the cost of those works. Council reserves the right to remove signs for safety reasons. Council must be notified if and when the use ceases. Council will be responsible for the removal of the signs once notification is received that a use has ceased. Any directional signs which have not obtained Council's approval may be removed. Signs to developing residential estates will only be allowed to be maintained for one year following the last stage of on-maintenance.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Infrastructure Services

ORIGINALLY ADOPTED:

CURRENT ADOPTION:

DUE FOR REVISION:

REVOKED/SUPERSEDED:



DOUGLAS LIBRARIES INTERNET GENERAL POLICY

Intent The purpose of Douglas Libraries Internet Policy is to guide and support use by patrons of public access computers and internet services. The policy seeks to assure consistency with National and State laws and is applicable to all public computer users at Douglas Libraries.

Scope This policy applies to Mossman and Port Douglas Libraries.

PROVISIONS

With the provision of this service, Douglas Libraries aims to:

- Promote fair and equitable use of the computers and internet as an informational, recreational and educational tool for all users
- Promote lifelong learning
- Promote freedom of information
- Set clear guidelines in the use of the internet that will protect staff and customers rights to access the public pc and wireless services
- Promote the responsibility of customers when using electronic resources

Release

By using the Douglas Libraries internet services, users release and discharge the Douglas Shire Council from any liability which might arise from the use of the service including liability in relation to:

- defamatory or offensive material
- any breach of copyright which may occur as a result of use or the inadvertent retention of personal data, including browser data artefacts, such as cookies, within the computers internal storage
- Corruption of data e.g. documents stored on USB sticks
- Virus infection of any data within the computers internal storage.

Users should be aware that the downloading of illegal information from the Internet could lead to prosecution.

Logging and Monitoring

All Douglas Shire Council computer systems may be logged and monitored. Logging and monitoring is carried out for operational, maintenance, compliance, security and/investigative purposes. This logging and monitoring does not identify individual users.

USER RESPONSIBILITY

a. Independent use of the public access PC's

Library customers are expected to be able to use the internet, email & Microsoft applications independently.

In the event of technical problems, customers must notify Library staff immediately. Customers should not attempt to 'repair' hardware or software problems.

If time permits, Library staff are available to provide limited assistance to patrons with introductory information on internet access. Staff do not provide assistance with personal business transactions.

b. Offensive Material

Douglas Libraries provides limited filtering but does not censor access to material on the internet. The onus is on the customer to limit the material they access to that which meets general community standards. Customers are not permitted to access pornographic, criminal or generally offensive material, hate sites, gratuitous violence and sites using frequent offensive language or use computers for illegal purposes. Library staff will make the final judgement of whether material is offensive.

c. Children's use of the public access PC's

Children's use of the internet is the responsibility of their parent or guardian. Any material viewed by the children whilst using the internet is the sole responsibility of the parent or guardian. Parents and their caregivers are encouraged to work with their children in using the internet.

d. Ethical Use

All users of electronic information resources, such as the Internet, are expected to use these resources in a responsible manner, consistent with the educational, informational and recreational purposes for which they are provided. Failure to use public access computers and wireless network appropriately and responsibly may result in the customer losing access privileges or being asked to leave the Library premises.

Unacceptable behaviour/use includes, but is not limited to:

- Intentional unauthorised infringement of copyright;
- Excessive noise and/or disruption of other public computer users;
- Harassment, slander or libel of other users;
- Sending, receiving or displaying text or graphics which may reasonably be construed as offensive by community standards;
- Destruction, alteration or damage to equipment, software, or data belonging to Douglas Libraries;
- Violation of computer networks, system security, and the privacy of creators, authors, users of information resources;
- Inappropriate use of email services, such as spamming;
- Download or use of unauthorised software on the public computer network.

Erroneous content

Douglas Libraries has no control of the Internet's content and assumes no responsibility for the quality, accuracy, suitability of currency of any Internet resources.

Computer Viruses

Material downloaded from the internet may contain viruses. It is the responsibility of the customer to check any download material prior to installing any software on a non-Library computer. Douglas Libraries accepts no responsibility for any damage caused as a result of downloaded viruses or other software.

Privacy of Information

To ensure that private information is not viewed by others, patrons should:

- Only save a copy of a document to a flash drive or other portable storage device and not to the computer's hard disk drive; and
- Close the internet browser or other applications in use before "ending session".

General Conditions of Use:

- The amount of time provided free of charge at Mossman and Port Douglas Libraries depends on the resources available within the Library, and is restricted by space and access to computer terminals.
 - Mossman Library (main branch) – Members are entitled to 1 hour (60 mins) of free PC use per day. An extension of time may be granted by staff. If required additional time may be purchased.
 - Port Douglas (sub-branch) – Members are entitled to 30 minutes of free PC use per day. An extension of time, up to 30 minutes, may be granted by staff. Additional time may be purchased.
 - PC bookings may be made for the current day or up to 1 week in advance.
 - The computer booking will be cancelled if the customer does not attend their booking within 5 minutes of the starting time.
 - A maximum of two (2) people per computer allowed at one time.
 - Customers are responsible for managing their own time on the public computers.
- Computer & internet uses must logon to the computer using their own card.
- Wireless access is provided free of charge during library opening hours.
- Douglas Libraries reserves the right to restrict access to certain files types and download sizes.
- When accessing audio, headphones must be used for private listening.
- Computer users are responsible for the cost of ALL printing as per Library Fees and Charges. Printing is not available on the wireless network.

Infringement of conditions

Clients who infringe these "Conditions of Use" may be asked to leave the premises. Clients who refuse to comply with staff directives may be denied further access to Douglas Libraries. Illegal acts involving the use of the Douglas Libraries Internet resources may also be subject to prosecution by local, state or federal authorities.

Internet use by public clients

Douglas Libraries reserves the right to check any client's use of its Internet Service including a client's data transmissions both sent and received when Douglas Libraries deems that client to be in breach of its Internet Policy or when directed by Law Enforcement agencies.

Copyright

Much of the material (including software) available on the Internet is copyright. Users must not breach copyright in material available on the Internet. A copyright owner is entitled to take legal action against a user who infringes his or her copyright. Unless otherwise permitted by the Copyright Act 1968 and the Copyright Amendment Act 2006, unauthorised copying of a work in which copyright subsists (including digital copying) may infringe the copyright in that work.

Security

The Internet can be an insecure environment and users should be aware that the use of the Internet for the transmission of personal or sensitive data is entirely at their own risk.

While every attempt is made to ensure the security of Douglas Shire Council Information and Communication Technology (ICT) systems, users must be aware that this security is not guaranteed.

RESPONSIBILITY OF THE LIBRARY:

Douglas Libraries will:

- Provide a copy of the “Internet Use Policy” upon request.
- Make available “Conditions of use” on each desktop PC & wireless network.
- When required, and if time permits, Library will provide limited assistance with internet queries & training, keeping in mind that the staff are not expected to be experts in all computer issues.
- Uphold customer confidentiality and privacy while maintaining the right to monitor all PC access at any time.
- End sessions of unethical or offensive use of the public PCs when identified.
- Douglas Libraries reserves the right to terminate a session at the discretion of library staff.
- Provide records as requested by relevant authorities under State or Federal laws for criminal or investigatory purposes.

Disclaimer:

Douglas Libraries does not guarantee availability to public access computers or WiFi network. Waiting times for access to sites on the Web may vary during the day and technical and network difficulties may arise.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:	General Services	Manager	Corporate
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ORIGINALLY ADOPTED
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:



Drinking Water Quality general Policy

Intent To establish a policy for the implementation and maintenance of a Drinking Water Quality Management System that is consistent with the Australian Drinking Water Guidelines.

Scope This policy applies to all Water and Waste activities associated with the supply of drinking water to the community.

PROVISIONS

The Drinking Water Quality Management System will utilise a risk-based “catchment to tap” approach to identify and manage potential risks associated with drinking water quality.

To achieve this, in partnership with stakeholders and relevant agencies, Water and Waste will:

- Consider the needs and expectations of our customers, stakeholders, regulators and employees and integrate appropriate solutions into our planning to provide and maintain safe water supplies.
- Undertake regular monitoring of drinking water quality and maintain effective reporting mechanisms to provide relevant and timely information and promote confidence in the management of the water supply systems.
- Have in place appropriate contingency plans and incident response capabilities to respond to and manage water quality incidents.
- Audit and review our practices against industry standards and stakeholder expectations to continually improve our performance.
- Provide training to all relevant employees to ensure that they are aware of this policy and are involved in the implementation of our Drinking Water Quality Management System.
- Openly communicate this policy to the community to encourage public awareness.

This policy assigns responsibility for drinking water quality management to all Water and Waste employees and acknowledges that corporate responsibility lies with the Water and Waste Management and ultimately the Douglas Shire Council, Chief Executive Officer.

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This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Water & Wastewater

ORIGINALLY ADOPTED:

CURRENT ADOPTION:

DUE FOR REVISION:

REVOKED/SUPERSEDED:



ELECTION CARETAKER PROVISIONS GENERAL POLICY

Intent To guide the conduct of Councillors and Council Officers during the lead up to local government elections based on the democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may be unreasonable, inappropriate or unnecessarily bind an incoming Council.

Scope To provide information regarding decision making during an caretaker period with respect to:

- Appropriate decision making;
- Equity and transparency between existing Councillors and election candidates regarding access to Council resources;
- Effective day to day management of Council activities; and
- Diversion of Council resources for electoral purposes.

This policy will commence at the time determined by legislation and continue until the conclusion of the election. The policy is applicable to all elected representatives and staff during the caretaker period.

REFERENCE

Legislation

Local Government Act 2009

Sustainable Planning Act 2009

PROVISIONS

During the caretaker period Councillors and Council Officers will assume a “caretaker mode”, avoiding actions and decision which could be perceived as influencing voters or having a significant impact on the incoming Council.

DEFINITION

The term “caretaker period” is defined in the *Local Government Act 2009*.

Part 5 Section 90A of the *Local Government Act 2009* states that

- (1) The caretaker period for a local government is the period during an election for the local government that—
 - (a) starts on the day when public notice of the holding of the election is given under the Local Government Electoral Act, section 25(1); and
 - (b) ends at the conclusion of the election.
- (2) There is no caretaker period during a by-election or fresh election.

MAJOR POLICY DECISIONS

The areas of Council's operations that will be impacted during the caretaker period by the caretaker provisions are on major policy decisions;

As stated in the Local Government Act

- (1) A local government must not make a major policy decision during a caretaker period for the local government.
- (2) However, if the local government considers that, having regard to exceptional circumstances that apply, it is necessary to make the major policy decision in the public interest, the local government may apply to the Minister for approval to make the decision.
- (3) The Minister may give the approval if the Minister is satisfied that, having regard to exceptional circumstances that apply, it is necessary for the local government to make the major policy decision in the public interest.
- (4) The Minister's approval may be given on conditions with which the local government must comply.

USE OF COUNCIL RESOURCES

The use of Council resources by all Councillors will continue during the caretaker period for official duties and responsibilities in accordance with the Councillor Remuneration General Policy, Expenses Reimbursement Policy for Elected Representatives and provision of facilities and support for Elected Representatives. The use of Council resources and equipment (laptops, printers, photocopiers or stationary) for the production of election material is strictly prohibited.

MAJOR EVENTS / COMMUNITY INTERACTION

Should the circumstances warrant a civic / major event activity then the official duties and formalities will be undertaken by the Chief Executive Officer with the exception of Citizenship Ceremonies, which will still be officiated by the Mayor.

MEDIA

Media releases will be limited to operational issues rather than policy and/or major projects. Council will not make comment on individual election campaigns except if harmful inaccurate comments are made by a candidate. In these circumstances, the Chief Executive Officer reserves the right to correct the inaccuracy.

Council staff will not provide media advice to Councillors who have nominated as candidates regarding public comment on the elections. These matters will be referred to the Chief Executive Officer for comment and action whenever possible.

PUBLICATIONS

Section 90D of the *Local Government Act 2009* states that a local government must not, during the caretaker period for an election for the local government, publish or distribute election matter.

Electoral material means any material which is calculated (i.e. intended or likely) to affect the result in an election or influence an elector about voting in an election.

REQUESTS FOR INFORMATION AND RELATED PLANNING DECISIONS

To increase transparency during the caretaker period any information request from a Councillor or a candidate must be made by email and a copy provided to the Chief Executive Officer for monitoring and review as required.

During the caretaker period all planning matters which qualify to be handled under existing delegated authority shall be dealt with at officer level and only those planning matters that do not qualify under delegated authority provision matters are to be determined at a Council meeting.

COUNCILLOR TRAINING AND DEVELOPMENT

During the caretaker period Council will not fund or conduct any training or professional development activities for Councillors unless these activities had already commenced prior to the caretaker period..

CONTACT WITH STAFF

The Chief Executive Officer is committed to ensuring Councillors are provided with appropriate support to continue to fulfil their official duties and responsibilities during the caretaker period. During the caretaker period Councillors may still contact officers in accordance with Council's Councillor Staff Interaction Protocol General Policy and the provisions of the *Local Government Act 2009*. Any approach to an officer from a candidate for information shall also be referred to their General Manager in the first instance. Prior to the caretaker period commencing, the Chief Executive Officer will ensure that all staff are advised of the application of this Policy and ensure that:

- Council staff will not undertake any activity that may affect voting in the election;
- Council staff will not authorise, use or allocate a Council resource for any purpose which may influence voting in the election; and
- Council staff will not assist Councillors or a candidate in a way that is or could create a perception that they are being used for electoral purposes
- Should any member of staff wish to provide support or assistance to a Councillor or a candidate in their own time as a private citizen including on the day of the election they must in no way be seen to be acting as a representative of Council and in these actions they are acting as a private citizen.

GRIEVANCES

Council confirms that all candidates for the Council election will be treated equally. Any complaints or grievances in relation to this Policy should be referred to the Chief Executive Officer.

RELATED POLICIES

This Policy forms part of, and is to be read in conjunction with, the following General Policies:

- Councillors Code of Conduct
- Staff Councillors Interaction Protocol
- General Complaints Management Policy
- Information Privacy Policy
- Management of Confidential Information



This policy is to remain in force until otherwise determined by Council.

**Manager Responsible for Review:
ORIGINALLY ADOPTED:**

Manager Governance

CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:



ENTERTAINMENT AND HOSPITALITY EXPENDITURE GENERAL POLICY

Intent To provide clarity as to what is considered reasonable entertainment, why it is important to the role of Council.

Scope Applies to all entertainment.

REFERENCE

Legislation:

Local Government Act 2009

Local Government Regulation 2012

PROVISIONS

Council recognises that there are circumstances where the provision of entertainment is appropriate and forms part of standard business operations. However, to ensure the overarching local government principles are upheld, Council strives to maintain transparent and accountable practices across the organisation.

Entertainment and hospitality expenditure will be considered appropriate if it conforms with the following criteria:

- it is considered reasonable and cost effective;
- it can be supported within adopted budget allocation;
- it is able to withstand public scrutiny;
- it serves an official purpose; and
- it complies with legal, financial, audit and ethical requirements.

All expenditure for entertainment and hospitality purposes must be pre-authorised and Council officers must not authorise their own expenditure. In assessing whether expenditure is reasonable, the person claiming the expenditure must be comfortable in publically disclosing the expense, should that be required, and be able to identify the benefit for Council. Similarly the officer approving the payment or reimbursement should be comfortable that the claim was reasonable and meets the aforementioned criteria.

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This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review:

Chief Executive Officer

ORIGINALLY ADOPTED:

CURRENT ADOPTION:

DUE FOR REVISION:

REVOKED/SUPERSEDED:



**EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND
WORKFORCE DIVERSITY GENERAL POLICY**

Intent To set standards for Douglas Shire Council regarding Equal Employment Opportunity (EEO) and Workforce Diversity

Scope This Policy applies to all staff, elected Council members, contractors and volunteer workers.

REFERENCE

Legislation:

Anti-Discrimination Act 1991

PROVISIONS

Council is committed to ensuring a workplace free of discrimination and harassment. This commitment is based on equality of employment opportunity that enhances the capacity of Council to achieve its objectives by –

- (a) Improving organisational efficiency and productivity through the selection and employment of staff on merit based principles; and
- (b) Fulfilling the social justice obligations of equity and fairness; and
- (c) Increasing the effectiveness of service delivery and decision-making by adopting an employee profile that reflects the community profile.

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This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review: General Manager Corporate Services

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



FITNESS FOR WORK GENERAL POLICY

Intent The Fitness For Work Policy is an integral part of Council's Workplace Health & Safety General Policy and has a responsibility to provide a safe and healthy work environment. The Council will endeavour to ensure commitment to the early identification and treatment of Fatigue, Alcohol and Other Drugs problems in the work environment.

Scope Applies to any person who performs work for Douglas Shire Council including managers, employees, trainees, volunteer staff, consultants, visitors and contractors and addresses Fitness for Work issues that impact on their work performance and/or their work environment.

PROVISIONS

Principles of Employee and Employer Obligations Pertaining to "Fitness For Work"

Employees must ensure that they do not attend work in a condition that renders them unfit to perform their duties, or place themselves or others at risk at the workplace.

Employees shall not:

- attend work, fatigued, intoxicated or under the influence of alcohol and/or other drugs;
- drive motor vehicles, operate plant or machinery while under the influence of drugs, or over the legal limit of blood alcohol by any law for operating a motor vehicle, plant or machinery;
- be under the influence of alcohol or illicit drugs whilst at a Council's workplace or conducting a Council's undertaking.

When using medications the employee shall obtain information from a qualified medical practitioner or pharmacist on their fitness for work and any other restrictions. This information shall be provided to their Manager who will assess whether the employee is able to perform their normal duties, selected duties or be declared unfit for work.

Council's Managers within budgetary constraints will ensure employees have the resources and support so that there are clear instructions and enough resources available, to do the task safely and minimise fatigue in their work environment.

Council has an Employee Assistance Programme (EAP) available to employees so they can obtain assistance to maintain a balanced lifestyle and be “Fit For Work”.

If an employee is found to be “Unfit For Work”, management will stand down the employee and have them transported safely home. The employee will not be able to return to work until they can show with suitable medical certification or have taken steps to be “Fit For Work” (ie; the employee has identified a substance issue and has self-referred themselves for professional counselling). Evidence of this can be in the form of producing a referral by a medical practitioner or an appointment notification for the counselling. Disciplinary action may be a further action by management, depending on investigation findings of why an employee was “Unfit For Work”.

Identifying an Employee who is NOT “Fit For Work”

When it is evident or reported that an employee is identified as being adversely affected by fatigue, alcohol or other drugs, then the person in control of the employee’s workplace (Manager, Supervisor, Ganger or Team Leader) should take all reasonable actions, in consultation with senior management, to ensure safety in the workplace. This may include the identified employee being required to undertake an alcohol or drug test.

Disciplinary Actions

If an employee’s behaviour or workplace incident investigation findings identifies that disciplinary action is warranted then managers will apply appropriate Disciplinary Action Procedures. .

Employee Assistance Program

Council will provide balanced lifestyle and wellbeing support through the provision of self-referral facilities to counselling and other relevant assistance.

Chronic alcohol and/or other drug problems can contribute to or cause below standard work performance and safety problems. A structured intervention process, in the form of an Employee Assistance Program (EAP) is available where an employee’s consumption of alcohol and/or drugs renders them unfit for their normal duties. Access to the EAP is either by self-referral or referral by Human Resources, or Manager.

Authorised Consumption of Alcohol at the Workplace

Consumption of alcohol while at work or conducting work for Council is not permitted; however, there may be special occasions or events when consumption of alcohol is authorised by the Chief Executive Officer or delegate. At any authorised work function where alcohol is to be made available, then Managers shall ensure adequate supplies of low alcohol and non-alcoholic beverages (including water) are also available.

Confidentiality

Any employee who identifies or is identified as having a drug problem will be treated in strict confidence subject to the provisions of the law.



This Policy is to remain in force until otherwise determined by Council.

Manager Responsible For Review: Manager Governance

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



FRAUD GENERAL POLICY

Intent

To:

- demonstrate Douglas Shire Council's (DSC) commitment to rigorously manage fraud risk;
- provide guidance on how DSC will manage the prevention of fraud;
- establish procedures for appropriate reporting and investigation of fraud;
- assist compliance with statutory obligations; eliminate or minimise internally and externally instigated fraud against DSC; and,
- assist in the detection of all instances of fraud and corruption against Council.

Scope This policy applies to all DSC, Councillors, employees, consultants, contractors and volunteers.

REFERENCE

Legislation:

Public Interest Disclosure Act 2010

Crime & Corruption Act 2001

PROVISIONS

Fraud is characterised by some form of deliberate deception to facilitate or conceal the misappropriation of assets or the taking of an unlawful advantage or benefit. This includes corruption which involves a breach of trust in the performance of official duties. It also means that a person in a fiduciary relationship with Council (such as an employee, manager or elected member) acts contrary to the interests of Council in order to achieve some personal gain or advantage for themselves or for another person or entity.

Council acknowledges that a Policy and accompanying plan must be in place that addresses the following elements of effective Fraud Control:

1. Policy Statement.
2. Internal Controls
3. Internal Reporting
4. External Reporting
5. Public Interest Disclosures
6. Investigations
7. Code of Conduct
8. Staff Education and awareness
9. Client & Community Awareness

Policy Statement

Douglas Shire Council is committed to the control and elimination of all forms of fraud and to create an ethical environment and culture that discourages and prevents fraud.

All staff are responsible for the prevention and detection of fraud.

All allegations and suspicions of fraud will receive attention and all substantiated cases will be dealt with appropriately either by criminal, disciplinary or administrative mechanisms suitable to the particular case (having due regard for the rights of all persons, including any person reporting a fraud and of any alleged perpetrator of fraud).

Internal Controls

Council will establish (where not in place already) and maintain an internal control structure to provide for the following:

1. Control Environment – which consists of strong emphasis on lines of accountability, organisational structure, internal audit function, audit committee and risk management committee and suitably qualified and competent staff with their performance assessed against operational performance criteria.
Of all internal controls, adequate division of duties is possibly one of the most important and should be factored into all stages of systems development, operation and ongoing assessment.
2. Appropriate Information, Communication and Technology (ICT) systems – which consists of transactions, records, operating systems producing the ICT information, data collection and exchange, internal and external communications, human and physical resources, reporting, including adequate audit trails and an effective policy framework that helps to provide assurance as to the integrity and security of data and that appropriate access controls are in place over data.
3. Internal control procedures comprising of basic checks and balancing activities that are carried out to ensure the completeness, relevance, accuracy and timeliness of the accounting and other transactions. Control procedures include prevention and detection.

Internal Reporting

Reporting is a critical step in defeating fraud. All staff are encouraged to report to their Team leader or any staff member in a management or supervisory position that they feel comfortable dealing with, all concerns or suspicions that they may have about behaviour which may be inappropriate.

Concerns and suspicions should be reported as soon as possible. An employee should not attempt to investigate further him or herself.

If such suspicions are reported, Council will give such report attention and will endeavour to ensure that the report is dealt with the appropriate degree of confidentiality. If the report is a “public interest disclosure”, Council will deal with that disclosure in accordance with Council’s “Public Interest Disclosure” Policy. .

External Reporting

This includes reporting of fraud and recovery of proceeds of fraudulent activity, reporting to Queensland Audit Office (QAO), Crime & Corruption Commission (CCC) and the Queensland Police Service.

External reporting is another reporting channel that facilitates reporting and increases the likelihood that fraud and corruption will be detected. Whilst external reporting may be an option for some employees, the CCC requires the Chief Executive Officer to notify the CCC if they suspect a matter may involve official misconduct.

Official Misconduct is defined as any misconduct connected with the performance of an officer's duties that:

- is dishonest or lacks impartiality,
- involves a breach of trust, or
- is a misuse of officially obtained information.

To be considered official misconduct, the conduct must constitute a criminal offence or be serious enough to justify dismissal.

Public Interest Disclosure

Public Interest Disclosures (PID) is defined under the *Public Interest Disclosure Act 2010*, and is any disclosure made by a public officer to a supervisor, an internal auditor or investigator, the chief executive or an external investigation agency, which contains information about:

- official misconduct
- maladministration that adversely affects anyone's interests in a substantial and specific way
- negligent or improper management resulting or likely to result in a substantial waste of public funds (provided that the disclosure is not based on mere disagreement) a substantial and specific danger to public health or safety or to the environment and or a reprisal taken against anyone for having made a public interest disclosure.

Council's practices must ensure that anyone making a disclosure receives the protection afforded under the PID Act to the full extent possible.

Council's "Public Interest Disclosure" Policy covers Public Interest Disclosures more thoroughly should you require more information.

Investigations

If the conduct could possibly constitute official misconduct, there is a statutory obligation under the CCC Act for the CEO to report the matter to the CCC. As fraud and corruption fall within the definition of official misconduct, these matters will automatically need to be reported.

A full investigative response is best when dealing with serious matters where the conduct, if proved, could result in dismissal or demotion. Complaints are best dealt with by prompt managerial action.

Investigations must be in accordance with the rules of procedural fairness or natural justice.

Code of Conduct

Council has in place a Code of Conduct for staff, a Code of Conduct for Contractors and has adopted the Code of Conduct for Councillors. The Code of Conduct articulates the expectations and standards of ethical behaviour within Council. Fraud and corruption can result from departures from the expected standards of behaviour, and the code provisions underpin many of the operational practices designed to minimise the integrity risks.

Council acknowledges the importance of, and commits to, consistent application of standards to issues as they arise.

Staff Education and awareness

Council will continue to ensure that all staff are aware of their obligations and the expectations with respect to ethical behaviour. This is achieved through introducing staff to

this at induction and through the use of regular refresher training. However, Council is committed to make a more significant commitment to staff development programs that foster an ethical organisational culture.

Education is oriented towards awareness and understanding of principles, like ethics, whereas training normally focuses on application and operational issues. Examples of these are ethics, privacy and fraud awareness activities.

Client & Community Awareness

Council is committed to ensuring that our community is aware of our high standards with regard to the elimination of all corruption and fraud together with easily accessible information on the means of raising any concerns or suspicious behaviour. Client and Community awareness means a wide-ranging knowledge and supportive understanding of the Council's standards of corporate and staff behaviour. External stakeholders will receive clear messages about Council's stance on fraud and corruption and are given unambiguous guidance about acceptable and unacceptable business practices.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Governance

ORIGINALLY ADOPTED:

CURRENT ADOPTION:

DUE FOR REVISION:

REVOKED/SUPERSEDED:



HOARDING, SCAFFOLDING & GANTRY AND DEPOSITING GOODS & MATERIALS ON ROADS GENERAL POLICY

Intent The intent of this Policy is to ensure:

1. The safety of the general public.

Scope The erection of any scaffolding, hoarding, gantry or placement of any building materials, which may obstruct a road or footpath must comply with the following policy;

PROVISIONS

Application for Approval

All applications for approval must contain the following:

1. Completed Application for Depositing Goods & Materials on Road and Hoarding, Scaffolding & Gantry form (Doc ID: 456274)
2. Traffic and Pedestrian Management plans drawn to scale and dimensioned detailing the following:
 - a. Detail of activity including a typical cross section;
 - b. Location of all signage in accordance with the Manual of Uniform Traffic Control Devices (TMR);
 - c. Location and detail of all barriers and associated temporary objects used;
 - d. Location of all Council Services; and
 - e. Location of all drainage paths.
3. Schedule of works including date of commencement of works the estimated completion of works, including hours of work.
4. Payment of prescribed fees and bonds in accordance with Council's Local Laws Compliance Unit Fee Schedule.
5. A copy of the current public liability insurance policy showing an indemnity value of \$20,000,000.00 which nominates Douglas Shire Council, the Minister administering *The Land Act 1994* and The State of Queensland as interested parties, must be supplied to Council to validate this approval.

Criteria for approval

The works or activity must not:

1. Significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; or otherwise constitute a nuisance or a danger to any person or property;
2. Prohibit access from the footway to kerbside parking;
3. Have any adverse effect on the amenity of the area and/or the environment;
4. Have any adverse effect on the existing services located in, on or over a road;
and
5. Conflict with any other criteria prescribed by Local Law Policy.

The following criteria must also be complied with:

6. Unless with express written consent of the CEO, on-street carparking is *NOT* to be used for a pedestrian thoroughfare. If this scenario is unavoidable than a gantry shall be used.
7. Unless with express written consent of the CEO, all site offices and demountable buildings etc. shall be located within private property and *NOT* within the road reserve.
8. All work must be clear of any existing services including, but not limited to, water valves, fire hydrants, manholes and access pits. Access is to be maintained to all Council services at all times.

Conditions of Approval

1. The conditions of approval imposed by the Council may, for example relate to the following matters:
 - a. location of such works or activity;
 - b. ensuring unobstructed movement of vehicles and pedestrians;
 - c. hours of operation;
 - d. any permission will constitute approval for the erection of the hoarding or depositing of goods & materials. It does not imply that Council has any liability to ensure that the structure is sufficient for the safety of workers or the public and the intended structure has not been checked for that purpose. This permit does not relieve the Constructor, within the requirements of the *Workplace Health and Safety Act*, from complying with the provisions of that Act and its regulations;
 - e. the requirement to take out public liability insurance in an amount nominated by the Council and to name Council as an interested party on the policy;
 - f. indemnification of the Council by the holder of the approval and any other person who has an interest in or takes a benefit from the work or activity against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity;
 - g. lodgement of security for performance of any requirement under this local law or any condition of approval;
 - h. specification of a deadline for completion of the works or ceasing of the activity;
 - i. standards to be observed in the carrying out of the works or activity;

- j. reinstatement of the road following completion of the works or ceasing of an activity;
- k. requirements to ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- l. compliance with requirements of the Building Act and Standard Building Regulation, the *Workplace Health and Safety Act*, Department of Transport and Main Roads Manual of Traffic Control Devices and relevant Australian standards;
- m. unless otherwise approved, a hoarding must not enclose more than 50% of the footpath width (minimum width being 1.5m) and shall be limited to the frontage of the building site;
- n. access for pedestrians using the footpath must be maintained at all times and sufficient illumination provided between the hours of sunset and sunrise;
- o. all kerb and channel and other drainage infrastructure shall be kept clear of any obstructions and shall not be covered;
- p. the hoarding/gantry is to be removed upon completion of the building works and any damage to Council property is to be made good to the satisfaction of the Chief Executive Officer;
- q. any other matter prescribed by Local Law Policy.

Compliance with Policy

The conditions of this policy must be adhered to and the offender can be fined a maximum penalty of 50 penalty units under Local Law 1 (Administration) Section 26(7).



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review: General Manager Operations

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**

RELATED DOCUMENTATION

456274 Application to Deposit Goods on Road or Hoarding, Scaffolding & Gantry



INFORMATION PRIVACY GENERAL POLICY

Intent The purpose of this General Policy is to establish a framework for the responsible collection and handling of personal information by Douglas Shire Council.

Scope Personal information held by Council must be responsibly and transparently collected and managed (including any transfer or sale of personal information held by Council to other agencies, other levels of Government or the private sector) in accordance with Councils adopted Information Privacy Principles. The key data sets are Council's Authority system, InfoXpert, Customer Request Management System (CRM), Contracts Registers and associated documents, Geographic Information system and any information obtained through licence agreements (eg CITEC licences).

Where conflicting requirements exist, any legislative requirements will supercede compliance with this General Policy.

REFERENCE

Legislation

Information Privacy Act 2009

Privacy Act 1988

Archives Act 1983

Australia War Memorial Act 1980

PROVISIONS

This General Policy should be considered in conjunction with other relevant General Policies including:

- Procurement Policy
- Management of Confidential Information
- General Complaints Management Policy
- Fraud Policy

INFORMATION PRIVACY PRINCIPLES

Council staff must comply with the eleven Information Privacy Principles (IPP) which govern how personal information is collected, stored, used and disclosed.

The IPPs deal with the following:

Principle 1: Collection of personal information (lawful & fair)

Principle 2: Collection of personal information (requested from individual)

Principle 3: Collection of personal information (relevance etc.)

Principle 4 : Storage and security of personal information

Principle 5: Providing information about documents containing personal information

Principle 6: Access to documents containing personal information

Principle 7: Amendment of documents containing personal information

Principle 8: Checking of accuracy, etc., of personal information before use by agency

Principle 9: Use of personal information only for relevant purposes

Principle 10: Limits on use of personal information

Principle 11: Limits on disclosure

Definition of Terms

Personal information:

means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a) whether the information or opinion is true or not; and
- b) whether the information or opinion is recorded in a material form or not.

Record:

includes:

- (a) a document; or
- (b) an electronic or other device;

but does not include:

- (c) a generally available publication; or
- (d) anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition; or
- (e) Commonwealth records as defined by subsection 3(1) of the Archives Act 1983 that are in the open access period for the purposes of that Act; or
- (f) records (as defined in the Archives Act 1983) in the care (as defined in that Act) of the National Archives of Australia in relation to which the Archives has entered into arrangements with a person other than a Commonwealth institution (as defined in that Act) providing for the extent to which the Archives or other persons are to have access to the records; or
- (g) documents placed by or on behalf of a person (other than an agency) in the memorial collection within the meaning of the *Australian War Memorial Act 1980*; or
- (h) letters or other articles in the course of transmission by post.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Governance

ORIGINALLY ADOPTED:

CURRENT ADOPTION:

DUE FOR REVISION:

REVOKED/SUPERSEDED:



INTELLECTUAL PROPERTY RIGHTS GENERAL POLICY

Intent To ensure effective management of Council's Intellectual Property and to support its use for the benefits of the community.

Scope The Intellectual Property Rights Policy refers to all types of intellectual property owned by or in the custody of Douglas Shire Council. It applies to all Councillors and Council employees, including contractors.

PROVISIONS

Intellectual Property is an all embracing term covering legislative and common law rights which protect the creative manifestations of human thought and ideas against unauthorised use or exploitation. To be valid Council's Intellectual Property must meet the following criteria:

- **It is an original expression of knowledge or ideas and its existence and nature can be shown by reference to something in material form**
- **It is not already the Intellectual Property of someone else; and**
- **It has substantial value or substantial potential, whether monetary or in terms of some other community / commercial benefit.**

Councillors and Staff

Douglas Shire Council is the owner of all Intellectual Property generated through the official duties of its employees (including Councillors). Employees doing Council work in their own time may not on that basis claim Intellectual Property Rights for themselves.

Officers shall obtain prior approval from their Manager/General Manager before publishing or disclosing information, articles or materials that are intellectual property or copyright and which have come into their possession as a result of their duties or access in Council.

Any infringement against Council's Intellectual Property Rights must be reported to the Chief Executive Officer. Any misuse of Council's Intellectual Property by Council staff (including Councillors) will be formally deemed to be misconduct and disciplinary action will be taken in accordance with Council's disciplinary procedures and or legislation.

Consultants / Contractors to Council

Council's contractual provisions ensure that, unless specifically exempted, Intellectual Property generated by consultants or contractors is the property of Council. It is the responsibility of the Project Officer for a specific contract to record:

- **Any specific exemption contained within the contract**
- **Any contractual agreement to jointly or collaboratively share Intellectual Property**

➤ **Any licensing conditions.**

The ownership of Intellectual Property rights should be addressed in all contact documentation.

During their engagement, consultants and/or contractors cannot publish or disclose information, articles or materials that are intellectual property or copyright of Council which may have come into their possession as a result of their duties or access in Council. Any infringements must be reported to the Chief Executive Officer and Council reserves the right to instigate any action deemed appropriate in the circumstances.

Volunteers

Douglas Shire Council is the owner of all Intellectual Property generated by persons whilst acting as volunteers to Council.

Moral Rights of Copyright Creators

Unless specifically stated in the contract, where Council contracts an external provider to produce an original piece of work, such as painting, photograph, manuscript or piece of music, the artist or creator retains the moral rights to the article, and Council can not alter or use the article without the artist's approval. In these instances the right to be attributed as the creator resides with the artist. Special provisions may apply in the case of commissioned works, works by volunteers and integrated design projects.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

General Manager Corporate Services

ORIGINALLY ADOPTED:

CURRENT ADOPTION:

DUE FOR REVISION:

REVOKED/SUPERSEDED:



INVESTMENT GENERAL POLICY

Intent To outline Douglas Shire Council's investment policy and guidelines regarding the investment of cash holdings with an objective of maximising earnings whilst minimising risk to ensure the security of Council funds.

Scope This policy applies to the investment of all cash holdings of Douglas Shire Council. For the purpose of this policy, investments are defined as arrangements that are undertaken for the purpose of producing income.

REFERENCE

Legislation:

Local Government Act 2009

Local Government Regulation 2012

Statutory Bodies Financial Arrangements Act 1982

Statutory Bodies Financial Arrangements Regulation 2007

PROVISIONS

AUTHORITY FOR INVESTMENT

All investments are to be made in accordance with the requirements of the Statutory Bodies Financial Arrangements Act and Regulation.

ETHICS AND CONFLICTS OF INTEREST

Prudent person standard

The standard of prudence is to be used by investment officers when managing the overall portfolio. Investments will be managed with the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons. This includes having in place appropriate reporting requirements that ensure the investments are being reviewed and overseen regularly.

Investment officers are to manage the investment portfolios not for speculation, but for investment and in accordance with the spirit of this Investment Policy. Investment officers are to avoid any transaction that might harm confidence in Council. They will consider the safety of capital and income objectives when making an investment decision.

Ethics and conflicts of interest

Investment officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This includes activities that would impair the investment officer's ability to make impartial decisions as outlined in Council's Code of Conduct. This policy requires that investment officers disclose any conflict of interest that could be related to the investment portfolio.

Delegation of authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009*.

Authority for the day to day management of Council's investment portfolio is delegated by the Chief Executive Officer to the General Manager Corporate Services.

INVESTMENT PARAMETERS

Investable funds

For the purposes of this policy, investable funds are Council's cash holdings available for investment at any one time.

The investable funds should match the cash flow needs of Council deemed by the General Manager Corporate Services after preparing Council's annual budget and cash flow forecasts.

Authorised investments

Council is allocated Category 1 Investment Powers under the *SBFA Regulation 2007*. All investments must be denominated in Australian Dollars and undertaken in Australia. All investments undertaken by Council should be in accordance with the authorised investments definitions and restrictions as specified throughout this policy.

Portfolio investment parameters

The structure and features of Council's investments are to be consistent within the risk parameters, liquidity requirements and operational guidelines of Council as set out below.

Quotations on Investments

At least two quotations shall be obtained from different authorised institutions when an investment is proposed (excluding at call funds).

In assessing the fair value of quotes obtained, the risk of the entity providing the return must be considered.

Term to Maturity

The term to maturity of any of Council's direct investments may range from at call to 1 year and will be dependent upon Council's future cash flow requirements, credit risk guidelines and the prevailing outlook regarding interest rates.

Liquidity

Council will manage its day to day liquidity needs through maintaining an appropriate cash balance in its transactional banking account and its at call investment account.

Diversification/Credit risk

The amount invested with any one financial institution should be in accordance with the guidelines in Table 1.

TABLE 1 Diversification / Credit Risk Guidelines

N.B. The following percentages are based on average annual funds invested.

Banking Institution	Minimum Percentage of Total Investments	Maximum Percentage of Total Investments	Maximum Term (for fixed term investments only)
QTC Cash Fund	0%	100%	1 year
Commonwealth Bank	0%	100%	1 year
Westpac	0%	100%	1 year
National Bank	0%	100%	1 year
ANZ	0%	100%	1 year
Other Australian banks with a physical presence in the Council area	0%	40%	180 days

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This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review: Manager Finance & IT

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



MANAGEMENT OF CONFIDENTIAL INFORMATION GENERAL POLICY

Intent To ensure Councillors and Officers of Douglas Shire Council understand the requirements for management of all confidential information.

Scope This policy applies to all persons who are or have been a Councillor and to all persons who are or have been an employee, contracted staff or volunteer of Douglas Shire Council regarding information they have acquired whilst engaged by Council.

REFERENCE

Legislation

Local Government Act 2009

Local Government Regulation 2012

Information Privacy Act 2009

Right to Information Act 2009

PROVISIONS

Council operates in an environment of public accountability in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council. Therefore, information should ordinarily be released to the public unless there are compelling reasons which indicate that this is not in the public interest.

At the same time, 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.

It is accepted that Councillors and staff will be in receipt of confidential information acquired during the normal conduct of their duties with Council. It is Council's responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation, or enable any individual or organisation to gain a financial advantage.

Whilst endeavouring in the interests of public accountability to limit the number of matters which are considered in confidential sessions, Council acknowledges that it is appropriate to consider certain matters in closed meetings.

This policy aims to support Councillors and staff in balancing the right and duty to inform the public and consult with the community about Council business with the interest Council has in preventing disclosure of confidential information.

This policy does not override an individual Councillor's or staff statutory obligations in respect of the use of information, nor does it override Council's obligations under the *Local Government Act 2009*, *Information Privacy Act 2009* or any other legislation or subordinate legislation to disclose or publish information where this is required by law.

Definitions

For clarity the following definitions are provided:

‘Information’ is knowledge communicated or received concerning some fact or circumstance; news and knowledge on various subjects, however acquired. Information comes in any number of forms including letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media, and/or other forms of information including discussions during formal and informal meetings.

Workshops and/or Briefing Sessions’ are non-decision making forums convened by Councillors, the CEO and, as directed by the CEO, other Council officers that create an opportunity for Councillors and officers to discuss matters of proposed policy or other strategic or community sensitive issues, as well as providing a forum for Councillors to be made aware of issues of significance to the organisation and/or to the community.

Confidential Information

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:

- Commercial in confidence information — including where the release of information would affect a third party’s competitive advantage; this is particularly relevant in a competitive tender situation.
- Information derived from government departments or Ministers that have been classified as confidential.
- Information of a personal nature or about personal affairs, for example the personal details of Councillors or Council staff.
- Information relating to a property disposal or acquisition process where release of the information may prejudice Council
- Financial and legal analysis where the disclosure of that information may compromise Council or someone else.
- Information that could result in action being taken against Council for defamation.
- Information involving legal advice to Council or a legal issue or a matter before the courts.
- Information that is expressly given to Councillors or staff in confidence.
- Information examined or discussed at Councillor workshops or briefing sessions, unless the CEO or relevant General Manager declares that such information (or part thereof) is not confidential.
- Information about:
 - the appointment, dismissal or discipline of employees
 - industrial matters affecting employees
 - the Council’s budget deliberations
 - rating concessions
 - contracts proposed to be made by Council
 - starting or defending legal proceedings involving Council
 - any action to be taken by the local government under the *Sustainable Planning Act 2009*, including deciding applications made to it under that Act.

- other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

It is acknowledged 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 the *Privacy Act 2009*.

Closed Session Reports

Under the *Local Government Regulation 2012* Council may resolve to consider a meeting to be closed to the public to discuss matters of a confidential nature.

The Chief Executive Officer has the responsibility of preparing the agenda for a Council meeting. In doing that the agenda will indicate items in open and closed session. However, this is essentially a recommendation and the final decision of what is handled in closed session is determined by the meeting.

Nevertheless, this policy deems that as a minimum:

- An item on a Council meeting agenda and the information contained in the documentation or supporting material that has been identified as a closed session item is to remain confidential.
- If Council exercises its powers under the *Local Government Regulation 2012* 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
- Any information of a type deemed to be confidential is to be presumed by Councillors and staff to be confidential to Council and must not be released without seeking advice from the CEO.
- 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 so intend until the doubt is resolved at a subsequent meeting of Council.

Workshops and/or Briefing Sessions

Should the Chief Executive Officer or relevant General Manager consider that a matter under discussion should remain confidential, then a recommendation will be made for the consideration of Councillors present. This decision must be ratified when the matter is brought to a subsequent meeting of Council, but the embargo would apply in the interim.

Should the Chief Executive Officer or relevant General Manager be satisfied that part or all of the material should be publicly available, then a recommendation to that effect will be put to the Closed Session of a full Council meeting.

Responsibilities of Councillors and Staff

Councillors and staff must be aware of their responsibilities and agree they should:

- exercise due care when handling or using information acquired in their role with Council;
- 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 the Council;

- acknowledge that disclosure of confidential information constitutes a breach of the *Local Government Act 2009*;
- if uncertain, presume information is confidential, and seek advice from the CEO prior to any release of it;
- undertake not to disclose, and to use their best endeavours to prevent disclosure of, confidential information to any person or organisation, specifically:
 - avoid discussing confidential Council information with family, friends and business associates; and
 - ensure documents containing confidential information are properly safeguarded at all times – including materials stored at private or business residences.

Use of Information by Councillors

Section 171 of the *Local Government Act 2009* states:

- (1) *A person who is, or has been, a Councillor must not use information that was acquired as a Councillor to—*
- (a) *gain, directly or indirectly, a financial advantage for the person or someone else; or*
 - (b) *cause detriment to the local government.*

Maximum penalty—100 penalty units or 2 years imprisonment.

- (2) *Subsection (1) does not apply to information that is lawfully available to the public.*
- (3) *A Councillor must not release information that the Councillor knows, or should reasonably know, is information that is confidential to the local government.*

Note—A contravention of subsection (3) is misconduct that is dealt with by the tribunal.

Any release of confidential information for any purpose to any person or organisation (other than those who are entitled to the information, such as other Councillors or Council staff) is a breach of section 171(3) of the *Local Government Act 2009*.

Use of Information by Staff

Section 200 of the *Local Government Act 2009* states:

- (1) This section applies to all local government employees, including the Chief Executive Officer.
- (2) A **local government employee** includes—
 - (a) a contractor of the local government; and
 - (b) a type of person prescribed under a regulation.
- (3) A person who is, or has been, a local government employee must not use information acquired as a local government employee to—
 - (a) gain (directly or indirectly) an advantage for the person or someone else; or
 - (b) cause detriment to the local government.

Maximum penalty—

100 penalty units or 2 years imprisonment.

- (4) Subsection (3) does not apply to information that is lawfully available to the public.

- (5) A person who is, or has been, a local government employee must not release information that the person knows, or should reasonably know, is information that—
- (a) is confidential to the local government; and
 - (b) the local government wishes to keep confidential.

Maximum penalty—

100 penalty units or 2 years imprisonment.



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Governance

ORIGINALLY ADOPTED:

CURRENT ADOPTION:

DUE FOR REVISION:

REVOKED/SUPERSEDED:



PUBLIC INTEREST DISCLOSURE GENERAL POLICY

Intent The intent of this policy is to define Council's obligations and to affirm Council's commitment to compliance with the Public Interest Disclosure requirements of the *Public Interest Disclosure Act 2010 (PID Act)*

Scope This policy applies to Councillors, employees and any person making a Public Interest Disclosure with respect to Council or its Councillors or employees.

REFERENCE

Legislation:

Public Interest Disclosure Act 2010
Local Government Act 2009
Local Government Regulation 2012
Crime and Corruption Act 2001
Public Sector Ethics Act 1994

Definition:

The *Public Interest Disclosure Act 2010* distinguishes between disclosures made by:

- A public officer; and
- Anyone else.

Public Interest Disclosures made by public officers must concern:

- (a) The conduct of another person that could, if proved, be -
 - (i) Official misconduct; or
 - (ii) Maladministration that adversely affects a person's interests in a substantial and specific way; or
- (b) A substantial misuse of public resources (other than alleged misuse based on mere disagreements over policy that may properly be adopted about priorities or expenditure).
- (c) A substantial and specific danger to public health or safety; or
- (d) A substantial and specific danger to the environment.

Public Interest Disclosures made by any person must concern;

- A substantial and specific danger to the health or safety or a person with a 'disability' as defined in the *Disability Services Act 1992*.
- A substantial and specific danger to the environment.
- A reprisal taken against anybody as a result of a Public Interest Disclosure.

A person has information about the conduct of another person or another matter if either:

- The person honestly believes on reasonable grounds that the information tends to show the conduct or other matter or;

- The information tends to show the conduct or other matters regardless of whether the person honestly believes the information tends to show the conduct or other matter.

The disclosure is still a Public Interest Disclosure and covered by the *Public Interest Disclosure Act 2010*, including:

- Disclosures made to the media (exception special circumstances outline in Part 4 Section 20);
- Those made frivolously or vexatious;
- Those which primarily question the relative merits of government or agency policy; and
- Those that are made substantially to avoid disciplinary action.

Disclosures that are wilfully false constitute an offence under the *Public Interest Disclosure Act 2010*.

The disclosure cannot be based on a mere disagreement over Policy that may properly be adopted about priorities or expenditure.

PROVISIONS

Council aims to provide clear guidance to the general public, Councillors and employees on how Council will handle and deal with complex issues associated with an ethical dilemma and when faced with potential wrong doing.

- Every Councillor or employee of Council has an ethical responsibility to report suspected misconduct, maladministration, wasting of public funds, substantial and specific danger to public health and safety, the environment or a person with disability and reprisal action;
- The principle of natural justice (procedural fairness) will apply to all investigations of matters the subject of Public Interest Disclosures;
- The rights of any person who is subject to, or in some way associated with, a Public Interest Disclosure will be safeguarded. Council is committed to affording support and protection from reprisals to any person making a Public Interest Disclosure and appropriately dealing with the employees who take reprisal action.
- Managers and Supervisors are to ensure employees are aware of their responsibilities in making a Public Interest Disclosure and are able to advise other persons of the appropriate reporting processes.

Types of Reportable Conduct

The disclosure of reportable conduct includes as defined:

- Official misconduct;
- Maladministration;
- Negligent or improper management of public funds
- An Act which endangers public health or safety or the environment.

The disclosures may concern the conduct of any Councillor, employee, or anyone contracting to supply goods & services to Council.

Disclosure Procedures

Council will develop and implement a Procedure Guideline for dealing with the Public Interest Disclosures under the Act. The Guideline will include:

- Provide a clear identification of who is covered by the guideline;
- Encourage the reporting of wrong doing;
- Establish a clear reporting system to enable employees to make a Public Interest Disclosure both internally or externally;
- Provide a means for complying with the confidentiality requirements of the Act;
- Provide for the rights of review, both internal and external;
- Provide for the assessment of the risks of reprisal;
- Provide a description of the roles responsibilities of key employees in the Management of Council of Public Interest Disclosures and in the support and protection of Disclosers; and
- Provide an outline of the rights of subject officers.

Investigation Process

To ensure the integrity of the investigation process for Public Interest Disclosures, the Council, will at all times during the investigation of the Public Interest Disclosures commit to:

- Maintain and preserve confidentiality;
- Follow the approved processes in managing Public Interest Disclosures and to protect employees from reprisals;
- Deal decisively with reprisals and possible reprisals;
- Record disclosures;
- Verify disclosures;
- Provide reasonable information to the Discloser on the results of the investigation.

All disclosures made under the Act will be investigated by a delegated Investigations Officer.

Action Taken on the Disclosure and the Results

Council is committed to good governance and to ensure Public Interest Disclosure outcomes inform improvements and further, will encourage the practice of corporate compliance and ethical conduct when providing feedback on the outcome of the investigation and action taken to the Discloser.

Protection of the Discloser

Council recognises the sensitivities which can be associated with Public Interest Disclosures and the need to maintain public confidence in its process for managing Public Interest Disclosures. The rights of any person who is subject to, or in some way associated with a Public Interest Disclosure will be safeguarded.



Council is committed to affording support and protection from reprisal to any person making Public Interest Disclosure and appropriately dealt with employees who take reprisal action. The Procedure Guideline provides further information regarding the anonymity of the Discloser.

The Chief Executive Officer may intervene directly to protect the Discloser and take immediate action to deal with suspected reprisal.

A Discloser is not protected under the Act if the disclosure involves any wrong doing on the part of the Discloser.

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This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Governance

ADOPTED:

DUE FOR REVISION:

REVOKED/SUPERSEDED:

RECYCLED WATER GENERAL POLICY

Intent To establish guidelines in relation to the supply and use of recycled water.

Scope This policy applies to the supply and use of recycled water produced and supplied from Douglas Shire Council Wastewater Treatment Plants.

PROVISIONS

Recycled water produced following treatment of sewage at Wastewater Treatment Plants is a valuable resource which should be utilised in a sustainable manner.

The use of recycled water has the following potential benefits –

- Less treated effluent discharged to receiving waters
- Compliance with EPA effluent discharge license conditions
- Reduced ecological impacts of nutrients or other pollutants
- Reduced potable water demand
- Improved social amenity from greater availability of water
- Maximum use of an available and valuable resource
- Nutrient recycling
- Cost effective fit for purpose alternative to potable water.

Douglas Shire Council therefore supports the use of recycled water, for non potable purposes only, which has been treated to a level that is fit for its intended use. Recycled water can be used for a number of applications such as –

- Irrigation of open spaces
- Industrial uses
- Dual water reticulation to residential and commercial developments (separate potable and non potable supply to each household)
- Agricultural and horticultural uses.

The supply and use of recycled water must be carried out in a sustainable manner with all potential risks being identified prior to the supply of recycled water so as to ensure that there is no risk to public health and the environment.

Douglas Shire Council Water and Wastewater will supply recycled water to users in accordance with all appropriate local, state and federal regulatory provisions and guidelines and work in partnership with relevant regulatory agencies.

The supply of recycled water to potential users is at the sole discretion of Douglas Shire Council based on advice from the Manager of Douglas Shire Council Water and Wastewater.

Where it is deemed a sustainable and environmentally acceptable option Douglas Shire Council will preferentially use recycled water for non potable uses in Council operations and facilities.

Community consultation and engagement with stakeholders is a key component in the planning phases of recycled water schemes. Stakeholders are those parties that are likely to be affected by a recycled water project. As part of the integrated planning process for the implementation of recycled water schemes Douglas Shire Council Water and Wastewater will develop community engagement processes that are appropriate for the recycled water schemes that may be proposed.



This policy is to remain in force until otherwise determined by Council.

Manager responsible for review:

Manager Water and Wastewater

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED SUPERSEDED**



REVALUATION OF NON-CURRENT ASSETS GENERAL POLICY

Intent To define Douglas Shire Council's policy in relation to the revaluation of non-current assets.

Scope This policy applies to tangible non-current assets held by Douglas Shire Council

REFERENCE

Other:

Australian Accounting Standards issued by the Australian Accounting Standards Board (AASB)

PROVISIONS

The following outlines Council's application of Australian Accounting Standards AASB 13 Fair Value Measurement and AASB 116 Property Plant and Equipment in relation to the revaluation of its non-current assets.

Principles

AASB 116 Property Plant and Equipment requires the application of either the cost model or revaluation model to each class of asset held. Council measures plant and equipment, office furniture and fittings, other assets and work in progress at cost and all other asset classes at revaluation. Further detail is provided in Appendix 1.

The revaluation model requires assets to be revalued with sufficient regularity to ensure that the carrying amount does not differ materially from that which would be determined using fair value at the end of the reporting period. Comprehensive revaluations are conducted at least every five years on a rolling basis in accordance with Council's asset revaluation schedule.

In the intervening periods consideration will be given to the application of indices for individual asset classes based on a desktop assessment of the likely material movement in fair values. Indexation will be applied if the cumulative change in the indexation rate is 5% or greater (either positive or negative). Any non-material changes (ie less than a 5% cumulative change) will not be accounted for each year.

In accordance with the requirements of AASB 13 Fair Value Measurement, movements between the levels of the fair value hierarchy will be recognised on the last day of the relevant year.

The annual revaluation results are included as part of the approval process for the annual financial statements.

RELATED DOCUMENTS

This policy is to be used in conjunction with Council's:

- Asset Capitalisation General Policy
- Asset Revaluation Schedule



This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Finance & IT

ORIGINALLY ADOPTED:

CURRENT ADOPTION:

DUE FOR REVISION:

REVOKED/SUPERSEDED

APPENDIX 1 – APPLICATION OF COST AND REVALUATION MODELS

Asset class	Revaluation method	Valuation method
Land and land improvements	Revaluation model	Freehold land – market value Crown land – not valued Land improvements – Replacement cost
Buildings and other structures	Revaluation Model	Replacement cost
Plant and equipment	Cost model	Historical cost
Office furniture and fittings	Cost model	Historical cost
Transport assets	Revaluation Model	Replacement cost
Water, Sewerage and Solid waste disposal	Revaluation Model	Replacement cost
Drainage	Revaluation Model	Replacement cost
Other assets	Cost Model	Historical cost
Work in Progress	Cost model	Historical cost



ROADSIDE VENDING GENERAL POLICY

Intent The intent of this policy is to provide clear objectives and guidelines for the issuing of approvals to carry out Roadside Vending Activities on roads under Cairns Regional Council Local Law No. 1 (Administration), Schedule 8 Commercial Use of Local Government Controlled Areas and Roads.

Scope This policy shall apply to Roadside Vending Activities carried out on all Council and state-controlled roads within the Douglas Shire Council area.

Definitions

Products: produced by natural process.

Roadside Vending: The sale of any goods, produce or products from a stationary vehicle on any roadway or road reserve within the Douglas Shire Council area.

Produce - Agricultural products.

Further definitions as set out in the Cairns Regional Council Local Law No.1 (Administration) Schedule 8, and Douglas Shire Council Local Law No. 59 (Commercial Use of Roads) 2002.

PROVISIONS

General

- All new applications applied for under this Local Law - will be referred to Council for a decision.
- Council will determine from time to time the nature of produce/products that can be approved for sale under this policy.
- All roadside Vending renewal applications applied for under this Local Law will be reviewed by Council every four (4) years.

Requirement to Hold Approval

- A person must not carry out a Roadside Vending activity on a road unless authorised by an approval issued by the Douglas Shire Council.

Application for Approval

An application for approval must be made in accordance with the requirements of Local Law 1 (Administration) and must be accompanied by the following:-

- a) Details of the proposed goods to be displayed for sale.
- b) Details of the proposed site on the relevant section of roadway where the activity is to be carried out, by way of site plan.

- c) Details of the proposed dates and hours the roadside vending activity is to be carried out.
- d) If the site is approved for the preparation/sale of food, a copy of a current Licence Certificate issued by the Douglas Shire Council under the *Food Act 2004* is required.
- e) Details of toilet arrangements for the operator/s of the site.
- f) A copy of the current Public Liability Insurance policy showing an indemnity to the value of \$20,000,000 which nominates Douglas Shire Council, The Minister administering the *Land Act 1994* and the State of Queensland as interested parties.
- g) Details of vehicle, trestle bench or any other equipment to be utilised with the proposed activity.
- h) A deposit of \$1,000-00 (or as otherwise determined by Council) for permanent standing vehicles. A deposit of \$500-00 (or as otherwise determined by Council) for seasonal vehicles for a period of not longer than 6 weeks.

Assessment of Application

- Assessment of all applications will be undertaken with reference to the Department of Main Roads document "Self-Assessment Guidelines for Roadside Stall Locations"
- Sites where the proposed activity will potentially create water and dust problems will not be favoured.
- That all new applications (not renewal) be sited at least 1 km (roadside) from existing retail businesses of a similar nature.

Unit Responsible for Administration

Environmental Health & Regulatory Services Unit

Nature of Goods Approved for Roadside Vending

Only the following categories of goods will be considered for approval under this policy:-

- Whole fruit, vegetables and flowers grown by the approval holder.
- Primary produce harvested by the approval holder e.g. whole/uncooked seafood.

Referral Agencies

Each application shall be referred to the following agencies prior to processing:-

- Main Roads Department, if the application is for a site located on a state controlled road.
- Douglas Shire Council Infrastructure Services for evaluating the safety of the site and the suitability of the road verge for heavy traffic in all weather conditions.
- Douglas Shire Council's Environmental & Regulatory Services Unit if the proposal involves the sale of food.

General Conditions of Approval

In issuing an approval, Council may impose conditions relating to public health and safety, which may include issues such as:-

- The approval is for the use of the specified site only.

- The certificate of approval is to be conspicuously displayed or produced for inspection when required by an authorised officer.
- The holder of the approval is to provide and maintain sufficient receptacles for refuse and thoroughly clean the area at the conclusion of business each day.
- The approval is issued for one (1) financial year only or as otherwise specified. Should the applicant wish to continue carrying out the activity for longer periods, a renewal application should be made to Council.
- The approval is issued for a particular vehicle or use for that site. A change of vehicle or use requires prior Council approval.
- Any matter associated with criteria or conditions of approval as set out in Douglas Shire Council Local Law No. 59 (Commercial Use of Roads) 2002.
- The vendor shall only sell products from the approved vehicle and from approved benches, tables and containers within the individual licence footprint during daylight hours.

Fees as set out in Council's current Fees & Charges Schedule will apply.

Health Conditions of Approval Where Proposal Involves The Sale of Food

- Where the application involves any food other than whole fruit and vegetables, the applicant must submit evidence that the food was prepared in approved premises.
- If the application is for a vending activity that involves food preparation in the vehicle, the applicant must submit copies of current certificates of Car Registration and Licence under the Food Act 2006..

Issue of Approval

The approval may be issued

- On an annual basis by financial year, OR
- On a pro-rata basis, as determined by Council.

Insurance

- The holder of the approval is to take out Public Liability Insurance to the value of \$20,000,000 against personal injury and property damage resulting from activities authorised by the approval.
- Such insurance policy must clearly indemnify the Douglas Shire Council and any person associated with the activity as well as the operator and any other person directly involved with the activity.
- Council may withhold issuing the approval until the copy of the insurance policy is provided.

Transfer of Approval

- The holder of an approval may, with the approval of Council, transfer the approval to another person. Such application for transfer must be made on an approved form, must comply with all conditions and must be accompanied with the transfer fee as set by Council resolution.

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This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Development & Environment

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



SECURITY – COUNCIL ADMINISTRATION BUILDINGS AND DEPOTS
GENERAL POLICY

Intent To establish a policy to minimise person induced risks to public order, community safety and security in any of Council Administration Buildings and Depots.

Scope This policy shall apply to all people present in building, car parks or grounds of Council Administration Buildings and Depots and shall include all visitors and staff.

Provisions

The Chief Executive Officer shall develop and keep up to date, procedures relating to person induced risks to public order, community safety and security in Council Administration Buildings and Depots. Such procedures shall address the following issues:

- 1.1 The identification of occupants and people visiting Council Administration Buildings and Depots
- 1.2 Limitation of access to parts of Council Administration Buildings and Depots and the surrounds.
- 1.3 Access to the building and various parts of building and the surrounds during work hours.
- 1.4 Access to the building and various parts of building and the surrounds after work hours.
- 1.5 Parking arrangements as they relate to issues of personal safety.
- 1.6 Building security hardware.
- 1.7 Security patrols.
- 1.8 Duress alarms.

Definitions

The term "Council Administration Buildings and Depots" refers to any Council office building which the public, contractors or visitors may access from time to time, including the whole Building, the surrounding grounds and associated car parks and other infrastructure.

The term "Council" shall refer to the Douglas Shire Council and its various departments.

1. ACCESS TO COUNCIL'S ADMINISTRATION BUILDINGS AND DEPOTS SHALL BE CONTROLLED DURING WORK HOURS.

Staff

The Council staff shall have unrestricted access to all areas within Council Administration Buildings and Depots during working hours as required for the purpose of performing their respective allocated duties.

Visitors

Visitors' may have access to Council's Administration Buildings and Depots if required and accompanied by Council staff. It will be the responsibility of the officer to ensure that the safety of other staff is not impacted and that they ensure that they leave the building.

Contractors

Where the contractors business involves the need for an unsupervised stay or independent movement within Council's Administration Buildings and Depots the contractor would be considered a contractor of Council and must be issued with, wear and have visible at all times a 'Visitor pass'.

Visitor Passes must be signed out and returned to the point of issue at conclusion of the visit.

Councillors

Councillors shall have unrestricted access to all public areas within the Council Administration Buildings that is the Council Foyer and Reynolds Room.

Councillor access, excluding the Mayor, to other areas of the Council Administration Building and Depots shall be at the discretion of the Chief Executive Officer.

2. THE COUNCIL STAFF AND PEOPLE VISITING COUNCIL'S ADMINISTRATION BUILDINGS AND DEPOTS SHALL BE IDENTIFIABLE.

All Council staff who will routinely be working in the building, shall be issued with photographic identification badges, which they will be required to wear and have visible at all times, whilst accessing authorised only areas of the building during working hours.

All persons who are not staff of the Douglas Shire Council but who are working within Council's Administration Buildings and Depots or grounds shall be issued with or required to wear, a Visitor badge whilst in the Building. These badges shall be issued to contractors, students on placement, consultants and others requiring unsupervised access to all areas).

3. ACCESS TO COUNCIL ADMINISTRATION BUILDINGS AND DEPOTS SHALL BE CONTROLLED AFTER WORK HOURS.

All after hour's access to Council's Administration Buildings and Depots shall be via access points determined by the Chief Executive Officer and controlled via electronic access rights.

Visitors

Visitor access to Council's Administration Buildings and Depots shall be at the discretion of the Manager or with the approval of the General Manager.

The Council Staff shall be responsible for the conduct of visitors they introduce to Council's Administration Buildings and Depots outside of normal working hours.

4. CAR PARKING ARRANGEMENTS ARE TO BE MANAGED TO ENSURE THAT PERSONAL SAFETY IS MAXIMISED.

All the Council Officers, Councillors and visitors using Council's Administration Building and Depots after hours are responsible for their own safety. In doing so, their vehicle should be parked within close proximity to the Administration Building or Depot and in a lit area prior to sunset.

All external access points shall be secured with locks, either mechanical or otherwise.

Designated staff entrance points shall be fitted with access control pads.

The alarm and access control systems shall be programmed and co-ordinated to permit the identification and monitoring of staff and visitors accessing the building after hours.

5. AFTER-HOURS SECURITY IS PROVIDED AT COUNCIL'S ADMINISTRATION BUILDINGS AND DEPOTS.

Random, after hours patrols of Council's Administration Buildings and Depots are conducted as required.

Security Officers conducting security patrols of Council's Administration Buildings and Depots shall be bound by Council's "Code of Conduct".



This policy is to remain in force until otherwise determined by Council

Manager Responsible for Review:

Manager Governance

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



SEWER CONSTRUCTION – REPLACEMENT OF TREES GENERAL POLICY

Intent To establish a policy for a uniform approach in dealing with claims for compensation for the loss of trees and other flora resulting from construction of sewers.

Scope This policy applies to sewer construction works in the area of the Douglas Shire Council carried out or commissioned by Water and Wastewater.

PROVISIONS

In the event of compensation claims arising from the loss of trees and other flora which are required to be moved in order to construct sewerage works, Water and Wastewater's response be as follows:

- (i) A replacement tree of similar species is delivered to the householder by Water and Wastewater. Mature trees are replaced by saplings where possible.
- (ii) The householder is responsible for planting, watering and caring for the replacement tree.

Policy Requirements

1. That compensation for loss of trees and other flora as a result of sewer construction be enacted.
2. That this policy is to remain in force until otherwise determined by Council.

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This Policy will remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Water and Wastewater

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSEDED:**



**VEGETATION ON COUNCIL CONTROLLED LAND:
PLANTING, REMOVAL AND MAINTENANCE GENERAL POLICY**

Intent

To establish a policy which provides clear direction regarding vegetation planting, removal and maintenance on Council controlled land.

Scope

This policy applies to all Council controlled land within the Douglas Shire Council area.

Purpose

The purpose of this policy is to outline the manner in which Council will manage vegetation situated on Council controlled land, including vegetation removal and maintenance and complaint resolution.

The policy aims to provide a practical and balanced approach to vegetation management that seeks to ensure public safety whilst striving to preserve and maintain, in a safe and healthy condition, vegetation on Council controlled land.

It is recognised that trees and associated vegetation form an integral component of the natural environment and compliment the built environment. However, there is a need to ensure the impact from vegetation on the built environment and human activity is managed so as to minimise the possibility of damage and injury occurring.

This policy aims to adopt a consistent and proactive approach to the identification and management of potential risks posed by vegetation on Council controlled land.

Provisions

1. Vegetation planting and landscaping

Residents may only plant vegetation within the road verge area, the area between the property boundary line and the kerb, or the edge of pavement in areas without a kerb if written approval is obtained from council. Planting is to be in accordance with the Far North Queensland Regional Organisation of Council's Development Manual landscaping requirements and the relevant documents in the ***complimentary documents*** section of this General Policy.

Planting in accordance with the above mentioned requirements in association with a single detached dwelling house requires Council Approval, and as such, a formal written application is required.

Planting not in accordance with the above, requirements or for any use other than a single detached dwelling house requires written approval from Council.

Council provides suitable native plants to residents for planting on their own property. The number of plants provided is at the discretion of the council nursery technician. Additional appropriate plants may be purchased by the property owner.

Plants must not include pest species that are listed in Council's Pest Management Plans and declared Pest Plans under the *Land Protection (Pest & Stock Route Management) Act 2002*.

Where Council has indicated that a planting theme exists in the streetscape, this theme must be adhered to.

2. *General vegetation maintenance*

Council conducts a maintenance program of vegetation on Council controlled land. This works program generally consists of trimming trees to remove damaged branches and to remove dead trees and vegetation that pose a hazard to person or property.

Prior to removal or pruning of vegetation on Council controlled land, a person must have written approval from Council.

Should vegetation be removed without obtaining the written consent of Council penalties may apply.

3. *Customer requests*

All customer complaints, notifications of potential problems and other request in relation to vegetation on Council controlled land are recorded and the issue is referred to the most appropriate Council officer for investigation and, if necessary, action.

It is preferable that Council receives all requests for vegetation removal on Council controlled land in writing. However, it is recognised that some requests will be by telephone and Council's Customer Service Centres.

4. *Considerations for Vegetation Damage, Pruning or Removal*

Council officers will undertake an assessment to determine whether vegetation the subject of a complaint or otherwise, should be removed or pruned.

The assessment will take into consideration the potential risk of damage to property or potential risk to person, and the condition, suitability and significance of the vegetation. Requests shall be assessed and prioritised according to the level of risk and available resources.

Where an officer of Council has made a preliminary assessment of the vegetation about which concern is expressed, and the complainant disputes the findings of that assessment, the complainant should engage a suitably qualified person to the satisfaction of the Chief Executive Office, at the complainant's expense.

In most cases, where there is no practicable and economic alternative available to retain the vegetation, it will be removed by Council and replaced with a more suitable species (where possible).

5. *Circumstances for vegetation removal/damage that does not require approval of Council*

- Removal of declared pests or environmental weeds as determined by Legislation, Local Laws, or Douglas Shire Council's Pest Management Plan;
- Emergency works – any works carried out by Council or any Public Sector Entity in response to an emergency;
- Tree removal approved by a valid development permit;
- Vegetation damage associated with the outlay of new or upgraded public utilities. However, consideration will be given to all practicable means to ensure vegetation damage is minimised; and
- Vegetation damage undertaken by a utility provider to prevent vegetation disrupting the efficient provision of existing infrastructure.

6. *Nuisance v. Risk*

The intrinsic nature of vegetation is such that it sheds leaves, bark, sticks, flowers, fruit etc as part of the normal lifecycle. Issues of nuisance will not generally constitute justification for vegetation removal except where there is a risk. An example of such is when leaves or flowers are shed over a footpath and create a hazard.

In most circumstances Council will promote remedial action, such as pruning, rather than vegetation removal.

7. *Easements & Statutory Covenants*

The owner of the land on which an easement or statutory covenant is situated is generally responsible for the management of vegetation within the easement or covenant area. The easement or covenant document should be referred to for further clarification.

Should vegetation removal be required within an easement or covenant area it may be necessary to obtain approval from Council for the proposed vegetation damage. Further clarification can be sought from Council's Duty Planning Officer on 4099 9444.

8. *Consultation*

Apart from urgent remedial works Council will notify, at a minimum, the immediately neighbouring allotments of where vegetation is located, prior to its removal.

9. *Private Property*

This General Policy does not apply to the planting, removal, or maintenance of vegetation on private property unless it is potentially hazardous to persons on Council controlled land, Council infrastructure, or Council controlled assets or it is a declared weed species.

Generally, vegetation removal on private property is assessed by Council under the Douglas Shire Planning Scheme for Vegetation Damage.

The Queensland Government's *Neighbourhood Disputes Resolution Act 2011* commenced on 1 November 2011. The Act provides more effective remedies for neighbours to help resolve disputes about trees. It also gives jurisdiction to the [Queensland Civil and Administrative Tribunal \(QCAT\)](#) to deal with these matters.

The Act states that the proper care and maintenance of a tree will be the responsibility of the tree keeper and provides choices for neighbours in relation to tree issues affecting their property, such as overhanging branches. Detailed information and advice in relation to neighbouring trees can be found on the [Department of Justice website](#).

Complimentary documents

- Douglas Shire Planning Scheme Policy No. 7 Landscaping;
- Douglas Shire Planning Scheme Policy No. 6 FNQROC Development Manual;
- Australian Standard *Pruning of amenity trees* AS 4373-2007;
- Australian Standard *Protection of trees on development sites* AS 4970-2009;
- Council adopted Master Plans.

Definitions

1. **Council controlled land:** any and all land owned, controlled, or held in trust by Council.
2. **Vegetation:** An individual tree or trees, plants and all other organisms of vegetable origin (whether living or dead).
3. **Damage:** Remove, cut down, Ringbark, push over, poison or destroy in any way including by burning, flooding or draining, but does not include standing vegetation by stock.
4. **Tree:** Vegetation that has:
 - a. A height equal to or exceeding 5 metres; or
 - b. A trunk or hole which has a diameter, at a height of 1.5 metres above natural ground level, equal to or exceeding 12 centimetres;
 - c. A combined diameter of two or more boles, at a height of 1.5 metres about natural ground level, equal to or exceeding 3 metres in diameter.
5. **Single Detached Dwelling House:** a premises comprising of single detached self-contained accommodation located on a lot for residential use.
6. **Public Sector Entity:** A department or part of a department; or an agency, authority, commission, corporation, instrumentality, office, or other entity, established under an Act for a public or State purpose.
7. **Public Utilities:** works:
 - a. For the supply of drainage, electricity, gas, sewerage, telecommunications or water; or
 - b. For an infrastructure corridor under the *State Development and Public Works Organisation Act 1971*, section 82; or
 - c. For a purpose mentioned in the *State Development and Public Works Organisation Act 1971*, section 125; or
 - d. that are declared under a regulation to be a public utility.

NOTE: Trees planted on Road Reserves are exempt from the provisions of the *Neighbourhood Disputes Resolution Act 2011*.



This policy is to remain in force until otherwise determined by Council.

Manager responsible for review:

Manager Infrastructure Services

ADOPTED:

DUE FOR REVISION:

REVOKED/SUPERSEDED:



WATER METER INSTALLATION GENERAL POLICY

Intent To establish a policy for the installation of water meters in areas of the Douglas Shire Council.

Scope This policy applies to all properties on reticulated supply.

PROVISIONS

1. Approved (by Water and Wastewater Department) water meters be used to meter water service connections within the Douglas Shire Council area.
2. All properties be metered where it is practical to do so and where metering is in accordance with Federal and State Government Policy.
3. That the cost of metering unmetered areas be met through current and future capital works programs, with priority to commercial properties and low density residential properties.
4. All unmetered properties be charged a fee based on the deemed reasonable consumption as determined by the annual budget process.

Policy Requirements

1. That the metering of water service connections be enacted.
2. That this policy remains in force until otherwise determined by Council.



This Policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Water and Wastewater

**ORIGINALLY ADOPTED:
CURRENT ADOPTION:
DUE FOR REVISION:
REVOKED/SUPERSED:**



WATER RESTRICTIONS GENERAL POLICY

Intent To establish a policy and approval process for the imposition of water restrictions by Douglas Shire Council Water and Wastewater.

Scope This policy applies to all users including commercial, industrial, residential, Council and Douglas Shire Council Water and Wastewater.

PROVISIONS

Chapter 2 Part 3 of Division 3 of the *Water Supply (Safety and Reliability) Act 2008* (the Act) provides Douglas Shire Council with the power to restrict water supply due to climatic conditions or for water conservation needs. Under s41(2) of the Act Douglas Shire Council may only impose restrictions in the following circumstances:

1. There is an urgent need for it because of climatic conditions or water conservation needs; or
2. The available water supply has fallen to a level at which unrestricted use of water is not in the public interest; or
3. The service provider has a reasonable and comprehensive strategy for demand management for water and the restriction is essential to ensure the aims of the strategy are met; or
4. The service provider has an outdoor water use conservation plan and the restriction is a measure to be implemented under the plan; or
5. The Minister has published a notice under the *Water Act section 22 or a regulation has been made under the *Water Act section 23 and the restriction is for the purposes of the notice or regulation; or
6. The service provider is directed, under a water supply emergency declaration, a water supply emergency regulation or an approved water supply emergency response to impose a restriction; or
7. The water service provider is directed by the regulator under section 42 (2) to impose the restriction.

- **Water Act, section 22 (Limiting or prohibiting taking, or interfering with, water during emergencies)**
- **Water Act, section 23 (Regulation may limit taking or interfering with water for 1 year)**

Douglas Shire Council Water and Wastewater may impose the following types of restrictions:

1. The volume of water supplied to a customer or type of customer; or
2. The hours when water may be used on premises for stated purposes; or
3. The way water may be used on premises.

Approval to Impose Restrictions

In normal circumstances, approval to impose water restrictions must be sought via a report to the Water and Wastewater Department and recommendation to the Chief Executive Officer as delegate for Council for the water restriction powers under the *Water Supply (Safety and Reliability) Act 2008*

In emergency situations, the Chief Executive Officer may impose water restrictions in accordance with this policy and the provisions of the *Water Supply (Safety and Reliability) Act 2008* upon advice from the General Manager of Water and Wastewater. In these circumstances a report on actions taken must be provided to the next scheduled Water and Wastewater meeting.

Notification of Water Restrictions

For s43(1) of the *Water Supply (Safety and Reliability) Act 2008* Douglas Shire Council must give notice of the water restriction to anyone affected by it in the way considered appropriate having regard to the circumstances in which the restriction is imposed.

Except in emergencies the notice will be advertised in the local media. In emergencies the notice will be given in the way the Chief Executive Officer considers appropriate.

Under s43 (2) of the *Water Supply (Safety and Reliability) Act 2008*, water restrictions do not have effect until the day after the notice is given.

Exemptions

The General Manager of Douglas Shire Council Water and Wastewater as delegate of the Chief Executive Officer may grant exemptions to water restrictions upon application from water users based on the following grounds:

1. For reasons of public health and safety
2. To allow the undertaking of essential works
3. Minor or infrequent uses of water outside the restrictions (e.g. sporting or community events)
4. Any other criteria deemed appropriate under the water supply conditions at the time.

Non-compliance with Water Restrictions

Failure to comply with water restrictions may incur penalties as described in s43 (3) of the *Water Supply (Safety and Reliability) Act 2008*.



This Policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Water and Wastewater

ORIGINALLY ADOPTED:

CURRENT ADOPTION:

DUE FOR REVISION:

REVOKED/SUPERSEDED: