



**AGENDA FOR ORDINARY MEETING  
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG  
ON TUESDAY 26 FEBRUARY 2019, COMMENCING AT 10.00 AM**

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  - (c) Material Change of Use for Environmentally Relevant Activity: 16 – Extractive and Screening Activities – 3(b) screening, in a year, more than 100,000t but no more than 1,000,000t of material47

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**Item****26 February 2019**

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
C1	n/a	COUNCILLORS

**Portfolio:**

Councillors

**Subject:**

Leave of Absence - Cr Barnes

**Report Author:**

Wendy Saunders, Executive Services Coordinator

**Authorised by:**

Stephen Johnston, Chief Executive Officer

**Link to Corporate Plan:**

Nil -

**Background:**

Cr GR Barnes requests leave of absence from all meetings of Council from 25 to 28 March 2019 to attend the Emergency Management Leaders Forum as part of his portfolio training and as Deputy Chair of the Local Disaster Management Group.

**Associated Person/Organization:**

Cr Greg Barnes

**Attachments:**

Nil

**Recommendation:**

**That Cr GR Barnes' application for leave of absence from all meetings of Council from 25 to 28 March 2019, be granted.**

**Item****26 February 2019****Item Number:**

C2

**File Number:**

.

**Part:**

COUNCILLORS

**Portfolio:**

Councillors

**Subject:**

Declaration of Conflict/Material Personal Interests

**Report Author:**

Wendy Saunders, Executive Services Coordinator

**Authorised by:**

Stephen Johnston, Chief Executive Officer

**Link to Corporate Plan:**

Our People, Our Business - 3.2 Responsible governance with a customer-driven focus  
 - 3.2.3 Administer statutory compliant governance operations incorporating insurance;  
 risk management; property management and Council policies and procedures.

**Background:****Declaration of Material Personal Interest on any item of business**

Pursuant to Section 175C of the *Local Government Act 2009*, a Councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the Councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

**Declaration of Conflict of Interest on any item of business**

Pursuant to Section 175E of the *Local Government Act 2009*, a Councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the Councillor's conflict of interest in the matter. If a Councillor does not voluntarily leave the meeting room after declaring a conflict of interest, the remaining Councillors must decide whether the Councillor has a real or perceived conflict of interest in the matter and if so, whether the Councillor must leave the meeting or can stay and participate.

**Associated Person/Organization:**

Nil

**Consultation:**

All Councillors

**Chief Legal Officer's Comments:**

The process is in accordance with the *Local Government Act 2009*.

**Policy Implications:**

There appear to be no policy implications.

**Financial and Resource Implications:**

There appear to be no financial or resource implications.

**Risk Management Implications:**

There appears to be no risk management implications.

**Communications Strategy:**

Communications Team consulted.

Yes

No

**Attachments:**

Nil

**Recommendation:**

**Item****26 February 2019****Item Number:**

E1

**File Number:**

.

**Part:**STRATEGIC PROJECTS &  
ECONOMIC DEVELOPMENT**Portfolio:**

Executive Services

**Subject:**

Future Use of Council's Bargara Administration Building and Cultural Centre

**Report Author:**

Ben Artup, Executive Director Strategic Projects &amp; Economic Development Co-ordination

**Authorised by:**

Stephen Johnston, Chief Executive Officer

**Link to Corporate Plan:**

Our Environment - 2.1 Infrastructure that meets our current and future needs - 2.1.4 Manage and maintain Council owned buildings, facilities and assets that support and facilitate social connectedness and community life.

**Background:**

Council is in the process of consolidating staff from its Bargara Administration Building into the Bundaberg CBD. Further, since opening in 2009 the Bargara Cultural Centre has been under utilised by the community. Both buildings, located at 160 Hughes Road now represent an opportunity for Council to look at innovative ways to attract future users to the buildings that meet community and council objectives in a sustainable fashion.

Council recently provided approval to subdivide 160 Hughes Road (Survey Plan No SP297195, see Attachment A) to facilitate future use of the land and buildings by separate future users. Works required to create two lots at 160 Hughes Road, including all subdivision documentation, is currently being finalised.

Informed by a three month community consultation process, this report seeks a Council resolution authorizing the Chief Executive Officer to call for expressions of interest for the sale or lease of the Bargara Administration Building and Cultural Centre, and then, following further consultation with Council, authority to invite written invitations to offer for either or both buildings.

**Community consultation overview**

Between December 2018 and February 2019 Council consulted with the community about what they would like to see the buildings used for in the future. This consultation was conducted via a variety of mediums including; town hall meetings, a community

questionnaire/ survey and a poll of ideas identified through the consultation. Council also ran media and news stories promoting the consultation.

*Town hall meetings* - Conducted at the Bargara Administration Building, five town hall meetings were attended by between 10 – 40 participants each, with a majority of participants attending multiple meetings. Several meetings included walking guided tours of the buildings.

*Questionnaire and survey* - Council also invited written submissions to a questionnaire and survey of ideas for both buildings. 21 written submissions and 28 survey responses were completed and returned to Council. Council also ran multiple media releases encouraging participation in the questionnaire and survey.

*Community poll* - Following the community questionnaire and survey, Council then ran a poll via social media seeking the community to rank their top 3 ideas for the buildings identified through the consultation.

Between 1 and 13 February 2019 a total of 1,231 Bundaberg Regional Council area residents completed the poll. In order of popularity, this poll ranked the following community-generated ideas for the buildings as follows:

1. Arts and cultural workshops and local exhibitions (403)
2. Community meeting place for hire (357)
3. Library (321)
4. A training centre for youth and unemployed (278)
5. Health and wellbeing centre for the aged (248)
6. Health care facility (208)
7. Start-up hub for local entrepreneurs (168)
8. Youth hub (157)
9. A school (150)
10. Multicultural centre (129)
11. Dog shelter and rescue shelter (110)
12. Culinary arts school (109)
13. Men's shed (88)
14. Indigenous cultural centre (54)
15. Day care (41)
16. Place of worship (30)

### **Proposed process**

In accordance with relevant sections of *Local Government Regulation 2012* Council will conduct the following three-stage process to secure long term user groups to the Bargara Administration Building and Cultural Centre.

#### **1. Expression of interest (EOI) for sale or lease of both, or either buildings**

This expression of interest (EOI) process will invite market-based proposals for sale or lease of each building.

This EOI will be shaped by the ideas gathered during the consultation process. For example, proposals will be sought that explicitly demonstrate an ability to meet a community need, as identified during consultation. To ensure this, EOI responses will be evaluated against the following criteria:

- 15% price
- 25% ability to meet a community need or service gap
- 25% demonstrated positive social and economic outcomes for the locality
- 30% long term sustainability of proposal
- 5% other non-monetary community focused value adds

The above criteria place a greater emphasis on social and economic objectives and ability to meet a community need, over price. The purpose of the EOI will be to shortlist desirable sale or lease opportunities for the Council to consider, given the criteria identified above.

The above criteria will be described in EOI documentation released by the Council. A clear evaluation approach will also be developed by Council in shortlisting proposals, allowing for an objective assessment of any proposals received.

Council may also look to support the preparation of EOI proposals by community groups. This would be done to assist in the development more attractive proposals to Council.

## **2. Consultation with Council regarding short listed proposals**

Results of the EOI process will then be communicated with elected Councillors.

This will include a short list of market-based proposals who may then be invited to provide written invitations to offer for the sale or lease of the buildings. This approach will provide Council with potential market-based ideas capable of meeting Council's criteria identified above.

At this point, Council will have the discretion to decide if it wishes to invite formal invitations to offer for the sale or lease of the buildings.

For example, Council could invite only sale or only lease invitations to offer for either buildings. Alternatively it could call for combinations of invitation to offer for the sale and lease of either buildings.

Council could also decide to cease the process at this point.

## **3. Written invitations to offer (ITO) for sale or lease of both, or either buildings**

Subsequent to the above consultation, Council may then invite written invitations to offer for the sale or lease for both buildings, from shortlisted EOI respondents.

### **Associated Person/Organization:**

Nil

### **Consultation:**

Portfolio Spokesperson: Cr John Learmonth  
Divisional Councillor: Cr Scott Rowleson



**Chief Legal Officer's Comments:**

Section 228(5) of the *Local Government Regulation 2012* allows Council to invite expressions of interest if the local government decides that it would be in the public interest to invite expressions of interest. Given the nature of the proposed tender, it would be open for the Councillors to find that it is in the public interest to call for expressions of interest.

**Policy Implications:**

There appear to be no policy implications.

**Financial and Resource Implications:**

Potential reduction in annual operational and management costs.

**Risk Management Implications:**

There appears to be no risk management implications.

**Communications Strategy:**

Communications Team consulted.

Yes

No

**Attachments:**

[↓](#)1 Bargara Buildings

**Recommendation:**

**That:**

- 1. pursuant to Section 228(3) of the *Local Government Regulation 2012* Council invite expressions of interest under Subsection (5) before inviting written tenders seeking the sale or lease of the Bargara Administration Building and/or Cultural Centre;**
- 2. the Chief Executive Officer be authorised to invite public expressions of interest for the sale or lease of Bargara Administration Building and/or Cultural Centre, and then if determined necessary following further consultation with Council, invite written tenders for either or both buildings; and**
- 3. it be recorded that this approach is considered in the public interest given the need to align community expectations with market interest in the buildings, prior to inviting written tenders for the sale or lease of the Bargara Administration Building and/or Cultural Centre.**



160 Hughes Road Bargara

Projection: GDA\_1994\_MGA\_Zone\_56

Date: 14/2/2019 10:16 AM

Scale 1: 1,945.84

on A4 Sheet

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Author: BRC



**Item****26 February 2019****Item Number:**

F1

**File Number:**

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**Part:**

FINANCE

**Portfolio:**

Organisational Services

**Subject:**

Financial Summary as at 1 February 2019

**Report Author:**

Anthony Keleher, Chief Financial Officer

**Authorised by:**

Amanda Pafumi, General Manager Organisational Services

**Link to Corporate Plan:**

Our People, Our Business - 3.1 A sustainable financial position - 3.1.2 Apply responsible fiscal principles for sustainable financial management.

**Background:**

In accordance with Section 2014 of the *Local Government Regulation 2012* a Financial Report must be presented to Council on a monthly basis. The attached Financial Report contains the Financial Summary and associated commentary as at 1 February 2019.

**Associated Person/Organization:**

Nil

**Consultation:**

Financial Services Team

**Chief Legal Officer's Comments:**

Pursuant to section 2014 of the *Local Government Regulation 2012* the Local Government must prepare and the Chief Executive Officer must present, the financial report. The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practical to the end of month before the meeting is held.

**Policy Implications:**

There appear to be no policy implications.

**Financial and Resource Implications:**

There appear to be no financial or resource implications.

**Risk Management Implications:**

There appears to be no risk management implications.

**Communications Strategy:**

Communications Team consulted.

Yes

No

**Attachments:**

[↓](#)1 Financial Summary at at 1 February 2019

**Recommendation:**

**That the Financial Summary as at 1 February 2019 be noted by Council.**

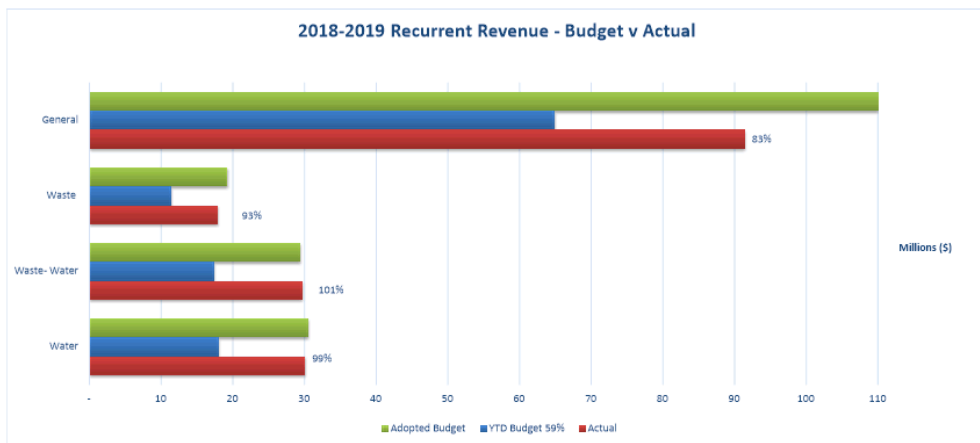
Financial Summary  
as at 01 Feb 2019

	Council			General			Waste			Wastewater			Water		
	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud
<i>Progress check - 59%</i>															
<b>Recurrent Activities</b>															
<i>Revenue</i>															
Rates and Utility Charges	151,093,174	159,219,910	97%	78,913,063	85,357,610	92%	14,842,887	14,561,200	102%	28,923,624	28,493,400	102%	28,383,600	27,807,700	102%
Less: Discounts and Pensioner Remissions	(5,113,292)	(8,476,850)	60%	(4,565,614)	(7,911,200)	58%	(186,299)	(193,190)	96%	(208,483)	(210,670)	99%	(152,898)	(181,590)	95%
	<b>145,949,882</b>	<b>147,743,260</b>	<b>99%</b>	<b>74,347,449</b>	<b>77,446,410</b>	<b>96%</b>	<b>14,656,588</b>	<b>14,368,010</b>	<b>102%</b>	<b>28,715,141</b>	<b>28,282,730</b>	<b>102%</b>	<b>28,230,704</b>	<b>27,646,110</b>	<b>102%</b>
Fees and Charges	15,526,733	28,123,302	59%	10,924,166	19,027,279	57%	2,960,697	4,611,023	64%	635,596	980,000	65%	1,006,274	1,505,000	67%
Interest Revenue	2,542,668	3,397,400	75%	1,085,709	1,580,000	70%	286,644	294,000	97%	312,519	159,400	196%	857,766	1,384,000	62%
Grants, Subsidies and Donations	4,935,196	11,604,580	41%	4,932,341	11,892,580	41%	2,855	12,000	24%	-	-	-	-	-	-
Sale of Developed Land Inventory	134,540	123,000	109%	134,540	123,000	109%	-	-	-	-	-	-	-	-	-
<b>Total Recurrent Revenue</b>	<b>169,089,019</b>	<b>189,291,542</b>	<b>89%</b>	<b>91,424,205</b>	<b>110,049,269</b>	<b>83%</b>	<b>17,906,784</b>	<b>19,285,033</b>	<b>93%</b>	<b>29,663,256</b>	<b>29,422,130</b>	<b>101%</b>	<b>30,094,774</b>	<b>30,535,110</b>	<b>99%</b>
<i>Expenses</i>															
Employee Costs	39,498,472	71,649,317	55%	31,113,505	59,204,500	53%	3,287,785	4,370,500	75%	2,571,778	4,013,946	64%	2,495,404	4,060,371	61%
Materials and Services	32,283,209	64,849,841	50%	19,632,446	36,779,158	53%	4,947,649	10,207,434	48%	3,402,327	8,603,601	40%	4,300,787	9,259,848	46%
Finance Costs	2,477,749	4,820,735	51%	788,364	1,783,000	44%	545,657	948,350	58%	972,817	1,793,000	54%	170,911	296,385	58%
Depreciation	27,350,630	46,886,795	58%	19,733,366	33,828,628	58%	992,028	1,700,620	58%	3,338,095	5,722,449	58%	3,287,141	5,635,098	58%
<b>Total Recurrent Expenditure</b>	<b>101,580,060</b>	<b>188,206,688</b>	<b>54%</b>	<b>71,267,681</b>	<b>131,595,286</b>	<b>54%</b>	<b>9,773,119</b>	<b>17,226,904</b>	<b>57%</b>	<b>10,285,017</b>	<b>20,132,996</b>	<b>51%</b>	<b>10,254,243</b>	<b>19,251,502</b>	<b>53%</b>
<b>Operating Surplus</b>	<b>67,508,959</b>	<b>1,084,854</b>		<b>20,156,524</b>	<b>(21,546,017)</b>		<b>8,133,665</b>	<b>2,058,129</b>		<b>19,378,239</b>	<b>9,289,134</b>		<b>19,840,531</b>	<b>11,283,608</b>	
<i>Transfers to</i>															
NCP Transfers	(1)	-		(7,557,571)	(12,955,836)		(1,057,853)	(1,813,461)		3,547,005	6,080,579		5,068,418	8,888,718	
<b>Total Transfers</b>	<b>(1)</b>	<b>-</b>		<b>(7,557,571)</b>	<b>(12,955,836)</b>		<b>(1,057,853)</b>	<b>(1,813,461)</b>		<b>3,547,005</b>	<b>6,080,579</b>		<b>5,068,418</b>	<b>8,888,718</b>	
<b>Movement in Unallocated Surplus</b>	<b>67,508,960</b>	<b>1,084,854</b>		<b>27,714,095</b>	<b>(8,590,181)</b>		<b>9,191,518</b>	<b>3,871,590</b>		<b>15,831,234</b>	<b>3,208,555</b>		<b>14,772,113</b>	<b>2,594,890</b>	
Unallocated Surplus/(Deficit) brought forward	38,978,636	38,978,636		(1,343,279)	(1,343,279)		11,205,555	11,205,555		6,406,511	6,406,511		20,706,849	20,706,849	
<b>Unallocated Surplus/(Deficit)</b>	<b>104,487,596</b>	<b>38,063,490</b>		<b>26,370,816</b>	<b>(9,933,460)</b>		<b>20,397,073</b>	<b>15,077,145</b>		<b>22,237,745</b>	<b>9,615,066</b>		<b>35,481,962</b>	<b>23,304,739</b>	
<b>Capital Activities</b>															
<i>Council's Capital Expenditure (Excludes Donated Assets)</i>															
Council Expenditure on Non-Current Assets	36,527,925	106,238,235	34%	30,358,521	78,624,336	39%	690,783	1,124,373	61%	3,159,118	12,881,245	25%	2,319,503	13,608,281	17%
Loan Redemption	3,874,278	6,708,000	58%	2,225,135	3,855,000	58%	357,606	620,000	58%	1,118,311	1,933,000	58%	173,226	300,000	58%
<b>Total Capital Expenditure</b>	<b>40,402,203</b>	<b>112,946,235</b>	<b>36%</b>	<b>32,583,656</b>	<b>82,479,336</b>	<b>40%</b>	<b>1,048,389</b>	<b>1,744,373</b>	<b>60%</b>	<b>4,277,429</b>	<b>14,814,245</b>	<b>29%</b>	<b>2,492,729</b>	<b>13,908,281</b>	<b>18%</b>
<b>Cash</b>															
Opening balance	124,464,224	124,464,224													
Movement - increase/(decrease)	(12,390,544)	(24,702,400)													
<b>Closing balance</b>	<b>112,073,680</b>	<b>99,761,824</b>													

Further to the Financial Summary Report as at 1 February 2019, the following key features are highlighted.

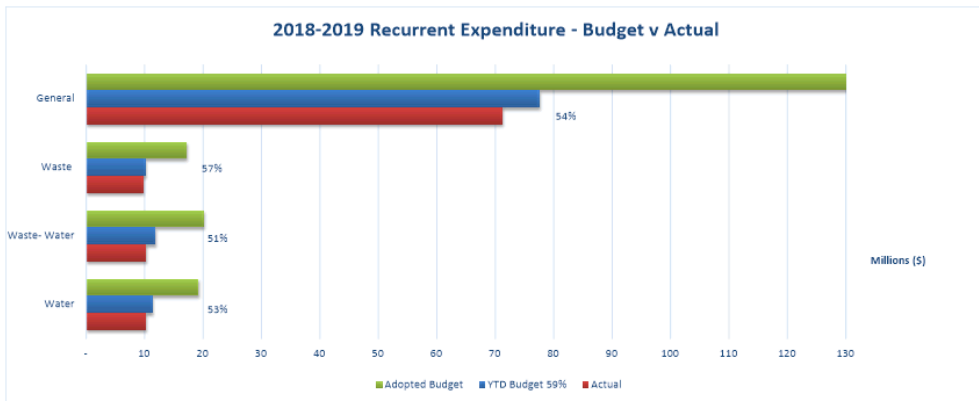
**Recurrent Revenue**

- Rates and Utility Charges have been levied for the six months to June. Year-to-date income for the general fund is slightly lower than 100% of budget. This will increase in the next few months as Council receives payments in advance. Discount on general rates will increase during February as it's applied when rate accounts are paid in full.
- Fees and charges are tracking in line with the budget. There are some minor seasonal variations in the funds.
- Interest Revenue is more than the year-to-date budget. This is due to the significant cash balance Council currently holds to fund the capital works program in the second half of the financial year. The distribution of interest for each fund can fluctuate with seasonal cashflows and will be adjusted as required with the half year budget review along with the expected overall amount of revenue.
- Grants, Subsidies and Donations are less than the year-to-date budget. This is expected and reflects the payment cycle of several grants including the Financial Assistance Grant.



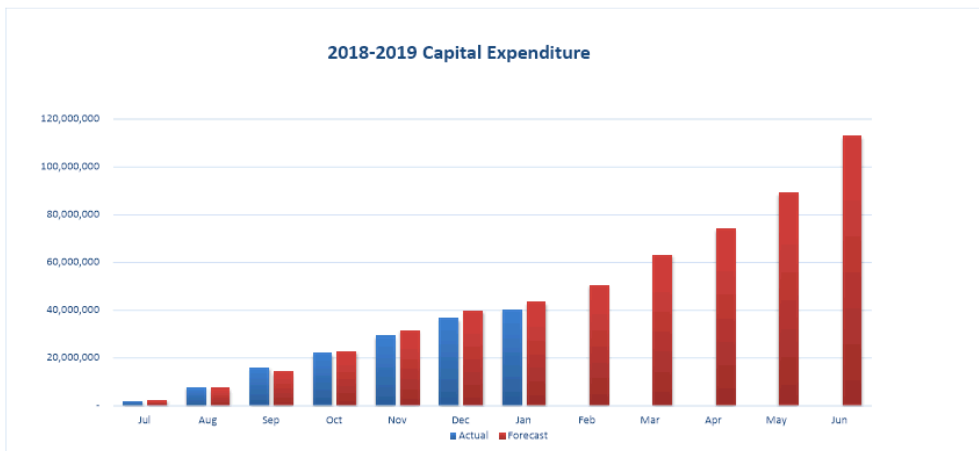
**Recurrent Expenditure**

- Employee Costs are slightly less than the year-to-date budget. In the General Fund this is due to seasonal patterns such as few wet weather or public holidays worked this financial year. Employee costs in the Waste Fund are higher than the year-to-date budget due to additional staff resources being employed during the recent free dumping month.
- Materials and Services are less than the year-to-date budget. This is a result of significant Non-Capital Projects not yet being delivered. These are being reviewed to determine if they will be delivered this financial year or deferred to future budgets.
- Finance Costs are less than the year-to-date budget. In the General Fund this is due to the provision of bad debts in relation to old infringements not yet being finalised.



**Capital Expenditure and Capital Grants**

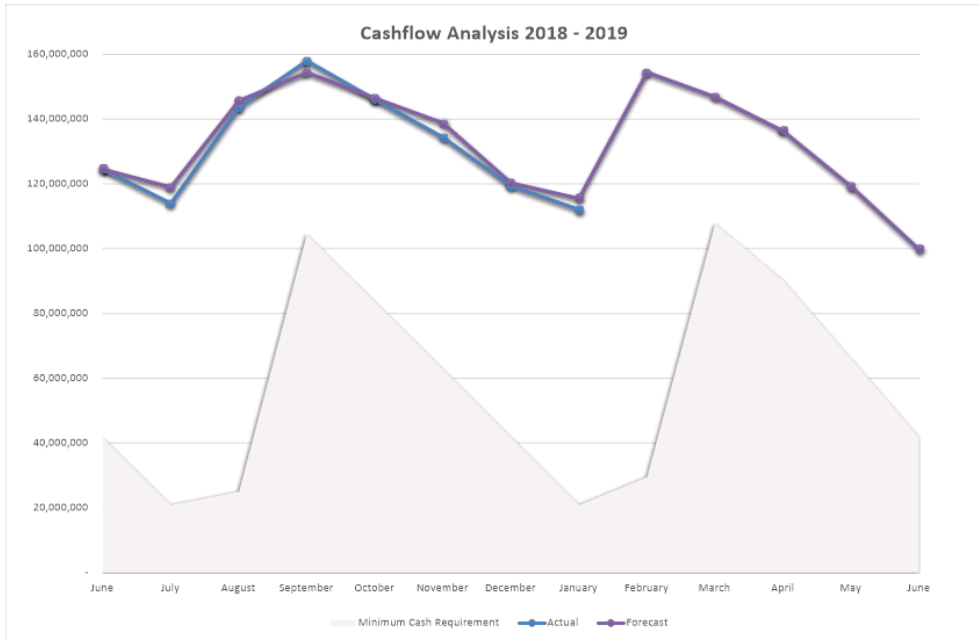
- Capital expenditure is tracking just below expectations this financial year with the majority of the capital works program to be delivered in the second half of the financial year. It's proposed to defer capital projects such as the Gregory River and Kalkie Water Treatment Plant upgrades to 2019/2020. This will reduce the forecast capital expenditure to be delivered in June. Significant projects currently underway and/or completed include the Burnett Heads CBD Revitalisation, Botanic Gardens Playground, Ten Mile Road Upgrade, Smiths Creek Bridge Replacement, Woodgate Vacuum Sewerage Extension and Mon Repos Water and Wastewater project. Projects that have recently begun include the Regional Aviation Precinct Development, Hughes Road Roundabout and Staff Relocation work at East Depot.
- Capital grants are on track with all milestones having been met and any variations to funding agreements approved. Council has been advised that \$4.476m of Works for Queensland Round 2 funding will be released in February. The final \$1.2m will be released later in the financial year.





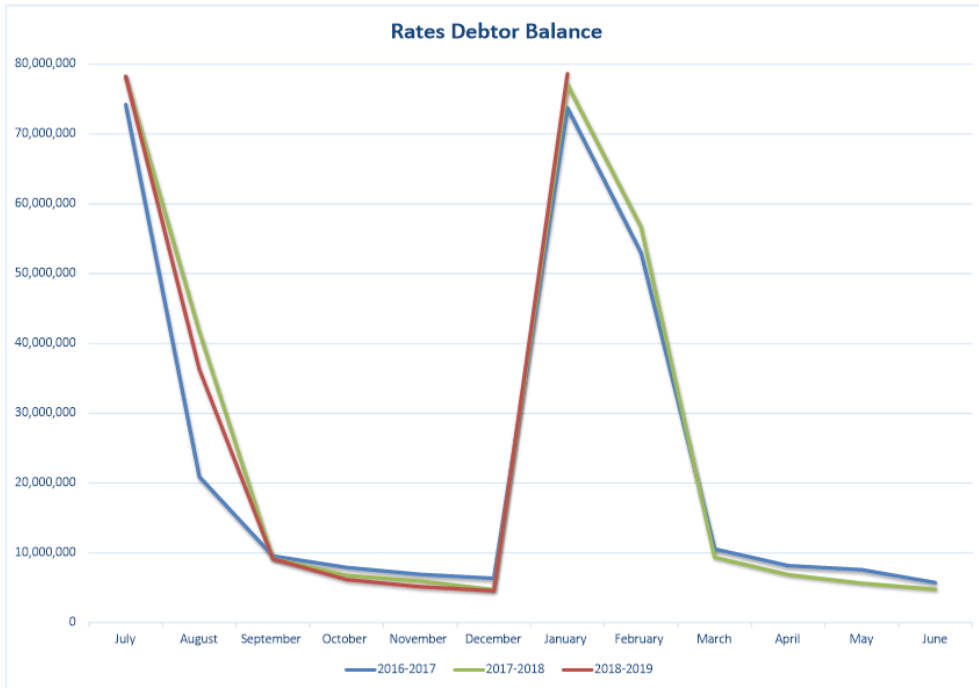
**Cash**

- The cash balance as at 1 February 2019 was \$112 million, a decrease of \$7.2 million from the last report at 31 December 2018, reflecting the projected expenditure on operations and the capital program.
- No short-term liquidity issues are foreseeable.



**Rates Debtor**

- Rates outstanding total \$78.6 million. This is \$1.5m million more than the rate debt outstanding this time last year, which is consistent with the rates revenue totals for each year. Rates are due for payment on the 11<sup>th</sup> March.



**Item****26 February 2019****Item Number:**

G1

**File Number:**

.

**Part:**

GOVERNANCE

**Portfolio:**

Organisational Services

**Subject:**

Council Policies

**Report Author:**

Amanda Sapolu, Chief Legal Officer

**Authorised by:**

Amanda Pafumi, General Manager Organisational Services

**Link to Corporate Plan:**

Our People, Our Business - 3.2 Responsible governance with a customer-driven focus - 3.2.3 Administer statutory compliant governance operations incorporating insurance; risk management; property management and Council policies and procedures.

**Background:**

In 2018, Council requested a review of existing Council policies. This has been undertaken by the Governance and Legal Services section and the associated departments with the majority of policies now adopted.

Council officers have recently reviewed two employee related policies and these are presented to Council for adoption.

- Equal Employment Opportunity Policy; and
- Alcohol and Drug Policy.

The Employee Code of Conduct Policy is the final policy to be reviewed, and it is anticipated that this will be presented to Council's Ordinary Meeting in April following an extensive review period.

**Associated Person/Organization:**

Not applicable.

**Consultation:**

Executive Leadership Team

Jon Rutledge, Manager People, Safety &amp; Culture

Joint Consultative Committee (JCC) – Extensive consultation with the JCC has been undertaken, particularly in relation to the Alcohol and Drug Policy. Suggestions have been provided by the JCC which have been considered.

Several union (staff and external) representatives are invited to attend the JCC meetings on behalf of their members and they have also been consulted as part of this policy review. It is noted that the Services Union have opposed the attached Alcohol and Drug Policy with their main concerns being the removal of procedural/process content. Procedural information which was contained in the previous policy will be included in an Alcohol and Drug Procedure and further consultation will take place for same.

**Chief Legal Officer's Comments:**

The policies are in accordance with legislation and best practice guidelines.

**Policy Implications:**

The policies will be adopted and further implemented within Council.

**Financial and Resource Implications:**

There appear to be no financial or resource implications.

**Risk Management Implications:**

There appears to be no risk management implications.

**Communications Strategy:**

Communications Team consulted.

Yes

No

**Attachments:**

- [↓1](#) Alcohol and Drug Policy
- [↓2](#) Equal Employment Opportunity Policy

**Recommendation:**

**That Council:**

- 1. rescind the following policies:**
  - **GP-3-011 Equal Employment Opportunity Policy; and**
  - **GP-3-097 Alcohol and Drug Policy.**
- 2. adopt the following policies:**
  - **CP-3-002 Alcohol and Drug Policy (Version 1); and**
  - **CP-3-024 Equal Employment Opportunity Policy (Version 1).**



## Alcohol and Drug Policy

### HEAD OF POWER

- *Work Health and Safety Act 2011*

### INTENT

The purpose of this policy is to provide a commitment to a safe, healthy and productive workplace that is focused on eliminating risks associated with the adverse effects of alcohol and other drugs in the workplace.

### SCOPE

This policy applies to all Councillors and employees.

Council's Drug and Alcohol Management Plan (DAMP), and employees covered by the scope of the DAMP, are excluded from this policy.

### DEFINITIONS

**Approved provider** means a supplier who has been assessed by Council as having the technical, financial and managerial capability necessary to perform contracts and in accordance with agreed requirements.

**Blood Alcohol Content (BAC)** means the levels of alcohol in the bloodstream.

**Earthmoving equipment** means items of plant which Council has to verify the employee is competent to operate.

**Employee** for the purposes of this policy means all employees and includes Councillors; work experience and vacation students; labour hire, contractors and their employees, and consultants.

**High risk work licences** means those descriptions identified in Schedule 3 of the *Work Health and Safety Regulation 2011* including:

- Crane and hoist operation;
- Dogging and rigging;
- Forklift operation;
- Pressure equipment operation;
- Reach stackers;
- Scaffolding.

**Illegal drugs** means drugs prohibited by federal or Queensland law.

**Prescribed medication** means drugs prescribed by a medical practitioner which will or may cause impairment or may result in a positive drug test.

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Policy No. CP-3-007

Adopted/Effective Date: 26/02/19 Version: 1

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## Alcohol and Drug Policy

**On-call employees** means those who are rostered to be available to attend work or work remotely outside normal working hours and are paid an on-call allowance.

**Random testing** means ad-hoc testing of 10% of Council employees over a 12 month period.

**Random timing testing** means testing of 100% of employees who undertake high risk work, as defined by this policy, over a 12 month period.

**Traffic Controller** means employees issued with a traffic controller licence by Department of Transport and Main Roads.

**Work hours** means any time where an employee is undertaking work for work purposes and claiming remuneration, including time where the on-call allowance is being received, or where the Council employee is representing or acting on behalf of Council, including conferences and/or training.

**Workplace** means all locations where work is performed by Council employees and Councillors.

### POLICY STATEMENT

This policy establishes standards for all Council employees which:

- ensure employees experiencing difficulties with prescribed medication, alcohol or drugs have access to external services and support.
- protect employees and the public from injury caused by a Council employee who is at risk of impairment from prescribed medication, illicit drugs and/or alcohol during work hours.
- maintain all employees right to privacy, confidentiality and dignity in respect to any aspect of this policy and associated procedures.
- protect Council assets and equipment from damage or misuse caused by a Council employee who is at risk of impairment from prescribed medication, illicit drugs and/or alcohol during work hours.
- ensure employees representing Council at external functions demonstrate behaviour in order to protect the reputation of Council.

#### 1. Prescribed medication

Council recognises that from time to time employees may need to take prescription medication in order to treat an illness or injury. Prescribed medication may have side effects that reduce an individual's ability to perform their duties safely and these side effects are usually listed on the medication packet.

Employees should ask their medical practitioner if the medication will affect their ability to do their job safely and must inform their immediate supervisor/manager as soon as possible of any side effects which may impact on their ability to undertake their job safely.

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## Alcohol and Drug Policy

### 2. Alcohol limits

The maximum limits for alcohol levels for employees whilst on duty are:

- 0.00g/100 mls BAC for employees engaged in classes of high risk work and plant operations, including:
  - a) Truck/bus/tractor drivers operating a vehicle that requires a light rigid, medium rigid, heavy rigid, heavy combination and multi-combination licence.
  - b) Plant operators operating any high risk plant that requires a certificate/licence issued by Work Health & Safety Queensland.
  - c) Plant operators operating earthmoving equipment which are front end loaders, backhoes, skid steer loaders, excavators, dozers, road rollers, scrapers and graders regardless of engine capacity.
  - d) Traffic controllers.
  - e) Local Laws, Land Protection.
  - f) Employees who may be required to use firearms whilst undertaking their work.
  - g) Theatre Technicians at Council's Moncrieff Theatre.
- Less than 0.05g/100 mls BAC for all other employees including employees who are rostered on-call (unless they may be required to undertake high risk work in responding to a call-out), regardless of whether they are actually re-called to work or need to work remotely.

### 3. Drugs

The use, possession, distribution, purchase or sale of illegal drugs, during work or on Council premises, is prohibited. This conduct is grounds for disciplinary action and referral to the Queensland Police Service (QPS).

The use, possession, distribution, purchase or sale of prescription medication, in a way which is inconsistent with the authorised usage and causes or may cause impairment, during work or on Council premises, is prohibited. This conduct is grounds for disciplinary action and result in referral to QPS. Employees will be asked to identify any prescription medications which may be detected or affect the results of a drug test prior to testing.

Should employees be convicted for the use, possession, distribution, purchase or sale of illegal or controlled drugs, Council reserves the right to review their suitability for ongoing employment and will consider the matter on a case by case basis.

### 4. External support for coping with alcohol and drug use

If employees would like professional assistance in dealing with alcohol and/or drug use, they can contact a member of the Human Resources team to arrange a referral to the Employee Assistance Program.

Employees can receive up to five (5) sessions with a qualified counsellor. The cost is met by Council. Details of the counselling sessions and the content of the discussions remain confidential between the counsellor and the employee.

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## Alcohol and Drug Policy

A Supervisor may wish to offer the Employee Assistance Program to an employee in order to provide external, professional support. The Supervisor can contact a member of the Human Resources team to arrange for the referral.

### 5. Testing Triggers

Council may direct employees or potential employees to participate in testing for alcohol and drug use in the following situations:

- a) Pre-employment.
- b) Post-accident/incident.
- c) Reasonable concern.
- d) Random testing.
- e) Random timing testing.

A number of testing methods will be used including breath, oral/saliva and urine testing.

#### 5.1 Refusal to test

Refusal to provide a sample for either an alcohol or drug test is grounds for disciplinary action.

#### 5.2 Adulteration, contamination and/or substitution of specimens

Employees who alters, deliberately contaminates or substitutes, or attempts to alter, contaminate or substitute specimens will be subject to disciplinary action.

Applicants for employment with Council who alter, contaminate or substitute or attempt to contaminate or substitute specimens will not be offered employment.

### 6. Education

The approved provider will hold information sessions with employees to explain this policy and raise awareness about the external support available to them to deal with alcohol or drug use.

### 7. Confidentiality

In all cases, Council will respect the individuals' privacy especially where matters regarding medical and personal information are involved. Information provided to Council by any employee regarding their prescription medication will be safeguarded to protect the privacy of the individual.

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## Alcohol and Drug Policy

Council will maintain an individual's medical and personal information on a 'need to know' basis and will ensure that information is not disclosed to another party except where a disclosure is:

- a) necessary in the course of official duties as per Council's Code of Conduct; or
- b) made with the consent of the individual to whom the information relates; or
- c) otherwise permitted or required under relevant legislation.

### 8. Policy Breaches

Council approaches any matters concerning alcohol and/or drugs with compassion and understanding, however there is no acceptance of placing others safety at risk. Breaches of this policy through actions such as, but not limited to:

- a) Positive results from an alcohol and/or drug test;
  - b) Deliberate actions to contaminate or attempt to contaminate or substitute specimens;
  - c) Deliberately providing false information on medication or falsifying medical advice; and/or
  - d) Refusing to comply with any requirements of this policy or associated procedures;
- may result in disciplinary action being taken, up to and including termination of employment.

Breaches of this policy by a Councillor will be dealt with under the provisions of Council's Councillor Code of Conduct Policy.

### ASSOCIATED DOCUMENTS

- Alcohol and Drug Procedure
- Recruitment and Selection Procedure
- AS/NZ 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.
- AS4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.
- AS3547-1997 Breath Alcohol Testing Devices for Personal Use
- Councillor Code of Conduct Policy
- Discipline and Termination Operational Policy
- Employee Assistance Operational Policy
- Employee Code of Conduct
- Entertainment and Hospitality Policy
- *Industrial Relations Act 2016*
- *Information Privacy Act 2009*
- *Local Government Act 2009*
- *Transport Operations (Road Use Management) Act 1995*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Policy Statement*

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Policy No. CP-3-007

Adopted/Effective Date: 26/02/19 Version: 1

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## Alcohol and Drug Policy

### **DOCUMENTS CONTROLS**

Council will review this policy biennially or in response to changes in law or best practice.

### **POLICY OWNER**

The Manager People, Safety and Culture is the responsible person for this policy.

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Policy No. CP-3-007

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## Equal Employment Opportunity Policy

### HEAD OF POWER

- *Age Discrimination Act 2004 (Cth)*
- *Anti-Discrimination Act 1991*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Crime and Corruption Act 2001*
- *Disability Discrimination Act 1992 (Cth)*
- *Equal Employment Opportunity (Commonwealth Authorities) Act 1987 (Cth)*
- *Industrial Relations Act 2016*
- *Local Government Act 2009*
- *Public Interest Disclosure Act 2009*
- *Public Sector Ethics Act 1994*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Work Health and Safety Act 2011*

### INTENT

The purpose of this policy is to ensure Council provides a workplace which is free from discrimination where all people are treated with courtesy and respect.

### SCOPE

This policy applies to all employees and external candidates who apply for roles. All categories of work are covered including permanent, temporary and casual employees and volunteers.

It applies to employees:

- a) In all their workplace interactions, with each other, with customers, suppliers or members of the community
- b) While in the workplace or off-site at work related functions such as whilst on trips or visits to suppliers.

### POLICY STATEMENT

Council is an equal employment opportunity (EEO) employer and takes its legislative obligations and responsibilities seriously. Council believes that by creating an environment where employees are treated with respect and where the talents and skills of others are valued, improved outcomes for the community are achieved.

#### 1. EEO Principles

Council will uphold the following EEO Principles:

- a) Employees will not be unlawfully discriminated against at any time in their employment.
- b) Provision of equal opportunity in all aspects including conditions of employment, recruitment, remuneration, development, promotion and separation.

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Policy No. CP-3-024

Adopted/Effective Date: 26/02/19 Version: 1

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## Equal Employment Opportunity Policy

- c) All decisions are made on the basis of an individual's merit with reference to the job requirements.
- d) Promotion of a work environment that is socially inclusive, which values diversity and allows employees to realise their full potential without fear of discrimination or harassment.

### 2. Embedding the EEO Principles

Effectively embedding the EEO Principles provides an environment which facilitates the elimination of discrimination of others and supports the objectives of this policy.

To create this environment Council will:

- a) Ensure the development, implementation and on-going review of this policy;
- b) Embed the EEO Principles into all processes within Council;
- c) Ensure appropriate and effective procedures are implemented for handling complaints concerning discrimination within the workplace; and
- d) Provide on-going training regarding EEO and discrimination.

### 3. Breaches

Maintaining a discrimination free workplace is essential for Council's delivery of services to the community. Any concerns regarding potential breaches of this policy will be handled in accordance with Council's grievance procedures.

## ASSOCIATED DOCUMENTS

- Discipline and Termination Operational Policy
- Employee Code of Conduct
- Workplace Harassment and Bullying Operational Policy

## DOCUMENTS CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

## POLICY OWNER

The Manager People, Safety and Culture is the responsible person for this policy.

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Policy No. CP-3-024

Adopted/Effective Date: 26/02/19 Version: 1

Responsible Department: Organisational Services

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**Item****26 February 2019****Item Number:**

G2

**File Number:**

.

**Part:**

GOVERNANCE

**Portfolio:**

Organisational Services

**Subject:**

Audit &amp; Risk Committee Minutes &amp; Charter

**Report Author:**

Nicole Miller, Executive Assistant

**Authorised by:**

Amanda Pafumi, General Manager Organisational Services

**Link to Corporate Plan:**

Our People, Our Business - 3.2 Responsible governance with a customer-driven focus  
 - 3.2.3 Administer statutory compliant governance operations incorporating insurance;  
 risk management; property management and Council policies and procedures.

**Background:****Minutes**

The Audit and Risk Committee met on 18 October 2018, and the minutes are attached for Council's information.

**Charter**

In order for the Committee to understand its role and responsibilities as well as operate effectively, best practice suggests the formation of an Audit and Risk Committee Charter. The Charter is reviewed annually and has been endorsed by the Audit and Risk Committee which is now provided to Council for adoption.

**Consultation:**

Representatives of Audit and Risk Committee.

**Chief Legal Officer's Comments:**

There appear to be no legal implications.

**Policy Implications:**

The recommendations within this report comply with Council's governance framework.

**Financial and Resource Implications:**

The annual budget provides for costs associated with the Committee of \$4,000 per year. This is comprised of the total remuneration for the external committee members.

**Risk Management Implications:**

The various audit issues identified will be addressed by Council.

**Communications Strategy:**

Communications Team consulted.

Yes

No

**Attachments:**

[↓](#)1 Marked Version of New Audit & Risk Charter

[↓](#)2 18 October 2018 Audit & Risk Committee Minutes

**Recommendation:**

**That the:**

- a) Minutes of the Audit and Risk Committee meeting held on 18 October 2018 be received and noted.**
- b) Audit & Risk Committee Charter be adopted by Council.**



## **AUDIT & RISK COMMITTEE CHARTER**

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## 1. Introduction

The Audit and Risk Committee ('Committee') is established in accordance with the *Local Government Act 2009* ('Act') which requires that each large local government must establish an audit committee.

The Committee will act as an advisory service to Bundaberg Regional Council ('Council') in the effective discharge of the responsibilities prescribed in the Act, the *Local Government Regulation 2012* ('Regulation') and other relevant legislation and prescribed requirements. In doing so, it will provide independent comment, advice and counsel on audit and risk management issues covering all Council operations and projects reported and considered by the Committee at its regular meetings.

The Committee does not replace or replicate established management responsibilities and delegations, the responsibilities of other executive management groups within Council, or the reporting lines and responsibilities of the internal audit, external audit or risk management functions.

This Charter sets out the Committee's authority and independence, objectives, duties and responsibilities, relationships, membership, ethical practices, meetings, induction material and performance management.

## 2. Authority and Independence

In discharging its responsibilities, the Committee has the authority to:

- conduct or request investigations into matters within its scope of responsibility;
- access information, records and personnel of the Council for such purpose;
- request the attendance of any employee, including executive staff, at committee meetings;
- conduct meetings with the Council's internal and external auditors, as necessary; and
- seek advice from external parties to meet its responsibilities, as necessary.

Any request for additional audits (outside of the Annual Audit Plan), investigations or expenditure needs to be agreed to by the General Manager, Organisational Services.

## 3. Confidentiality

The Committee members are responsible and accountable for maintaining the confidentiality of the information they receive during the conduct of their function. All external committee members shall sign a confidentiality agreement upon commencement.

## 4. Objectives

The objective of the Committee is to assist Council and the Chief Executive Officer to discharge responsibilities imposed under the Act and other relevant legislation which includes the requirement to monitor and review:

- the integrity of financial documents;
- the internal audit function;
- the effectiveness and objectivity of Council's Internal Auditor; and
- the effectiveness of Council's risk management and internal control frameworks.

The Committee also makes recommendations to Council and management about any matters that it considers need action or improvement.



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## 5. Duties and Responsibilities

In accordance with the principles for an Audit Committee set out in the Act, the Regulation and accepted best practices, the duties and responsibilities of the Committee are as follows:

### Internal Audit

- Review the budget, staffing and skills of the internal audit function;
- Review and endorse the annual internal audit plan and the strategic 3 year internal audit plan to confirm the adequacy of planned coverage and work priorities covering areas of greatest risk;
- Regularly review the internal audit annual plan including the currency of its scope and progress, and monitor any difficulties or restrictions on scope of activities or significant disagreements with management. Approve any significant changes to the internal audit annual plan;
- Review the findings and recommendations of internal audit activities and management responses;
- Review the implementation of internal audit recommendations accepted by management;
- Monitor external audit reports, the Council's response to these reports and the implementation of recommendations accepted by management; and
- Review the Council Policy - Internal Audit to ensure appropriate authority, access and reporting arrangements are maintained.

### Financial Statements

- Review the appropriateness of accounting policies adopted by Council and ensure the accounting policies adopted are relevant to Council and its specific circumstances;
- Review the appropriateness of significant assumptions and judgments made by management, particularly around estimations which impact on reported amounts of assets, liabilities, income and expenses in the financial statements;
- Review the financial statements for compliance with prescribed accounting and other requirements;
- Review, with management and the external auditors, the results of the external audit and any significant issues identified;
- Exercise an appropriate level of scepticism by questioning and seeking full and adequate explanations for any unusual transactions and their presentation in the financial statements;
- Analyse the Council's financial performance and financial position and seek explanation for significant trends or variations from budget or forecasts;
- Ensure that assurance with respect to the accuracy and completeness of the financial statements is given by management; and
- Recommend approval of the Financial Statements (including sustainability ratios) to the CEO and Mayor.

### Risk Management

- Review the risk management framework for identifying, monitoring and managing significant business risks, including fraud;
- Assess the impact of the Council's risk management framework on its control environment and insurance arrangements;
- Assess and contribute to the audit planning processes relating to the risks and threats to Council;
- Determine whether a sound and effective approach has been followed in establishing the Council's business continuity planning arrangements, including whether business continuity and disaster recovery plans have been periodically updated and tested;
- Review the process of developing and implementing the Council's fraud control arrangements and satisfy itself that Council has appropriate processes and systems in place to detect, capture and effectively respond to fraud-related information; and
- Review reports on fraud ~~from the Council's Governance Manager~~ that outline any identified

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allegations of fraud, the status of any ongoing investigations and any changes to identified fraud risk in the entity.

#### Internal Control Framework

- Review, through the internal and external audit functions, the adequacy of the internal control structure and systems, including information technology security and control; and
- Review, through the internal and external audit functions, whether relevant policies and procedures are in place, up-to-date and complied with, including those for the management and exercise of delegations.

#### External Audit

- Provide input and feedback on the external auditor's proposed audit strategy and audit plan including financial statements, and consult on audit fees for the year;
- Review the findings and recommendations of external audit and the response to them by management;
- Ensure that there is no material overlap between the internal and external audit functions; and
- Review any external audit reports / better practice guides to determine if there are any learnings that may relate to Council.

#### Compliance

- Determine whether management has considered legal and compliance risks as part of Council's risk assessment and management arrangements;
- Review the effectiveness of the system for monitoring the Council's compliance with relevant laws, regulations and policies; and
- Review the findings of any examinations by regulatory agencies, and any auditor observations.

#### Reporting

- The Committee must prepare prompt and timely meeting minutes and reports to Council outlining relevant matters that have been considered by it, as well as the Committee's opinions and recommendations thereon;
- Circulate minutes of the Committee meetings to the Chief Executive Officer, committee members and invited guests as appropriate;
- At least twice (2) a year, the Committee Chairperson will prepare a report to Council summarising the performance and achievements of the Committee for the previous period. An interim program of the Committee's activities for the coming period also will be provided; and
- A summary of the role and achievements of the Committee shall be included in the Annual Report of Council together with a statement that the Committee has observed the terms of its charter.

## 6. Relationships

#### Internal Audit

The Committee will act as a forum for Internal Audit and oversee its planning, monitoring and reporting processes. This process will form part of the governance processes that ensure that the Council's internal audit function operates effectively, efficiently and economically.

The Chair and relevant members may hold executive sessions with the Internal Auditor as required.

#### IMS Team Leader and **Governance Manager** **Chief Legal Officer**

The Committee is to liaise with and have access to the IMS Team Leader to assist with supply of Internal Quality Audit information, issues or concerns.

The **Governance Manager** **Chief Legal Officer** will provide assistance with the supply of risk management issues (including fraud related matters) or concerns.

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### **Council Executive Management Groups**

The Committee will liaise closely with other Council executive management groups and ensure, to the extent practicable, that there is no material overlap between the internal and external audit functions. The Committee will ensure there is a frank and meaningful exchange of information between the groups where this is necessary or desirable.

### **Line Management**

The role of the Committee with respect to line management will focus on whether the actions proposed to address audit concerns are satisfactory and cost-effective and will enhance the effectiveness and efficiency with which Council delivers its outputs and contributes to whole of Council priorities. The Committee does not have the authority or ability to direct line management.

### **External Audit**

The Committee has no power of direction over external audit or the manner in which the external audit is planned or undertaken but will act as a forum for the consideration of external audit findings and will ensure they are balanced with the views of management. The Committee will consult with external audit on the functions proposed in the audit strategy and audit fees for each year and ensure that an integrated audit process occurs, to the extent practicable. The Committee will review letters and reports provided by an external auditor.

## **7. Committee Membership**

The Committee will consist of two Councillors as per Chapter 5, Part 11, 'Auditing' of the Regulation and will be appointed by resolution by Council.

Collectively, the Committee shall possess:

- a thorough understanding of the core activities of Council and the environment in which it operates, including its strengths, weaknesses, opportunities and threats;
- a commitment to the continual improvement of the outputs Council delivers and that contribute to the achievement of Council's priorities;
- strong business acumen and management skills;
- a high level of understanding of best practice internal control, risk management and corporate governance;
- a sound knowledge of information systems and emerging technology;
- a high level of competency in financial and operational reporting and the ability to analyse complex financial reports, including Council's Operating Statement, Statement of Financial Position, Cash Flow Statement and Notes to and forming part of those statements;
- an inquiring attitude, objectivity and independence; and
- a strong, demonstrated sense of probity and ethical conduct.

To ensure independence and an appropriate mix of skills, two external members will be chosen and appointed to the Committee. When selecting an external member, Council must have regard to that person having appropriate accounting or similar background to provide additional expertise to Council.

Council members of the Committee should be given the opportunity to attend technical or professional development courses or training in relevant accounting, legislative or risk management areas to assist them in the performance of their role.

The membership of the Committee may be reviewed during the life of the Committee but will be reviewed following the completion of each general local government election.

### **Committee Chairperson**

The Chairperson shall be elected by the Committee. To ensure independence, it is better practice

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that the Chairperson be an external committee member.

#### **Committee Secretary**

- The Secretary will be responsible for the preparation and circulation of the meeting agenda and accurately minuting all decisions of the Committee in consultation with its Chairperson;
- The Secretary will also be responsible for the timely tabling of all correspondence, reports and other information relevant to the Committee's activities and operations; and
- ~~The Secretary Secretariat support will be is to be~~ provided by the General Manager, Organisational Services.

#### **8. Ethical Practices**

Members of the Committee will, at all times in the discharge of their duties and responsibilities, exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to Council.

Members also must refrain from entering into any activity that may prejudice their ability to carry out their duties and responsibilities objectively and must at all times act in a proper and prudent manner in the use of information acquired in the course of their duties. Members must not use Council information for any personal gain for themselves or their immediate families or in any manner that would be contrary to law or detrimental to the welfare and goodwill of Council. Further, members must not publicly comment on matters relative to activities of the Committee other than as authorised by Council.

Members who become aware of a conflict of interest or issues which may affect their objectivity on matters raised within the Committee should advise the Chairman immediately. Should the Chairperson experience such a conflict he / she is to advise the Chief Executive Officer.

#### **9. Committee Meetings**

Meetings shall be conducted on a formal basis and be effectively minuted by the Secretary as to proceedings and decisions. Meeting agendas must be prepared and distributed to all members of the Committee at least five days prior to a meeting. Minutes of meetings must be prepared and distributed to Committee members as soon as possible after the conclusion of the meeting and must be confirmed as an accurate record of the meeting at the next subsequent meeting of the Committee.

In the setting of the Committee agenda, there will be an emphasis on the most significant risks and threats to Council and the ongoing evaluation of what is being done to mitigate such risks. The Committee shall meet as often as it determines, desirably quarterly but no less than two times per year. In addition, the Committee Chairperson may call such additional meetings as may be necessary to address any matters referred to the Committee or in respect of matters that the Committee wishes to pursue.

A quorum shall consist of at least three members.

As far as practicable, decisions of the Committee shall be regarded as its collective decision or advice. However, where there is material dissension to a decision, a minority view may be placed before Council.

#### **Other attendees at Committee Meetings**

The Chairperson may invite a representative of external audit or other appropriate persons to attend any meeting of the Committee and to present and comment on appropriate items.

Where advice is required in relation to a matter subject to a Committee inquiry and it is considered sufficiently material to warrant the services of a specialist consultant external to Council, the Committee may request Council for such expert assistance.

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#### **10. Induction Material**

New Committee members will receive relevant information on their appointment to assist them to meet their Committee responsibilities.

#### **11. Evaluation of Committee Activities**

The Committee will assess its performance and achievements against this Charter on an annual basis. All committee members will be asked to individually and anonymously complete an online self-assessment questionnaire to assist the Committee identify its strengths and weaknesses and recognise areas for future improvement. The Committee shall take appropriate action in respect of areas where there is a perceived need for enhancement of its role, operational processes or membership.

Annually, the Committee Chairperson will provide each individual member of the Committee with feedback on that person's work performance and professional contributions to the Committee's activities for the year.

Membership of the Committee will be reviewed by Council following each local government Election with the aim of ensuring appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of skills, knowledge and experience.

External and non-executive management members are to be limited to a maximum of two terms equivalent to two local government elections.

#### **12. Review of the Charter**

This Charter will be reviewed annually by the Committee to ensure it remains consistent with the Committee's authority, objectives and responsibilities.

#### **13. Approval of the Charter**

The Charter is endorsed by the Chair of the Committee and approved by Council.

#### **14. References and Associated Documents**

[Local Government Act 2009 Local Government Regulation 2012](#)  
[GP-3-002 Council Policy - Integrated Risk Management](#)  
[GP-3-034 Council Policy - Internal Audit](#)



## AUDIT & RISK COMMITTEE MINUTES

Meeting held Thursday 18 October 2018, commencing at 10 am  
Council Committee Room, 1<sup>st</sup> Floor, 190 Bourbong Street, Bundaberg

### Committee Attendance:

Bradley Grogan (Chair and External Representative)  
Cr Helen Blackburn (Council Representative)  
Debbie Rayner (External Representative)

### By Invitation – Council Staff:

Adam Wyatt, Group Manager Projects  
Amanda Pafumi, General Manager Organisational Services  
Anthony Keleher, Chief Financial Officer  
Dwayne Honor, Project Manager  
Elda Fortune, Risk & Insurance Officer  
Jason McCulloch, Internal Auditor  
John McMullen, IMS Team Leader  
Nicole Miller, Executive Assistant (Minute Taker)  
Simon Muggeridge, Financial Services Coordinator  
Stephen Johnston, Chief Executive Officer  
Stuart Randle, General Manager Infrastructure

### By Invitation – Teleconference:

Clayton Russell, Pitcher Partners  
Jason Evans, Pitcher Partners  
Michael Keane, Queensland Audit Office

### **1. Welcome**

Bradley Grogan welcomed all attendees to the meeting.

### **2. Apologies**

Apologies from Council staff were noted:

- Gavin Steele, General Manager Community & Environment;
- Cr Jack Dempsey (Mayor and Council Representative).

### **3. Confirmation of Minutes**

It was agreed that the Minutes of the meeting held 19 September 2018, be taken as read and confirmed.

### **4. Yearly Management/CEO Update**

Stephen Johnston provided a verbal update on a year in review of Council, highlighting boosted economic development within the region and the benefits the Port could bring. Implementation of the review outcomes for both People & Culture and Procurement, also noting planning will be undergoing a similar review. Thanked staff for all their work through the year.

### **5. Major Projects Update**

Adam Wyatt provided a verbal update on current major project:

#### a) Rubyanna Wastewater Treatment Plant:

It was agreed that the information contained in the report be noted by the Committee.

Adam left the meeting at 10.15am

Dwayne Honor provided a verbal update on CBD Revitalisation:

b) CBD Revitalisation:

It was agreed that the information contained in the report be noted by the Committee.  
Dwayne Honor left the meeting at 10.25 am.

**6. Internal Quality Audit Reports**

John McMullen informed the Committee that no audits had be conducted since last meeting. Four corrective action requests (CARs) were completed from the previous audit report.

It was agreed that the information contained in the report be noted by the Committee.

***John McMullen left the meeting at 10.30 am.***

**7. External Audit Update**

Representative from Pitcher Partners and Queensland Audit Office provided an overview of the 2018 closing report and final management report, addressing any queries raised.

It was agreed that the information contained in the update, be noted by the Committee.

***Stephen Johnston left the meeting at 10.45 am.***

**8. Annual Report**

Anthony Keleher presented the 2017/18 Annual Report & Financial Statements, adopted at Council's Ordinary Meeting held 16 October 2018.

It was agreed that the information contained in the report be noted by the Committee.

**9. Assessment of Financial Information**

Anthony Keleher presented the financial summary as at 21 September 2018, adopted by Council on 16 October 2018.

It was agreed that the information contained in the report, be noted and accepted.

**10. Assessment of Risks**

Elda Fortune provided an update on the risk management issues below:

- a) Corporate Risk Register – reviewed October 2018;
- b) Risk Matrix Report and Risks by Category Report – ERM;
- c) Fraud and Corruption Management Policy;
- d) Corporate and Operational High and Extreme Risks;

It was agreed that the information contained in the update be noted by the Committee.

**11. Internal Audit Reporting**

Jason McCulloch presented an update on the below:

- a) Internal Audit Progress Report;
- b) Update of Corrective Actions Register – Reviewed October 2018.

It was agreed that the information contained in the update be noted by the Committee.



**12. Other Reports/Business**

Amanda Pafumi provided an update on the 2019 Audit & Risk Meetings:

- a) 1<sup>st</sup> Meeting – 12 February 2019; 2<sup>nd</sup> Meeting – 2 May 2019; 3<sup>rd</sup> Meeting – 4 September 2019; 4<sup>th</sup> Meeting – 10 October 2019;
- b) Major project presentations will alternate in 2019, CEO will make a decision on which projects will be reported on in 2019;
- c) Annual Self-Assessment will be sent out in November.

It was noted by the Committee the annual self-assessment questionnaire will be circulated out of session, with results being presented to February meeting.

**13. Next Meeting – 12 February 2019**

Meeting Closed – 11.16am

B.V. 

Bradley Grogan  
Committee Chair

**Item****26 February 2019**

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K1	N/A	PLANNING

**Portfolio:**

Planning & Development Services

**Subject:**

Amendment to the Bundaberg Regional Council Planning Scheme Policy for Development Works

**Report Author:**

Arron Walker, Strategic Planning Engineer

**Authorised by:**

Stephen Johnston, Chief Executive Officer

**Link to Corporate Plan:**

Our Environment - 2.3 Sustainable built and natural environment - 2.3.3 Review and consistently enforce local laws, the planning scheme, and other associated environment and public health legislation to ensure they meet community standards.

**Background:**

An amendment is proposed to the Bundaberg Regional Council Planning Scheme 2015 – SC6.3 Planning Scheme Policy for Development Works. This amendment includes a range of changes which seek to –

- Incorporate the recent Wide Bay Burnett Regional Organisation of Councils' (WBBROC) standard for water and wastewater development infrastructure;
- Improve requirements for flood modelling undertaken as part of the development assessment process and clarify when to use Australia Rainfall and Runoff (ARR) 1987 and 2016 guidelines;
- Improve the operational works, construction, inspection, maintenance and bonding procedures; and
- Update the standard drawings and include new WBBROC drawings.

Attachment 1 includes the proposed list of amendments to the Planning Scheme Policy for Development Works and Standard Drawings. Additionally, the main changes are discussed below.

**WBBROC Standard**

The Wide Bay Burnett Regional Organisation of Councils have developed a new Water Services Design and Construction Code and standard drawings to provide a consistent standard across the Wide Bay Burnett Region. Council's Water Services Section was involved in its development and has recently adopted the WBBROC

standard for all new works. Consequently works undertaken as part of development permits should also comply with this new standard. The new standard is based on the national codes (ie Water Services Association of Australia codes) and it is not expected to cause a significant impost to the development industry. In line with WBBROC's position, it is recommended that these amendments should be incorporated into the Planning Scheme Policy for Development Works.

#### Flood Modelling Requirements

Council's current flood models are based on the ARR 1987 guidelines. The ARR guideline was updated in 2016 and its usage has become more widespread in the preparation of flood modelling within the industry in recent years. ARR 2016 allows the use of ARR 1987 for existing flood models and also outlines the requirements for new flood models. This amendment will clarify when to use ARR 1987 and ARR 2016 and outline Council's preferred practices when undertaking development assessment in the Flood Hazard Area.

#### Operational Works Procedures

Some of the operational works procedures listed in Council's Planning Scheme Policy for Development Works are no longer in line with Council's current preferred practices. Changes to these procedures have occurred over time to achieve efficiency improvements in the assessment of operational works applications. This amendment will clarify these new procedures.

#### Process for amending a planning scheme policy

The *Planning Act 2016* and the Minister's Guidelines and Rules (MGR) prescribe the process and requirements for amending a planning scheme policy.

Pursuant to Chapter 3, Part 1 of the MGR, Council must decide to amend the planning scheme policy. After preparing the proposed amendment, Council must undertake public consultation for a minimum of 20 business days.

It is proposed to carry out public consultation on the planning scheme policy from 11 March to 5 April 2019. Following consultation on the proposed planning scheme policy, it will be necessary for Council to review any properly made submissions, and decide whether to adopt the proposed planning scheme policy (with or without changes in response to submissions). Depending on the number of submissions made and issues raised, it is proposed to report back to Council in May 2019.

#### Associated Person/Organization:

Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP), and the Minister for State Development, Manufacturing, Infrastructure and Planning (The Hon Cameron Dick MP).

#### Consultation:

Public consultation of the proposed planning scheme policy amendment will be undertaken in accordance with requirements of the *Planning Act 2016* and the Minister's Guidelines and Rules. As part of the public consultation, local development engineering companies will be invited to attend a special information session. Public consultation will be supported by a communications strategy.

**Chief Legal Officer's Comments:**

The current recommendation does not in itself present any legal implications. However, the *Planning Act 2016* identifies circumstances where a landowner may be entitled to compensation for reduced value of interest in land (arising from a change to the Council's planning scheme). It is unlikely that the proposed planning scheme policy changes would give rise to any such compensation.

**Policy Implications:**

This proposed amendment to the Bundaberg Regional Council Planning Scheme Policy for Development Works and associated Standard Drawings is not a significant change in Council policy. The planning scheme policy by its nature should contain the latest version of any applicable industry standards for development works. Consequently, this amendment proposes to adopt the most recent industry standards for water, wastewater and flood modelling. In addition, to improve efficiency of engineering assessment, this amendment proposes to clarify Council's current processes for operational works.

**Financial and Resource Implications:**

Council's 2018/19 budget includes appropriate allocation of resources to undertake the proposed planning scheme policy amendment.

**Risk Management Implications:**

There appears to be no risk management implications.

**Communications Strategy:**

Communications Team consulted.

- Yes
- No

**Attachments:**

[↓](#) 1 Proposed Amendments

**Recommendation:**

**That pursuant to the *Planning Act 2016* and the Minister's Guidelines and Rules, Council:-**

- (a) amend Bundaberg Regional Council Planning Scheme Policy for Development Works and associated Standard Drawings to incorporate changes as detailed in the attachment; and**
- (b) approve the amended Planning Scheme Policy for Development Works and Standard Drawings for public consultation.**

## Attachment 1 Proposed List of Amendments to the Planning Scheme Policy for Development Works and Standard Drawings

Issue in Brief	Relevant Section	Description
Incorporation of Wide Bay Burnett Regional Organisation of Councils (WBBROC) standard	Schedule 6.3 Planning scheme policy for development works	<p>The Wide Bay Burnett Regional Organisation of Councils (WBBROC) have developed a new Water Services Design and Construction Code and standard drawings to provide a consistent standard across the Wide Bay Burnett Region. Council's Water Services Section was involved in its development and has recently adopted the WBBROC standard for all new works. Consequently works undertaken as part of development permits should also comply with this new standard. The new standard is still based on the national codes (i.e., Water Services Association of Australia codes) and it is not expected to cause a significant impost to the development industry. The specific proposed changes to the policy are as follows:</p> <ul style="list-style-type: none"> <li>Amend the water and wastewater sections (i.e., SC6.3.4 and SC6.3.5) into a combined new joint section covering water and wastewater. This will allow duplication in references to WBBROC to be removed and to ultimately streamline the planning scheme policy;</li> <li>Remove all references to the Water Services Association of Australia (WSAA) codes and replace with the WBBROC Water Services Design and Construction Code. Council's amendments to the WSAA codes are now listed in the WBBROC standard;</li> <li>Remove the following sections from the planning scheme policy that duplicate information in the WBBROC standard: <ul style="list-style-type: none"> <li>SC6.3.4.4.6 Hydrant,</li> <li>SC6.3.4.2 Environmental requirements,</li> <li>SC6.3.4.3 WSA 03 Water Supply Code of Australia (only parts of this section),</li> <li>SC6.3.5.2 Environmental requirements,</li> <li>SC6.3.5.3 WSA 02 Sewerage Code of Australia;</li> </ul> </li> <li>Move details about construction quality and test procedures to the operations works procedures section (e.g., SC6.3.5.6.5 CCTV and testing).</li> </ul>
	Appendix SC6.3A Standard drawings list	Amend Table 6.3A.1 to include the new WBBROC drawing sets and remove the obsolete water and wastewater drawings.
	Appendix SC6.3C Amendments to WSA03 Water Supply Code of Australia	Remove this appendix and add a reference to the WBBROC standard in the new the SC6.3.4 Water and wastewater section.
	Appendix SC6.3D Amendments to Sewerage Code of Australia	Remove this appendix and add a reference to the WBBROC standard in the new the SC6.3.4 Water and wastewater section.
Improve flood study requirements	Schedule 6.3 Planning scheme policy	The flood modelling components of the stormwater section are no longer reflecting Council preferred practices when undertaking development assessment in the Flood Hazard

Issue in Brief	Relevant Section	Description
	for development works	<p>Area. To clarify Council's requirements the following changes are proposed:</p> <ul style="list-style-type: none"> <li>• Amend section SC6.3.4 to list all Council adopted flood models and their availability to development engineering consultants;</li> <li>• Add a new section to clarify Council requirements for updating the Flood Hazard Area Resolution once a development has been completed;</li> <li>• Remove obsolete rainfall intensity-frequency-duration (IFD) data from section SC6.3.6.6.1. Amend this section to reference the BOM IDF generator and give clarification on when to use Australian Rainfall and Runoff (ARR) 1987 or ARR 2016;</li> <li>• Remove obsolete section SC6.3.6.6.2 that refers to the rainfall intensity CRC FORGE method. Amend to refer to BOM IDF generator and ARR 2016;</li> <li>• Update section SC6.3.5.7.1 to refer to ARR 2016 coefficient of runoff values.</li> </ul>
Improve operational works procedure	Schedule 6 – Planning scheme policies	<p>Section SC6.3.14 Construction requires updating to keep it in line with Council's current operational works procedures. The following changes are proposed:</p> <ul style="list-style-type: none"> <li>• Rename the Construction section to "Operational works, construction, inspection, maintenance and bonding procedures";</li> <li>• Amend the construction section to include the current procedures as listed in Council's standard conditions;</li> <li>• Clarify the requirements at the following stages: <ul style="list-style-type: none"> <li>○ Pre-start meeting,</li> <li>○ On-Maintenance meeting, and</li> <li>○ Off-Maintenance meeting.</li> </ul> </li> </ul>
	Schedule 6 – Planning scheme policies, Appendix SC6.3M to Appendix SC6.3P	<p>Add a new section to clearly articulate Council's inspection and testing requirements. This section will allow the obsolete Subdivisional Works Project Quality Plans to be removed (i.e., Appendix SC6.3M to Appendix SC6.3P).</p>
Update standard drawings	Appendix SC6.3A Standard drawings list	<ul style="list-style-type: none"> <li>• Amend Table 6.3A.1 to include the new tree planting drawings.</li> <li>• Amend standard drawing document to include the latest version of the drawings listed in Table 6.3A.1.</li> </ul>



**Item**

**26 February 2019**

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
L1	322.2015.43739.1	DEVELOPMENT ASSESSMENT

**Portfolio:**

Planning & Development Services

**Subject:**

Clarkes Road, Delan - Development Permit for:

(a) Material Change of Use for Extractive Industry Use (Extension to Existing Quarry);

(b) Material Change of Use for Environmentally Relevant Activity: 16 – Extractive and Screening Activities – 2(b) extracting, other than by dredging, in a year, more than 100,000t but no more than 1,000,000t of material;

(c) Material Change of Use for Environmentally Relevant Activity: 16 – Extractive and Screening Activities – 3(b) screening, in a year, more than 100,000t but no more than 1,000,000t of material

**Report Author:**

Grant Barringer, Planning Officer

**Authorised by:**

Michael Ellery, Group Manager Development

**Link to Corporate Plan:**

Our Environment - 2.3 Sustainable built and natural environment - 2.3.3 Review and consistently enforce local laws, the planning scheme, and other associated environment and public health legislation to ensure they meet community standards.

**Summary:**

<b>APPLICATION NO</b>	322.2015.43739.1
<b>PROPOSAL</b>	<p>Development Permit for:</p> <p>(a) Material Change of Use for Extractive Industry Use (Extension to Existing Quarry);</p> <p>(b) Material Change of Use for Environmentally Relevant Activity: 16 – Extractive and Screening Activities – 2(b) extracting, other than by dredging, in a year, more than 100,000t but no more than 1,000,000t of material;</p> <p>(c) Material Change of Use for Environmentally Relevant Activity: 16 – Extractive and Screening Activities – 3(b) screening, in a year, more than 100,000t but no more than 1,000,000t of material;</p>

<b>APPLICANT</b>	Coachtrail Investments Pty Ltd
<b>OWNER</b>	WA Honor
<b>PROPERTY DESCRIPTION</b>	Lot 104 on RP21941
<b>ADDRESS</b>	Clarkes Road, Delan
<b>PLANNING SCHEME</b>	Planning Scheme for Kolan Shire
<b>ZONING</b>	"Rural"
<b>OVERLAYS</b>	Low, Moderate and High Bushfire Risk Infrastructure: within Irrigation Area Natural Features or Resources: within Gravel pit buffer (50 metres)
<b>LEVEL OF ASSESSMENT</b>	Code
<b>SITE AREA</b>	98.695 hectares
<b>CURRENT USE</b>	Quarry
<b>PROPERLY MADE DATE</b>	17 July 2015
<b>STATUS</b>	The 40 business day decision period ends on 27 February 2019
<b>REFERRAL AGENCIES</b>	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)
<b>NO OF SUBMITTERS</b>	Not applicable
<b>PREVIOUS APPROVALS</b>	322.2013.39055.1
<b>SITE INSPECTION CONDUCTED</b>	August 2015
<b>LEVEL OF DELEGATION</b>	Level 3

## 1. INTRODUCTION

### 1.1 Proposal

The Applicant seeks to expand the existing quarry operations on the site at Clarke's Road, Delan. The existing facility provides material used predominantly in road construction and the current approval for the site allows extraction and screening up to 49,900 tonnes per annum. This application seeks approval to increase operations for extraction, screening and processing up to 250,000 tonnes per annum. The material increase in the intensity and scale of the approved use requires a development permit for "Extractive Industry" under the Kolan Planning Scheme and licenses for Environmentally Relevant Activities (ERAs) under the *Environmental Protection Regulation 2008*.

The proposed operations would include:

- new extraction areas that extend on the existing approved areas
- new material stockpile areas in addition to the existing stockpile areas



- proposed weighbridge
- proposed site office (demountable) and
- existing dam.

Access to the site is via the previously approved McIlwraith/Clarke's Road, which is bitumen sealed up until approximately 400 metres west of the site. The 400 metre unsealed section is currently only shared by the subject site and the existing quarry immediately south.

There is an existing dam on the site, which would be utilised to provide a water supply for the quarry, all water used as part of the operations would be recycled on-site.

Currently a quarry operates on the site with existing operations located in the south-western corner. The proposed extension was originally lodged over most of the balance area of the site, however through discussion with DSDMIP, subsequent referral response and amended plans of use for extraction have been revised and reduced. Clearing of the remnant vegetation has also been proposed with the extraction and haulage areas. A vegetated buffer will remain around the perimeter of the site to protect surrounding land uses (namely the northern and western boundaries of the proposed quarry areas. An operational quarry is also located on the opposite side of the road reserve and the road reserve area more generally has been utilised for many years as borrow pit by private and public operators.

The quarry use will operate six days a week between 6am and 6pm. Vehicle movements include small body trucks with a capacity for 12 tonne of material and a larger semi-trailer or body truck and "dog" trailer with a 24-32 tonne capacity.

The site is not connected to the electricity network, and it is proposed that a portable generator would be used to provide electricity. Telecommunications are available via mobile service. The existing dam on the site will provide water for the proposed use. This water will be recycled and re-used where required. A suitably sized on-site effluent disposal system, near the site office, is proposed for the use.

The proposed development would occur over the following stages:

- Stage 1 (up to 150,000 tonne per annum)
- Stage 2 (up to 200,000 tonne per annum)
- Stage 3 (up to 250,000 tonne per annum).

The Applicant indicates that blasting would occur as part of the proposed extension.

Three rock types have been identified:

- Meta-Sandstone: this is a sandstone that has been subjected to low-grade metamorphic processes. It is the dominant rock type across the lot. Initial laboratory testing indicates it would be a suitable product for road base, ballast and concrete aggregate.
- Single outcrops of Hornfels: - a modern-grade metamorphic rock that has undergone low-moderate thermal alteration. It has been assessed as a suitable product for road base, ballast and concrete aggregate; and
- Single outcrops of Conglomeratic arkosic sandstone: This is a sedimentary rock that contains acid volcanic/tuffaceous inclusions.

It is estimated that the quantity of product available for quarrying would be:

- Fine-to-medium-grained meta-sandstone only: 8,469,700 cubic metres
- If the very fine grained meta-sandstone near the south-west end of the high ridge is included, the quantity will be increased to 8,515,800 cubic metres
- If the brown conglomeratic arkosic meta-sandstone is assessed as suitable product, the total quantity would be increased further to 8,562,000 cubic metres.

The calculations are based on the assumptions that the rock type and quality, as observed in surface outcrop, is consistent down to a depth of 80 metres AHD and 80 per cent recovery.

Stormwater currently flows towards the two existing dams located on site.

The proposal seeks licenses for Environmentally Relevant Activities including Extracting Material and Screening as per the classifications within the Environmental Protection Regulation 2008. These activities are associated with and required as part of the proposed expansion of the Extractive Industry operations. A summary of these activities follows:

Extracting Activities – Extracting, other than by dredging, in a year more than 100,000 tonne but no more than 1,000,000 tonne of material – ERA threshold 2(b).

Screening Activities – Screening, in a year more than 100,000 tonne but no more than 1,000,000 tonne of material – ERA threshold 3(b).

#### Quarry Operations

##### Quarrying

The proposed extraction area as lodged covered the majority of the site with an approximate area of 70.15 hectares. As a consequence of the State assessment the proposed areas of extraction/ use were reduced to the following table:

<b>Area</b>	<b>Size</b>
A	30.7 ha
B	1.7 ha
C (part 1)	2.6 ha
C (part 2)	1.8 ha

The site will maintain a dense vegetation strip surrounding the operation to buffer the use and retain all significant vegetation identified Category B 'of endangered' and 'of concern'.

The proposed operating hours are to be between 6am and 6pm Monday to Saturday, with no work permitted on Sundays or public holidays. The proposed hours of operation have been increased from the existing development approval dated 12 December 2013, to align with the proposed increase in operations.

The haul route to be utilised by the proposed extractive industry is consistent with the existing haul route used for the existing approved Extractive industry on the site. The haul route will continue to follow the existing route with access to the site via McIlwraith/Clarke's Road, which is bitumen sealed up until approximately 400 metres west of the subject site. Accesses are only utilised by the adjoining and subject

quarries – no other properties are accessed by this road. Haul vehicles will use a single point of entry/exit to McIlwraith/Clarke's Road.

There are no landowner controlled employees proposed on-site as the winning of materials will be conducted by external contractors. There will be no machinery stored on-site at any time other than when suitable operators are extracting, crushing and screening materials.

There will be no storage of fuel or hazardous materials on the site. Any fuel or lubricants will be restricted to the vehicles utilizing the site.

The proposed operator will extract, crush and screen quarry material with quantities up to 250,000 tonne per annum in the final stage of the development.

Extraction of the quarry material involves the gradual removal of materials from the extraction area. On the cessation of quarry operations, it is expected that the operations will result in multiple dams that will accumulate standing water and flows from the site. The Applicant proposes that these dams be rehabilitated and collect water on site that will be utilised for irrigation purposes.

## **1.2 Site Description**

The site comprises a large parcel of land containing an area of 98.596 hectares at Clarke's Road, Delan, approximately 4.5 kilometres south-east of Gin Gin township, and 3.5 kilometres south-east of the Bundaberg Gin Gin Road. The site is dominated by a high ridge running north-east to south-west through the north-western section of the land and parallel to the north-western property boundary. Steep slopes and gullies run off this ridge. Towards the south-east and south-west sections of the lot, the topography flattens to moderate slopes, with a very flat section adjacent to a creek near the south-east boundary.

Currently a quarry operates on the site with existing operations located in the south-western corner. The remainder of the site is heavily vegetated. A private quarry (external to the subject land) also operates on the opposite side of the un-named road reserve.

A number of detached dwellings are located to the north-west and south-west of the site, the closes being a dwelling house located at Lot 5 on RP213164 (approx 400 metres from the proposed extraction area).

## **2. ASSESSMENT PROVISIONS**

### **2.1. Applicable Planning Scheme, Codes and Policies**

The applicable local planning instruments for this application are:

Planning Scheme: Planning Scheme for Kolan Shire

Applicable Codes:

- Rural Zone Code
- Natural Features or Resources Overlays Code
- Filling and Excavation Code
- Infrastructure Works Code
- Landscaping Code

- Vehicle Parking and Access Code

### **3. ISSUES RELEVANT TO THE APPLICATION**

The following significant issues have been identified in the assessment of the application:

#### Kolan Shire Planning Scheme

The development application was submitted for assessment under the now superseded Kolan Shire Planning Scheme and is subject to Code Assessment.

#### Infrastructure Works Code

Access to the site is available by an unsealed access road at the intersection of McIlwrath, which is utilised by the existing quarry and the adjoin quarry site to the south on Lot 103 on RP219942. It is the view of assessing Officers considering the scale of operation and nature of surrounding land use the proposal does not warrant the formal construction of the unsealed access road.

No permanent infrastructure is proposed as part of the development as no permanent structures or building are proposed. As an alternative the applicant has proposed that any necessary infrastructure will be temporary and portable in order to be shifted in accordance with the location of the extraction with the defined area. As a result it is considered that the proposal complies with the purpose of the Infrastructure Works Code.

#### Vehicle Parking and Access Code

No formal or permanent designated parking spaces are proposed as part of the application. The acceptable solution of the codes indicates that any industrial use requires a minimum of 2 car spaces plus 1 car space per 150 m<sup>2</sup> of GFA. No buildings or permanent structures are proposed as part of this development. A site office and associated infrastructure (toilets etc) exists for the existing quarry and will be utilised for the proposed development in its expanded form. The applicant has indicated that there is sufficient area on site to provide informal parking. Further, the location of parking would be dependent on the location of the equipment and extraction within the proposed extraction area and operations area. Loading and unloading areas would also shift depending on the location of the extraction activity. All vehicles would be able to enter and leave the site in a forward gear.

In this instance it is considered that the proposed arrangements for parking and access are adequate for the development as parking would meet demand for the number and type of vehicles for the proposed use. A condition will be included requiring that parking be undertaken on-site.

#### Natural Features or Resources Overlays Code

The proposal is considered to comply with the relevant specific outcomes of the Natural Features or Resources Overlays. The extraction area has been sited outside land identified as Class 'A' Good Quality Agricultural Land (GQAL) in order to ensure that these areas are maintained for potential future agricultural production. The proposed expanded operation area is located with the Class "A" area however the mapping located on the fridge and would not unduly impact on the viability or fatally fragment the GQAL.

In relation to the mapped bushfire risk area the majority of the development area is considered to be located in the low bushfire risk area with small pockets mapped as a medium bushfire risk. It is considered that any potential risks will be mitigated as clearing will be required to undertake extraction creating an adequate fire break. Additionally, the access to the development from the road reserve provides a natural firebreak and is located in a low bushfire risk area.

The subject site is also located in close proximity to an existing gravel pit. Given that the proposed use is for the extraction of gravel material the development will have no adverse environmental effects or land use conflict from the existing gravel pit.

#### Infrastructure Areas and Items Overlays Code

The proposal is considered to be generally in accordance with the Infrastructure Overlays Code. It is considered that the proposed development will not compromise the long term viability and sustainability of irrigation infrastructure, systems or distributions facilities. The development's water requirements will be sourced from the existing dam located on the property.

#### Vegetation Clearing

The application is accompanied by report on vegetation clearing prepared by Wide Bay Burnett Environmental Consulting Services. The Applicant seeks to clear regulated vegetation under the *Vegetation Management Act 1999* for the proposed extended Extractive industry – quarry to produce material suitable for road base, ballast and concrete aggregate.

PMAV 2015/002421 maps the subject lot as containing Category X and Category B vegetation. The Category B vegetation consists of endangered regional ecosystem 12.3.3, of concern regional ecosystem 12.9-10.3 and least concern regional ecosystem 12.9-10.2.

It is proposed that clearing and subsequent extraction will be staged as per Insite SJC Drawings. These plans have been revised throughout the assessment of the development application, changed considerably as a consequence of the DSDMIP referral process. The staging will be based on tonnage output and clearing will only occur as need to access the quarry material. Once the resource has been exhausted at a particular area concluding a stage, rehabilitation will occur which utilises species that naturally occur within the subject lot.

A vegetative buffer will remain around the property lot boundary.

As a consequence of refined assessment of the extractions areas, the DSDMIP included conditions in the response date 21 December 2018 limiting areas of vegetation clearing (in accordance with approved plan RARP SDA-0815-023256 Sheet 1 of 1 dated 12 December 2018 and approved on the 21 December 2018).

#### Traffic

The submitted Road Impact Assessment dated August 2015 by Tipec Pty Ltd delineates the haulage route on Local Government Roads as Mcllwraith Road between Bundaberg Gin Gin Road and Clarkes Road (the quarry entrance).

Specific Outcome SO.151 of the Infrastructure Works Code states: Uses and works maintain or improve the safe and efficient operation of roads having regard to: -

- i) The traffic profile and factors influencing road usage;

ii) The potential for conflict between vehicles or between vehicles and pedestrians. The report highlights that the existing seal width of Mcllwraith Road varies typically from 5.5 m to 6 m and there is evidence of edge break and edge break repair throughout Mcllwraith Road, being particularly severe on the curves in the vicinity of the bridge.

The Kolan Shire Planning Scheme requires a sealed pavement width of 6 m with 1 m gravel shoulders (total carriageway width of 8 m) for roads carrying more than 75 vpd. Additional curve widening of 1 m is warranted for curves of 100 m – 250 m radius. The existing road does not meet this standard and shoulder widening has been conditioned for 2 sections of the road. The first section is 182 m long between 0.0m and 182 m south of the bridge and the second section is 96 m long between 396 m and 492 m south of the bridge.

Conditions requiring the nominated road widening and upgrading will be included in the conditional decision notice.

### Blasting

The Applicant advises that although the preferred method of extraction will be via mechanical excavation, difficult to remove rock may require blasting from time to time. The Applicant further advises that this would not be standard practice and any blasting would be in accordance with the Site Based Management Plan and conditions for the development permit.

The submitted Site Based Management Plan (SBMP) does not include particular environmental outcomes and management strategies as advised. A condition requiring an amended SBMP, including reference to blasting activities will be included in the decision notice. Further, it is expected, given the proposed use attracts the need for a permit for environmental authority, conditions restricting and blasting activities in accordance with the current version of the administering authority's *Noise and vibration from blasting guideline* and with *Australian Standard 2187* will be included in these permit/s.

### Noise

The quarry operation will produce noise and vibration emissions through blasting and machinery operations. The Applicant advises that *“due to the significant distance between the operation and the nearest sensitive receptor, it is anticipated that sufficient mitigation will be provided through natural means such as distance, vegetation cover and changes in topography.”* Given the application also applies for Development Permit Material Change of Use for the following Environmental Relevant Activities, appropriate condition are expected to be included in the relevant EA permits:

- (a) Environmentally Relevant Activity: 16 – Extractive and Screening Activities – 2(b) extracting, other than by dredging, in a year, more than 100,000t but no more than 1,000,000t of material;
- (b) Environmentally Relevant Activity: 16 – Extractive and Screening Activities – 3(b) screening, in a year, more than 100,000t but no more than 1,000,000t of material;

Dust

The quarry's predominant action is to extract via bulldozers and excavators but may occasionally be required to blast and crush and screen material that is then transported via front end loader to haul trucks. The air quality at nearby sensitive receptors is will also be administered by the conditions of relevant ERA permits also managed through the Site Based Management Plan.

Bundaberg Regional Planning Scheme 2015

Although the development assessment is being undertaken against the provisions of the now superseded Kolan Shire Planning Scheme, it is relevant to discuss the assessment provisions of the current Bundaberg Regional Council Planning Scheme, which took effect in October 2015.

The site is included in the "Rural" zone under the Bundaberg Regional Planning Scheme 2015 (Draft at the time the development application was lodged with the Assessment Manager (Council) on the 16 July 2015). It is noted that "Rural Residential" zoned land is located 0.54 kilometres to the south of the site, and also 1.05 kilometres to the north of the site.

The Planning Scheme includes the land within the "Steep Land" overlay. The proposed development also trigger consideration against the below listed state overlays:

SPP Agricultural Land – Class A land (small part of site only)

SPP Biodiversity

- Vegetation and Habitat – MSES Regulated Vegetation
- Wetland Values – MSES Regulated Vegetation (intersecting a watercourse) and MSES Watercourse buffer

The Bundaberg Regional Planning Scheme includes the following definition of "Extractive Industry: *Premises used for the extraction and/or processing of extractive resources and associated activities, including their transportation to market*".

Table 5.5.17 – Rural Zone – stipulates that an "Extractive Industry" represents Impact Assessable development signifying that the proposal would be assessed against the full Planning Scheme. The Scheme includes the "*Extractive Resources Overlay Code*".

The proposed use is typically and ideally located within areas that are sufficiently removed from sensitive land surrounding land uses. Noting this, Extractive Industries are characteristically located within the rural zone.

Rural Zone Code

The Rural Zone Code of the Bundaberg Regional Planning Scheme sets out key performance indicators for uses to comply with. Performance Outcomes are broken down into topics which include Land use composition, effects of development, protection of agricultural land, building height and built form and Infrastructure and services.

Performance Outcome (PO) 5 and 7 seeks developments for non- rural activities to locate and operate in a manner that minimises conflicts with existing and future rural

uses and activities on surrounding rural lands in a way that manage and minimise significant nuisance and environmental impacts of the locale.

PO8 guides development to restrict fragmentation of identified Agricultural land. Given the proposed use area of the extractive industry locates the majority of its operation outside the mapped area (approx. 2.2ha of Class "A" land identified where the expanded operations/ process area is located), it is officer consideration that the proposal does not interrupt the productive capacity of the rural land.

PO9 sets out criteria for maintaining the low rise built form ordinarily expected within rural areas. As discussed earlier, the proposed development will not introduce additional build form to the site and rely on the existing site office and facilities for the operation.

Noting the above mentioned separations to rural residential zoned land and surrounding sensitive land uses, the proposed use in this location given its adjacent to an existing Extractive industry to the south and on the same site as an existing extractive industry is not considered to offend the purposes, overall outcomes or performance outcomes of the Rural zone code as it relates to the establishment of an Extractive industry.

#### Extractive Industry Code

The purpose of the Extractive Industry Code is to *"ensure that the exploitation of extractive resources is undertaken in a sustainable manner which protects environmental and landscape values, public safety and the amenity of surrounding premises"*.

Performance Outcome 1 sets out guidance on how extractive industries are to be designed and established.

The proposed development, under the guidance of the ERA permit process and subsequent Environmental Authority permit/s will include adequate protections for noise, dust and vibration impacts.

Access to the subject site has been assessed based on the proposed haulage route, proposed haulage vehicles and the existing condition of the road network. As discussed earlier under the commentary of the Transport and Parking Code for Kolan Shire Planning Scheme, required upgrades will be required and conditioned to allow safe and efficient transport outcomes.

PO2 seeks to minimise environmental impact through the implementation of proper identification and effective implementation of best practise management performance outcomes and monitor processes. To this end, the proposed development has included a Site Based Management Plan (SBMP) which guides how the proposed development will effectively operate in accordance with legislative requirements. In conjunction with the SBMP, the ERA permit for extraction and screening include conditions that administer contemporary outcomes for environmental management.

PO3 seeks to promote the efficient use of the resource as well as promote the uses of the site after the use ceases. A staging plan and in particular a plan showing permitted areas of extraction and vegetation clearing, developed by the developers consultants, in consultation with officers of the State Government was submitted for consideration and inclusion in the referral agency response (received 21 December 2018).



The applicant has provided commentary within the SBMP regarding rehabilitation and conditions requiring appropriate rectification works to the site within 2 years of the operation ceasing will be included in the decision notice.

Acceptable Outcome 5.1 and Performance Outcome 7 guides setback and management outcomes respectively for proposed extractive industry operations particularly as it relates to blasting. For development involving blasting, which the proposed development includes, the acceptable outcome prescribes a setback of 40 metres from boundaries and 1 km from any residential premises.

The proposed closest extraction area measures 200 metres to the unnamed road reserve (No: 5052) to the south and approximately 650 metres to constructed road reserve at the intersection of Mcllwraith Road and Unnamed Road reserve No.5052. The closest residential use is located 400 metres from Stage 3 extraction area, while residential uses to the west are separated approximately 800 metres from stage 1 extraction area.

As discussed earlier in the report a condition requiring the submission of an amended Site Based Management Plan (SBMP) that includes particular environmental outcomes and management strategies for blasting activities within the site is required. It is expected, given the proposed use attracts the need for a permit for environmental authority, conditions restricting blasting activities in accordance with the current version of the administering authority's *Noise and vibration from blasting guideline* and with *Australian Standard 2187* will be included in these permit/s.

The condition will require the amended SBMP to include (but not be limited to):

- Details regarding the proposed times of blasting;
- Management and safety protocols for blasting activities;
- How the proposed blasting complies with relevant legislation;
- Confirmation that the blasting is to be undertaken by a suitably qualified person; and
- Procedures for effective and sufficient warning and notification procedures to surrounding residential premises, land included within the rural residential zone or other sensitive land use on surrounding land.

#### Biodiversity Areas Overlay Code

The Bundaberg Regional Planning Scheme 2015 includes a majority of the site within the matters of State Environmental Significance (MSES) Regulated Vegetation. As a result of the application, the development is trigger for concurrence agency assessment under the provision of the *Sustainable Planning Regulation 2009*, particularly Schedule 7, table 3, item 10 (Clearing Native Vegetation).

Following assessment and consideration by the Department of State Development, Manufacturing, Infrastructure and Planning an approved vegetation clearing plan was developed and included with the concurrence agency response dated 21 December 2019.

In doing so, the concurrence agency imposed conditions restriction clearing to be staged so that it takes place progressively based on the extraction program (i.e. clearing must only occur from where material is immediately due to be extracted. As

a consequence of these conditions Performance outcomes 1 and 2 will be achieved by containing disruption to significant areas of vegetation.

### Nuisance Code

The purposes of the Nuisance Code is to maintain community wellbeing and to protect environmental values by ensuring:

- (a) *development is located, designed, constructed and operated to maintain appropriate levels of amenity and environmental performance by:-*
  - (i) *not imposing unacceptable noise, light, glare, dust or odour emissions on surrounding sensitive land uses; and*
  - (ii) *ensuring that proposed sensitive land uses are not subject to unacceptable nuisance emissions generated from surrounding development; and*
- (b) *environmental values are protected by preventing or minimising potential environmental harm or environmental nuisance resulting from the release of contaminants or emissions, particularly noise, odour, light, glare, dust and particulates.*

The location of the proposed site, the extraction and processing/ operations areas within the site and the proximity of sensitive land uses surrounding the proposed use (closest being 400 metres from extraction area stage 3) warrants consideration.

Due to the separations to rural residential zoned land and surrounding sensitive land uses, the proposed use in this location (given its adjacent to an existing Extractive industry to the south and on the same site as an existing extractive industry) is not considered to offend the purpose, overall outcomes or performance outcomes of the Nuisance code as it relates to the establishment of the expanded Extractive Industry. Further, the proposed use is scrutinised and controlled through the Environmentally Relevant Activity process and conditional Environmental authority permit which include (but not limited to) controls to mitigating adverse impacts related to noise, air quality and odour.

For the benefit of the development an advice note included in the decision notice will be included to direct the operator/ development for the requirements and obligation under the *Environmental Protection Act 1994*.

### Works, Services and Infrastructure Code

The subject site is located within a rural context and located outside water and sewerage reticulation areas.

The applicant prescribed in the planning report that the use will utilise the existing site office and facilities for staff. Conditions requiring a minimise standard of onsite facilities will be included to appropriately accommodate the needs of the development and its users and achieve Performance Outcome 1 of the code.

### Transport and Parking Code

The subject site is located within a rural context and located outside water and sewerage reticulation areas. The proposed development introduces increased vehicle trips to and front the site, particular heavy vehicles. As a consequence, consideration against the code, and particularly the Planning scheme policy for development works is required to assess the suitability of existing or proposed infrastructure.

As discussed earlier in the report the proposed haulage route with the local government road network is nominated as Mcllwraith Road between Bundaberg Gin Gin Road and Clarkes Road (the quarry entrance) only.

The condition and standard of the road were considered, based on the proposed traffic generated by the development. Provided this review and recommendations of the Road Impact Assessment prepared by Tipec Pty Ltd, conditions are included in the decision that require road widening.

Road widening, consists of 2 sections of the road consists of a 182 m long section between 0.0 m and 182 m south of the bridge along Mcllwraith Road and a 96m long section between 396 m and 492 m south of the bridge.

The conditioned road widening is generally in accordance with SC6.3.3.2.1(1)(b), having a 7m full seal width) and its respective cross section in Bundaberg Regional Councils Standard Drawing R3002 (Road Type Cross Section- Collector Roads).

**4. REFERRALS**

**4.1 Internal Referrals**

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment – Engineering	19/11/15 and 7/2/19

Any significant issues raised in the referrals have been included in section 3 of this report.

**4.2 Referral Agency**

Referral Agency responses were received from the following State agencies:

Agency	Concurrence/ Advice	Date Received	Conditions Yes/No
Department of Infrastructure, Local Government and Planning	Concurrence	21 December 2018	Yes

Any significant issues raised have been included in section 3 of this report.

**5. PUBLIC NOTIFICATION**

Not Applicable.

**6. DRAFT CONDITIONS**

Draft conditions were issued to the Applicant on 13 February 2019.

The Applicant submitted representations to Council on the 14, 15 and 18 February 2019 relating to the following draft conditions:

- Condition 9 - Nature and Extent of the Approved Use

There must be no servicing or maintenance of vehicles, machinery or plant on the site.

- Condition 11 - Nature and Extent of the Approved Use

The maximum disturbed area of the extraction cell/s at any one time (excluding rehabilitation areas) must not exceed 3ha total, in a maximum of three (3) cells. This requirement must be incorporated into the Site Based Management Plan, linked to site rehabilitation, be prepared by a suitably qualified person, and lodged to the Assessment manager for approval prior to commencement of the use.

- Condition 19 - Operational

Crushing operations must cease in wind speeds of greater than 20 KPH.

- Condition 23 - Vegetation Clearing

All cleared timber must be stacked clear of the works and maintained as fauna habitat or be chipped for reuse in landscaping or rehabilitation works.

- Condition 29(a) - Site Rehabilitation

Rehabilitation must include but not be limited to:

(a) Batter slopes must not exceed 1V in 6H;

- Condition 31 - Site Rehabilitation

No wetlands or ponds are permitted in association with site rehabilitation.

- Condition 35 - Roadworks and Access

Development haulage traffic on the Local Road Network is restricted to McIlwraith Road between Clarkes Road and Bundaberg-Gin Gin Road.

- Condition 36 - Roadworks and Access

Maintain and or upgrade sections of Clarkes Road between McIlwraith Road and the site entry to cross sections generally in accordance with the following requirements:

- a. Provide pavement construction and asphaltic concrete (AC) sealing for a width of 0.5 m from the edge of the existing seal on both sides of McIlwraith Road for two sections of the road. The first section is 182m long between 0.0 m and 182 m south of the bridge and the second section is 96m long between 396 m and 492 m south of the bridge;
- b. The pavement must be designed in accordance with *Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06)*. The pavement specifics must be determined as part of an application for Operational Works;
- c. Standard construction details as per Kolan Shire Council Drawing No. KSC002 Type Cross Sections Sealed Rural Roads;

- Condition 37- Roadworks and Access

Intersection designs and speed restriction devices must be in accordance with Main Roads Road Planning and Design Manual and, where applicable,

*Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.*

- Condition 38 - Haulage

Material cartage must only be undertaken by vehicles with a maximum capacity of 32 tonnes.

After a review of the submitted representations, the following conditions have been amended to read or removed:

- Amend Condition 9 - Nature and Extent of the Approved Use

Repair, servicing and /or maintenance of vehicles, machinery or plant on the site is limited to vehicles associated with the Extractive Industry use on the site.

- Amend Condition 11 - Nature and Extent of the Approved Use

The maximum disturbed area of the extraction cell/s at any one time (excluding rehabilitation areas) must not exceed 5ha total, in a maximum of three (3) cells. This requirement must be incorporated into the Site Based Management Plan, linked to site rehabilitation, be prepared by a suitably qualified person, and lodged to the Assessment manager for approval prior to commencement of the use.

- Amend Condition 19 - Operational

Crushing operations must cease in wind speeds of greater than 20 KPH measured at the location of crushing plant.

- Amend Condition 23 - Vegetation Clearing

Unless otherwise approved in writing by the Assessment Manager, all cleared timber must be stacked clear of the works and maintained as fauna habitat or be chipped for reuse in landscaping or rehabilitation works. Note: It is suggested that any request to Council to burn cleared timber be accompanied by (but not limited to) an applicable permit issued by the relevant authorities.

- Amended Condition 29(a) - Site Rehabilitation

Rehabilitation must include but not be limited to:

- (a) Batter slopes must be designed in accordance with The Department of Transport and Main Roads Standard Drawing No: 1045- Treatment of cut batters- Revegetation, dated 7/15.

- Condition 31- Site Rehabilitation

No wetlands or ponds or permanent water bodies with the exception of farm dams associated with a future rural use of the land are permitted in association with site rehabilitation.

- Remove Condition 35 - Roadworks and Access

- Condition 36 - Roadworks and Access

Maintain and or upgrade sections of Clarkes Road between McIlwraith Road and the site entry to cross sections generally in accordance with the following requirements:

- a. Provide pavement construction and asphaltic concrete (AC) sealing for a width of 0.5 m from the edge of the existing seal on both sides of McIlwraith Road for two sections of the road. The first section is 182 m long between 0.0 m and 182 m south of the bridge and the second section is 96 m long between 396 m and 492 m south of the bridge;
  - b. The pavement must be designed in accordance with *Austrroads Pavement Design for Light Traffic: A supplement to Austrroads Pavement Design Guide (AP-T36/06)*. The pavement specifics must be determined as part of an application for Operational Works;
  - c. Standard construction details as per Bundaberg Regional Council Standard Drawing No. R3003 Road Type Cross Sections – Rural Road- Access Roads;
- Amend Condition 38- Haulage  
Material cartage must only be undertaken by vehicles with a maximum capacity of 24 tonnes.

### **Communication Strategy:**

Communications Team consulted. A Communication Strategy is:

- Not required  
 Required

### **Attachments:**

- [↓ 1](#) Locality Plan
- [↓ 2](#) Site Plan
- [↓ 3](#) Proposal Plans
- [↓ 4](#) DSDMIP Concurrence Agency Response
- [↓ 5](#) Infrastructure Charges Notice

### **Recommendation:**

That Development Application 322.2015.43739.1 be determined as follows:

#### **LOCATION DETAILS**

Street address: Clarke's Road, Delan  
 Real property description: Lot 104 on RP21941  
 Local government area: Bundaberg Regional Council

#### **DESCRIPTION OF PROPOSAL**

Development Application for:

- Material Change of Use for Extractive Industry Use (Extension to Existing Quarry);
- Material Change of Use for Environmentally Relevant Activity: 16 – Extractive and Screening Activities – 2(b) extracting, other than by dredging, in a year, more than 100,000t but no more than 1,000,000t of material;

- Material Change of Use for Environmentally Relevant Activity: 16 – Extractive and Screening Activities – 3(b) screening, in a year, more than 100,000t but no more than 1,000,000t of material;

**DECISION**

Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

**1. DETAILS OF APPROVAL**

The following approvals are given:

	<b>Sustainable Planning Regulation 2009, schedule 3 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Making a material change of use for an environmentally relevant activity	Part 1, table 2, item 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME**

Not Applicable.

**3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS**

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- a. All Operational Work

**4. CODES FOR SELF ASSESSABLE DEVELOPMENT**

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

- b. Planning Scheme for Kolan Shire and Associated Planning Scheme Policies

**5. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT**

Not Applicable

**6. SUBMISSIONS**

Not Applicable

**7. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT**

The assessment manager does not consider that the assessment manager’s decision conflicts with a relevant instrument.

**8. REFERRAL AGENCY**

The referral agency for this application is:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p><b>State-controlled road</b> Schedule 7, Table 3 <i>Making a material change of use of premises where the purpose stated in Schedule 9 of SPR exceeds the relevant threshold (10,000 tonne annual output)</i></p> <p><b>Vegetation Clearing</b> – Schedule 7, Table 3, Item 10.</p> <p><b>Environmentally Relevant Activity</b> – Schedule 7, Table 2, Item 1</p>	Department of Infrastructure, Local Government and Planning	Concurrence	<p>State Assessment and Referral Agency (SARA)</p> <p>E: WBBSARA@dndip.qld.gov.au</p> <p>P: PO Box 979</p> <p>Bundaberg Qld 4670</p>

**9. APPROVED PLANS**

The approved plans and/or document/s for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
GC15-184-AP	Plan of Areas	Oct.2018
GC15-184-SP	Staging Plan	Nov.2018

**10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED**

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse four (4) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

**11. REFUSAL DETAILS**

Not Applicable



**12. CONDITIONS ABOUT INFRASTRUCTURE**

The following conditions about infrastructure have been imposed under Chapter 8 of the *Sustainable Planning Act 2009*:

<b>Condition/s</b>	<b>Provision under which the Condition was imposed</b>
35	Section 665 – Non-trunk Infrastructure
Nil	Section 646 – Identified Trunk Infrastructure
Nil	Section 647 – Other Trunk Infrastructure

**SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER**

**PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER**

**General**

1. All works must be undertaken at the Developer’s expense.
2. All Conditions contained in this Decision Notice must be completed/complied with before the use hereby approved commences, unless otherwise stated within this notice.
3. The operation is limited to the extraction and production of a maximum of 250,000 tonnes of quarry material per annum.
4. The extent of the approved extraction area must be generally in accordance with the approved plan except where amended by the Conditions of this Decision Notice or any Conditions imposed by any required Environmental Authority for an Environmentally Relevant Activity.

**Amended Plans**

5. Submit to and have approved by the Assessment Manager an amended Site Based management Plan which incorporates the following:
  - a. Inclusion of “Blasting” as a potential impact for the purpose of environmental management. The plan must include (but not be limited to):
    - Details regarding the proposed times of blasting;
    - Management and safety protocols for blasting activities;
    - How the proposed blasting complies with relevant legislation;
    - Confirmation that the blasting is to be undertaken by a suitably qualified person; and
    - Procedures for effective and sufficient warning and notification procedures to surrounding residential premises, land included within the rural residential zone or other sensitive land use on surrounding land.

b. **Amend**

Once approved, the amended plans will form part of the Approved Plans for this development.

**Site Operation**

6. The Extractive Industry Use must only be operated by a single operator.

**Nature and Extent of the Approved Use**

7. Screening of materials extracted from the site must not continue if extraction activities cease to be carried out on the premises.
8. The sale of extracted material and /or associated products direct to the public or wholesale from the premises is not permitted.
9. Repair, servicing and /or maintenance of vehicles, machinery or plant on the site is limited to vehicles associated with the Extractive Industry use on the site.
10. A record of each year's output must be kept on the site and must be provided to the Assessment Manager at any time upon request.
11. The maximum disturbed area of the extraction cell/s at any one time (excluding rehabilitation areas) must not exceed 5ha total, in a maximum of three (3) cells. This requirement must be incorporated into the Site Based Management Plan, linked to site rehabilitation, be prepared by a suitably qualified person, and lodged to the Assessment manager for approval prior to commencement of the use.
12. The importation of extractive industry material sourced externally to the site for processing, blending, or stockpiling is not permitted.
13. The approved use(s) must not result in the release of odour or visible contaminants, including dust, smoke, fumes and aerosols to the environment which cause an environmental nuisance.
14. The approved use(s) must be undertaken so that no undue disturbance is caused to neighbouring properties by virtue of bright lights, traffic, noise, dust or interference with television or radio reception.

**Hours of Operation**

15. Unless otherwise approved in writing by the Manager Development Assessment the hours of operation for the approval are to be between 6.00 am and 6.00 pm Monday to Saturday (inclusive) with no work permitted on Sundays or public holidays. No activities, including delivery of materials or haulage are to occur outside of the approved hours of operation.

**Signage**

16. Advertising signage must be limited to a single site identification sign located on the frontage of the subject lot. Signage associated with the use must not be illuminated.

**Operational**

17. The subject land must be maintained in a neat and tidy state at all times with any outdoor storage areas and services (including the topsoil stockpile) appropriately screened from view from the road.
18. Any Rock breaking must occur at the base of the excavation pit. No rock breaking is to occur at natural surface level.
19. Crushing operations must cease in wind speeds of greater than 20 KPH measured at the location of crushing plant.
20. The storage of any machinery, materials or vehicles must be appropriately screened so as not to be directly visible from any road to which the premises has frontage, to the satisfaction of the Council's Manager Development Assessment.

**Car Parking**

21. All employee and visitor vehicles must be parked on the site.

**Vegetation Clearing**

22. Inspect the tree prior to clearing for the presence of nesting birds, koalas and other fauna, including habitat hollows. No clearing of trees which may disturb nesting birds is permitted until the birds have fledged and left the nest. Removal of trees with koalas and other fauna must be carried out under the supervision of a Department of Environment and Heritage Protection registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the *Queensland Nature Conservation Act 1992*.
23. Unless otherwise approved in writing by the Assessment Manager, all cleared timber must be stacked clear of the works and maintained as fauna habitat or be chipped for reuse in landscaping or rehabilitation works. Note: It is suggested that any request to Council to burn cleared timber be accompanied by (but not limited to) an applicable permit issued by the relevant authorities.

**Stormwater**

24. Stormwater Drainage disposal from the proposed Quarry must be undertaken in accordance with the approved amended Site Based Management Plan.
25. Stormwater must be discharged from the site so as not to cause any detrimental effect to downstream/upstream properties or drainage facilities.
26. Discharge from the site must be such that the intensity of post-development flows does not exceed that of pre-development flows.

**Water and Sewerage**

27. The Developer must provide a temporary sanitary toilet of a minimum of one (1) unisex or equivalent sanitary facility including hand washing facility and a potable water supply not less than 1000 litres for staff and visitors. The facility must be provided prior to the commencement of the approved use.

## Site Rehabilitation

28. Rehabilitation of the site must be undertaken progressively and must be completed by the owner/operator of the approved use within two (2) years of operations ceasing, to the satisfaction of the Manager Development Assessment.
29. Rehabilitation must include but not be limited to:
  - a. Batter slopes must be designed in accordance with The Department of Transport and Main Roads Standard Drawing No: 1045- Treatment of cut batters- Revegetation, dated 7/15;
  - b. All quarry excavation pits must be free draining;
  - c. Permanent stormwater quality controls must be incorporated to ensure stormwater runoff meets environmental quality standards;
  - d. All quarry bases, haul roads, work and stockpile areas etc, must be ripped, mixed and seeded with grasses native to the area;
  - e. Native trees must be planted on rehabilitation areas in a similar density as that which existed prior to operations commencing;
  - f. A minimum depth of 300 mm of soil must be placed over all natural surfaces devoid of soil where practicable and areas to be rehabilitated must be ripped (by a dozer or similar) wherever practicable to aid in reforestation; and
  - g. Any subsidence must be re-profiled;
30. The operator must monitor, maintain and manage all rehabilitation works for a period of 12 months or until:
  - a. Grass coverage reaches 80%;
  - b. Trees are established and self sustaining;
  - c. The rehabilitation works have been subjected to the effects of a full wet season;
  - d. There is no further subsidence of the surface;
  - e. All erosion and sedimentation control measures are installed; and
  - f. All erosion or scouring is reinstated and rehabilitated to the satisfaction of Council's Manager Development Assessment.

whichever is the longer period.
31. No wetlands or ponds or permanent water bodies with the exception of farm dams associated with a future rural use of the land are permitted in association with site rehabilitation.
32. Excavated cells are to be progressively rehabilitated in accordance with the approved Quarry Management Plan. Rehabilitation works must commence immediately upon completion of extraction of the cell/s.
33. Submit to the Bundaberg Regional Council every two (2) years a report prepared by a suitable qualified consultant detailing the progression of rehabilitation at that time the report is submitted including evidence of

compliance with rehabilitation conditions of approval and the sites approved Quarry Management Plan.

### **Waste Management**

34. Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.

### **Roadworks and Access**

35. Maintain and or upgrade sections of Clarkes Road between McIlwraith Road and the site entry to cross sections generally in accordance with the following requirements:
  - a. Provide pavement construction and asphaltic concrete (AC) sealing for a width of 0.5 m from the edge of the existing seal on both sides of McIlwraith Road for two sections of the road. The first section is 182 m long between 0.0 m and 182 m south of the bridge and the second section is 96m long between 396 m and 492 m south of the bridge;
  - b. The pavement must be designed in accordance with *Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06)*. The pavement specifics must be determined as part of an application for Operational Works;
  - c. Standard construction details as per Bundaberg Regional Council Standard Drawing No R3003 Road Type Cross Sections – Rural Road-Access Roads;

### **Haulage**

36. Material cartage must only be undertaken by vehicles with a maximum capacity of 24 tonnes.
37. The external haul route for the approved use is restricted to the Bundaberg – Gin Gin Road via McIlwraith Road. All inbound and outbound (laden or unladen) heavy vehicle movements associated with the approved use must use this approved haulage route.
38. Use of McIlwraith Road, Cloyne Road and Drinan Road to the southeast of the subject site for haulage of extracted material is prohibited.
39. Internal access roads must have a gravel all-weather surface to minimise dust emissions. Water trucks or other methods must be used to suppress dust emissions when necessary.
40. The owner/operator of the approved use must implement, by imposing a legally binding agreement on all haul truck drivers (employed or contracted), a driver's code of conduct, incorporating (but not limited to):
  - a. Directing heavy vehicle movements both inbound and outbound (laden and unladen) to approved Haulage Routes only;
  - b. Directing that all truck loads be covered to reduce dust nuisance; and

- c. Directing that heavy vehicle movements both inbound and outbound (laden and unladen) are not permitted to transit Mcllwraith Road, Cloyne Road and Drinan Road south of the Quarry site.

### **Safety/Security**

41. The owner/operator of the approved use must undertake all practical measures to ensure public access to the extractive industry site is restricted. At a minimum, safety and security strategies must incorporate perimeter fencing and perimeter warning signage at appropriate intervals.

### **Washing and Screening Plant**

42. Any mobile processing plant must be operated such that it does not cause any off site impact to the adjoining environment and in accordance with the broader requirements of Development Permit Conditions.

### **Site Based Management Plan**

43. The approved Site Based Management Plan must be complied with during the life of the Quarry including during the rehabilitation of the site.

## **PART 1B – ADVICE NOTES**

### **Environmental Harm**

- A. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse affect, or potential adverse affect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

### **Infrastructure Charges Notice**

- B. Please find attached the Infrastructure Charges Notice (Register No: 331.2015.766.1) applicable to the approved development.

### **Compliance**

- C. The person/s responsible for the management of the premise is/are to ensure ongoing compliance with conditions of this Development Permit including Conditions relating to the ongoing use of the premise, and the design and layout of the development

**Access**

- D. The owner(s)/operator(s) are advised that Council maintains no responsibility for the upkeep and maintenance of the limited access road from the junction of McIlwraith Road to the Quarry Site.

**Haulage Route**

- E. Should entire length of the carriageway between the subject site and the Bruce Highway (McIlwraith Road, Cloyne Road and Drinan Road) be upgraded to a minimum double lane standard with appropriate pavement width, Council may consider allowing this route to be used for Haulage.

**Environmental Relevant Activity**

- F. Should the proposed extraction exceed the thresholds identified in the Environmental Protection or Regulation 2008 or future equivalent an Environmental Authority for an Environmental Relevant Activity (extractive activities) will be required to be obtained from the Relevant Entity.

**Aboriginal and Cultural Heritage**

- G. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under *the Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage.

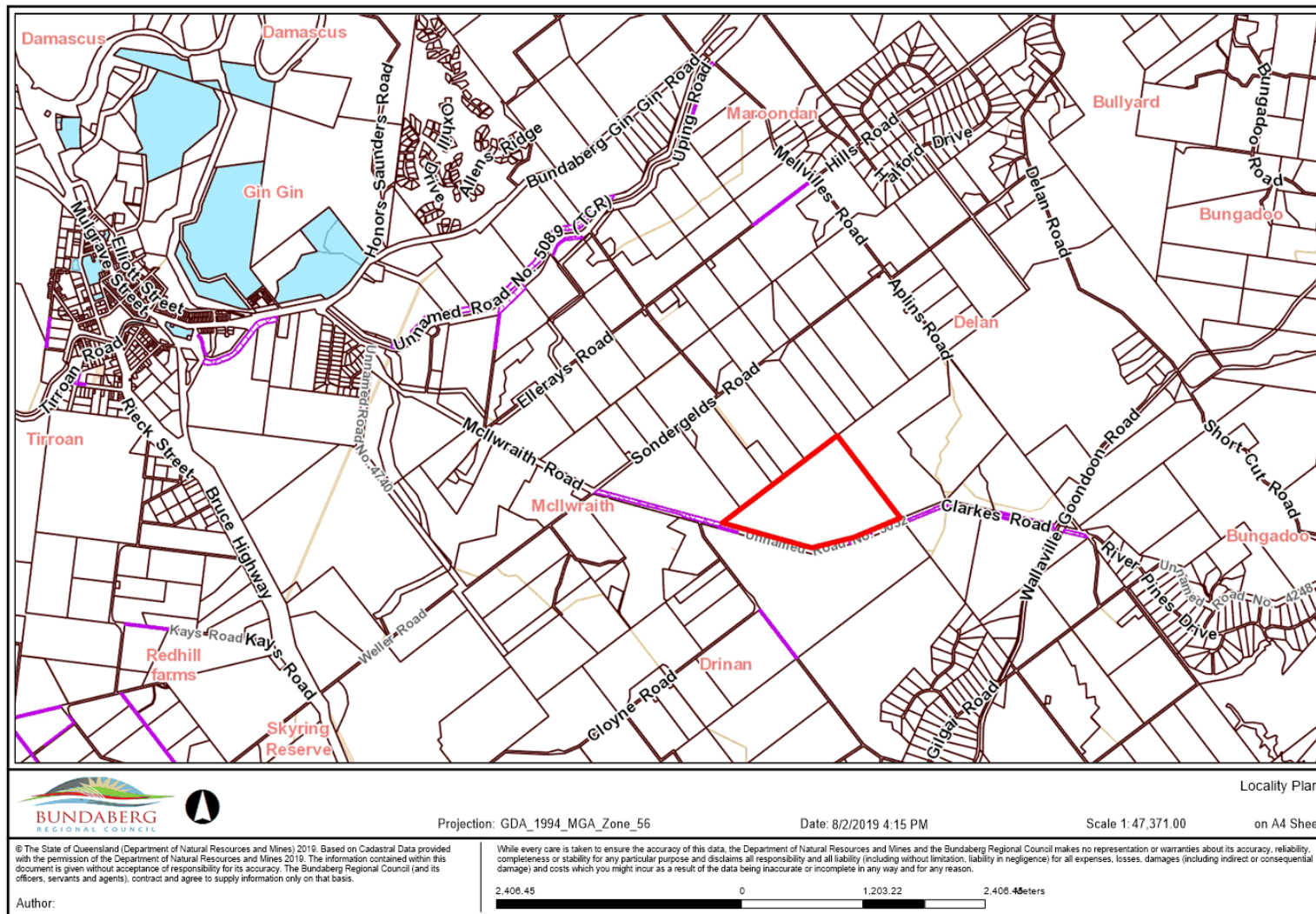
Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

**Other**

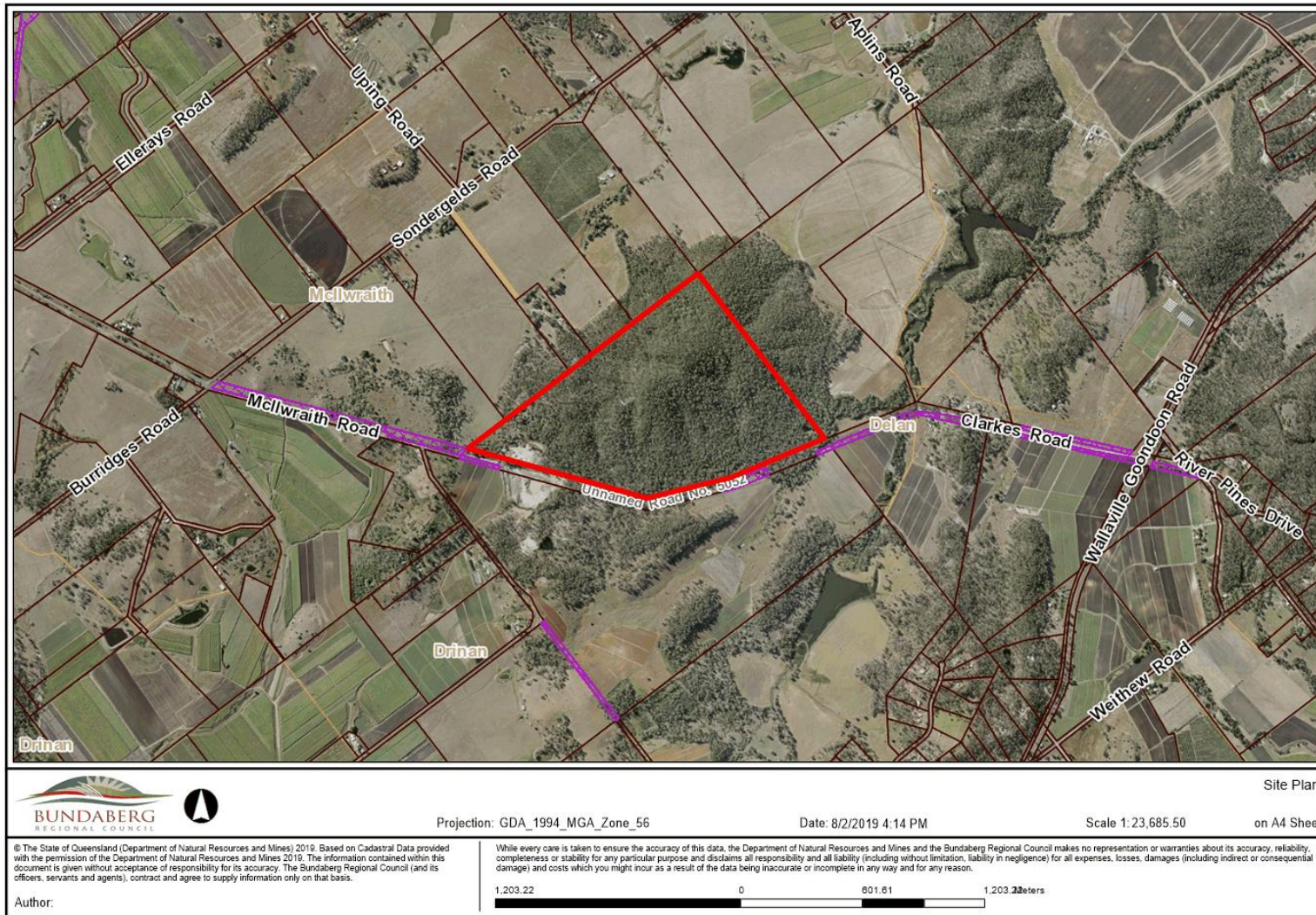
- H. Plans and specifications for Operational Work must be prepared and certified by a Professional Engineer registered with the Board of Professional Engineers of Queensland.
- I. Prior to both commencement of use, plans and specifications for Operational Work must be approved by Council.
- J. Prior to both commencement of use, Operational Work must be certified by an Engineer registered with the Board of Professional Engineers of Queensland.

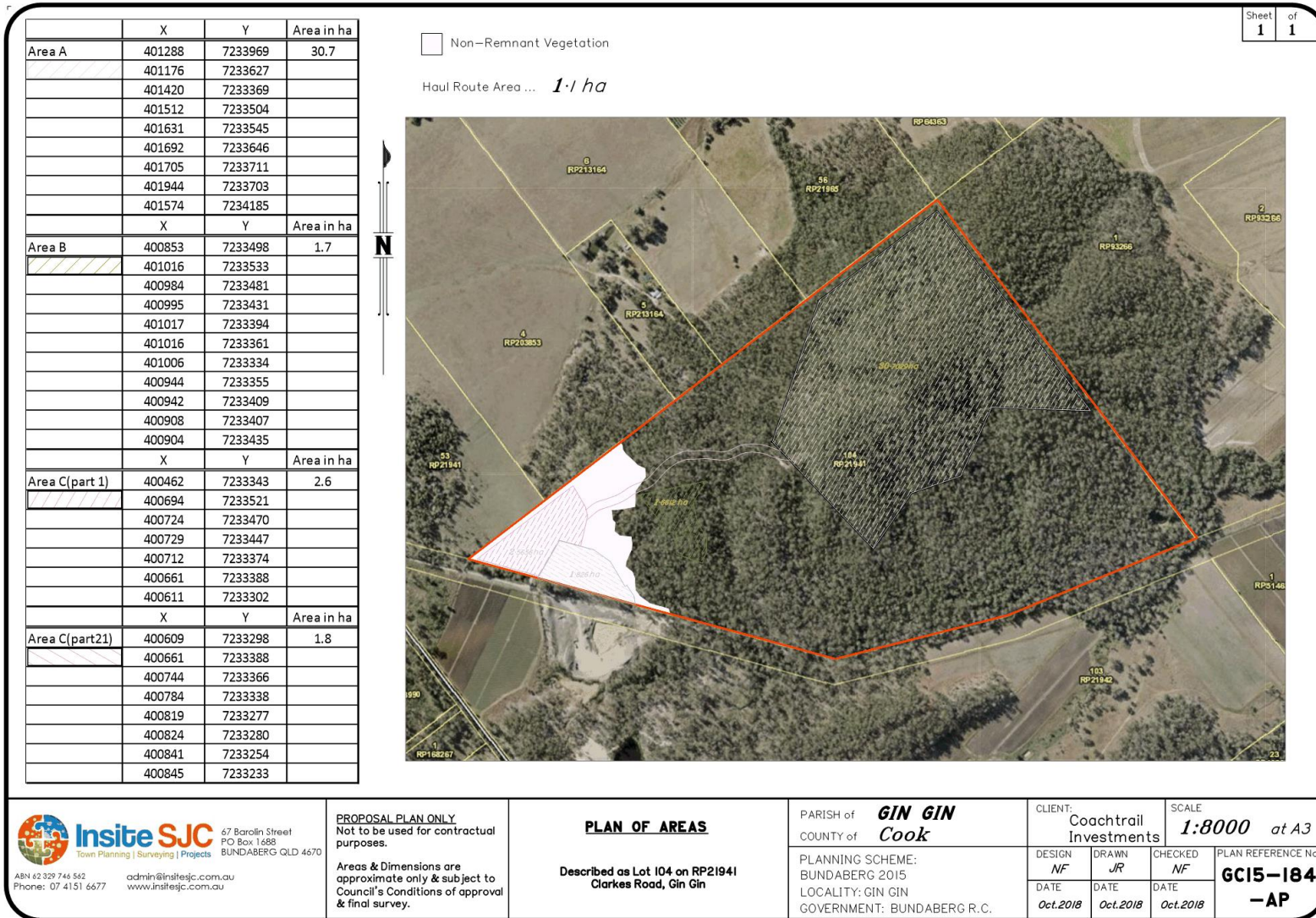
**PART 2—CONCURRENCE AGENCY CONDITIONS**

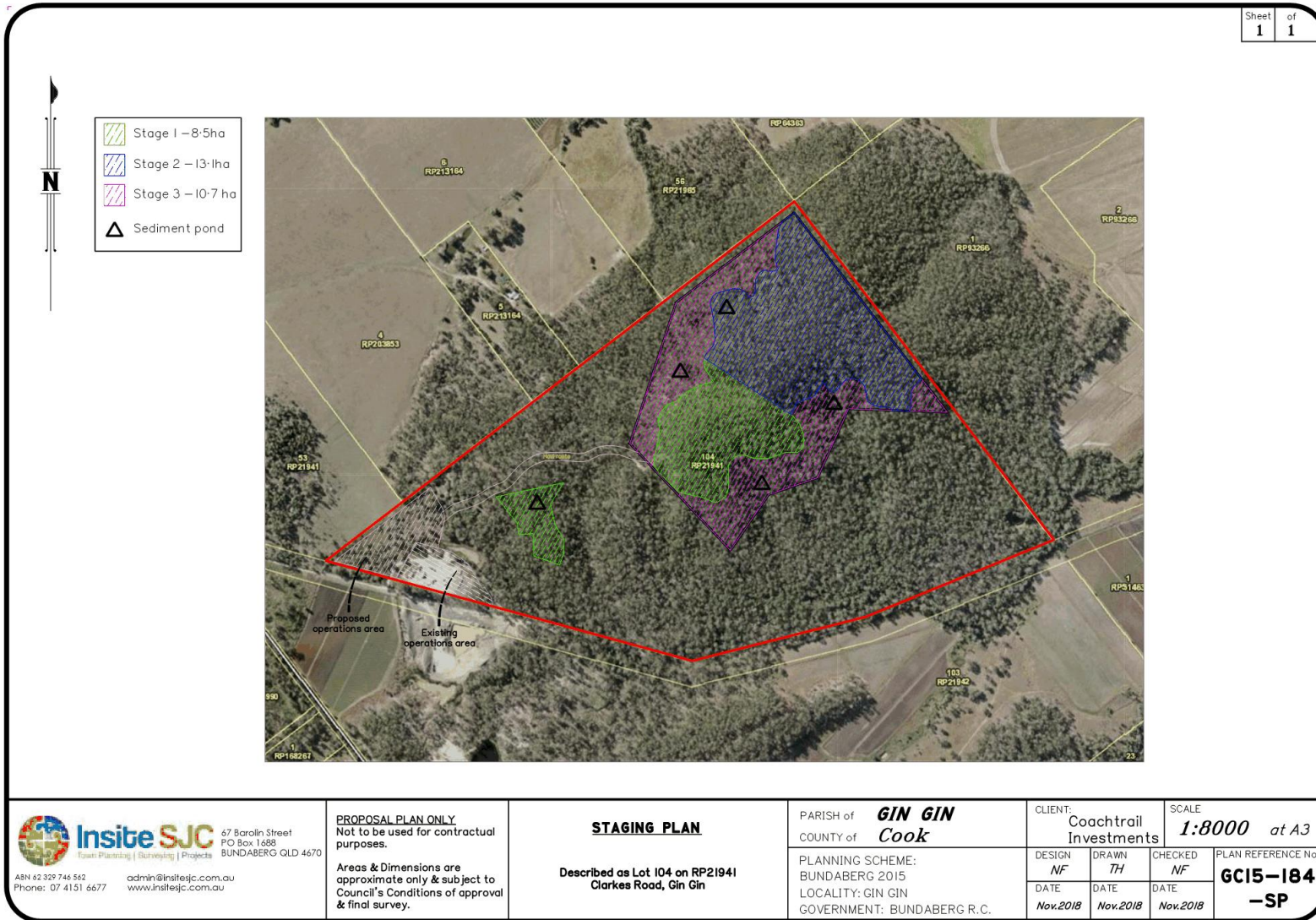
The Department of State Development, Manufacturing, Infrastructure and Planning, by letter dated 21 December 2018 (copy letter attached for information).













Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

Our reference: SDA-0815-023256  
 Your reference: 322.2015.43739.1

21 December 2018

Chief Executive Officer  
 Bundaberg Regional Council  
 PO Box 3130  
 BUNDABERG QLD 4670  
 development@bundaberg.qld.gov.au

Attention: Grant Barringer

Dear Mr Barringer

**Concurrence agency response—with conditions**

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Manufacturing, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 18 August 2015.

**Referral triggers**

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral triggers:	Schedule 7, table 2, item 1 – environmentally relevant activity Schedule 7, table 3, item 2 – vegetation clearing Schedule 7, table 3, item 10 – state transport infrastructure
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**Response**

Date of response:	21 December 2018
Response details:	Concurrence agency response – with conditions
Development details:	Material change of use for extractive industry (extension to existing quarry)
Conditions:	The conditions set out in Attachment 1 must be attached to any development approval

**Location details**

Street address:	Clarkes Road, Delan
Lot on plan:	Lot 104 on RP21941
Local government area:	Bundaberg Regional Council

Page 1

Wide Bay - Burnett Region  
 Level 1, 7 Takalvan Street  
 PO Box 979  
 Bundaberg QLD 4670

SDA-0815-023256

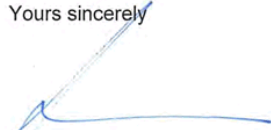
**Applicant details**

Applicant name: Coachtrail Investments C/- Insite SJC  
Applicant contact details: PO Box 1688  
Bundaberg QLD 4670  
nathan@insitesjc.com.au

A copy of this response has been sent to the applicant for their information.

For further information, please contact Holly Sorohan, Principal Planning Officer, SARA Wide Bay Burnett on 07 4331 5614, or email [WBBSARA@dsmip.qld.gov.au](mailto:WBBSARA@dsmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Steve Conner  
Executive Director – Planning Group

cc: Coachtrail Investments C/- Insite SJC, [nathan@insitesjc.com.au](mailto:nathan@insitesjc.com.au)

enc: Attachment 1—Concurrence agency conditions  
Attachment 2—Reasons for imposing conditions  
Attachment 3—Approved Plan

SDA-0815-023256

**Attachment 1—Concurrence agency conditions**

No.	Conditions	Condition timing
Material Change of Use		
State transport infrastructure—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) Pay a monetary contribution of 2.71 cents per tonne of material hauled to the District Director (Wide Bay/Burnett) of Department of Transport and Main Roads' towards protecting or maintaining the safety or efficiency of the state-controlled road in particular towards pavement impacts to the Bundaberg – Gin Gin Road: The monetary payment:</p> <ol style="list-style-type: none"> <li>i. Must be calculated at twelve monthly intervals commencing on the first day that material hauled under this approval is transported from the site by road; and</li> <li>ii. Is to be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) to the date of payment.</li> </ol> <p>(b) Maintain records which document the quantity of material hauled on the State-controlled road network and submit these records to the Department of Transport and Main Roads, the District Director (Wide Bay/Burnett) at the time of payment referenced in part (a) of this condition.</p>	<p>(a) Within 30 days of the end of June each year until the transportation of material hauled from the site by road under this approval ceases</p> <p>(b) As indicated</p>
2.	(b) The extractive operations (including extraction, screening and transport of material from the site by road) is limited to 250,000 tonnes per annum.	At all times
Vegetation clearing—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Natural resources, Mines and Energy to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
3.	<p>The clearing of vegetation under this development approval is limited to the areas identified as:</p> <ol style="list-style-type: none"> <li>(a) Area A (A1 – A2) as shown on the Referral Agency Response (Vegetation) Plan, reference RARP SDA-0815-023256, Version 2, Sheet 1 of 1, dated 12 December 2018; AND</li> <li>(b) Derived reference points for GPS listed on Referral Agency Response (Vegetation) Plan, reference RARP SDA-0815-023256, Version 2, Sheet 1 of 1, dated 12 December 2018.</li> </ol>	At all times

SDA-0815-023256

No.	Conditions	Condition timing
4.	Clearing of the extraction pits must be staged so that it takes place progressively based on the extraction program. In this manner, clearing must only occur in the area from which material is immediately due to be extracted.	As indicated
5.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing

SDA-0815-023256

**Attachment 2—Reasons for imposing conditions**

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The reasons for imposing conditions are:

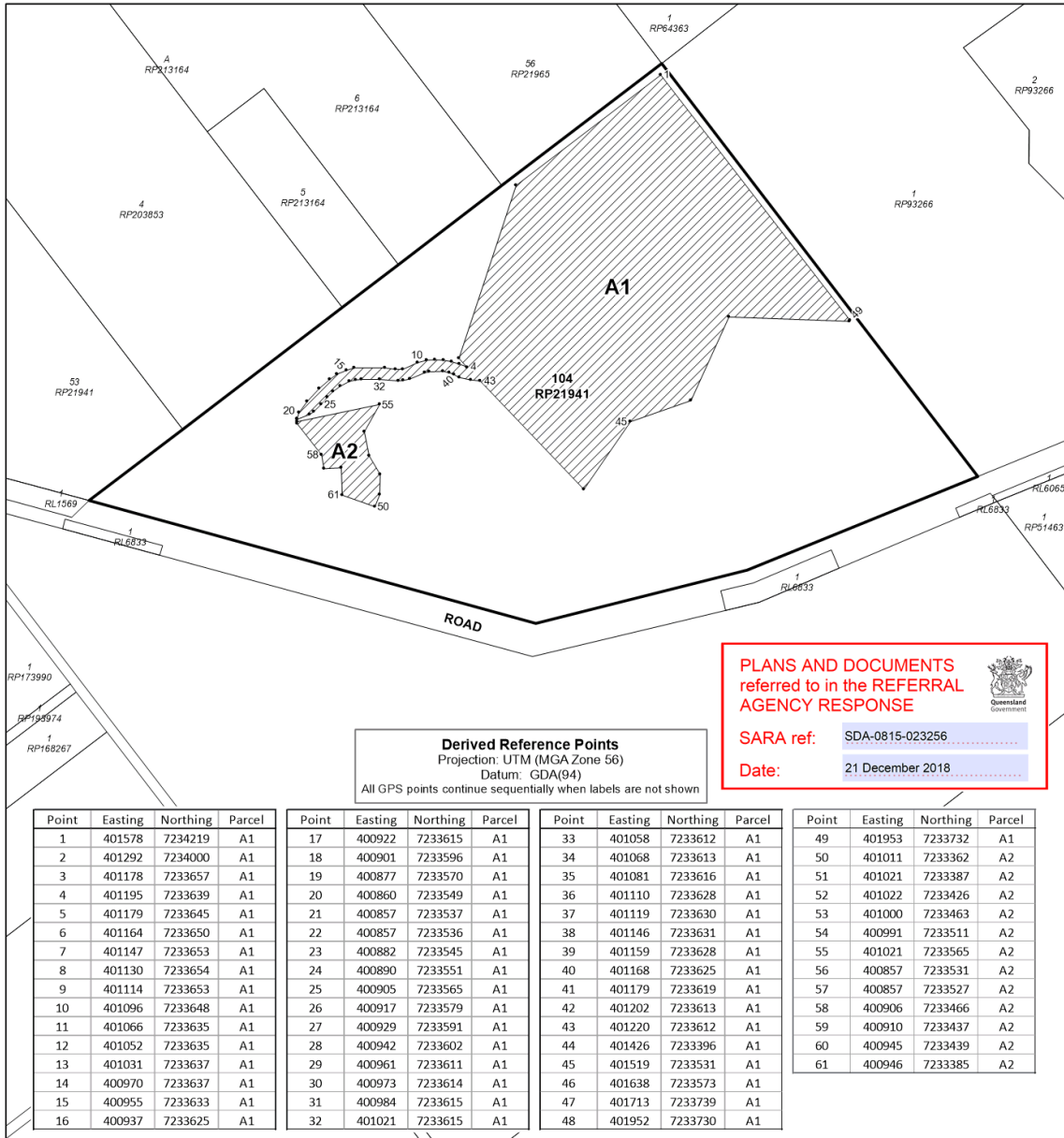
- To ensure no unexpected impacts occur to the state transport infrastructure network.
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure that clearing only occurs in the approved areas.



SDA-0815-023256

**Attachment 3—Approved Plan**

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**PLANS AND DOCUMENTS**  
 referred to in the REFERRAL  
 AGENCY RESPONSE

SARA ref: SDA-0815-023256  
 Date: 21 December 2018

SCALE 1:7500 @ A3 paper size  
 0 75 150 300 450 600 750 m  
 Projection: UTM (MGA Zone 56) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

<b>LEGEND</b> <ul style="list-style-type: none"> <li>● Derived Reference Points for GPS</li> <li>□ Subject Lot(s)</li> <li>▨ Area A (A1 &amp; A2)</li> </ul>	<b>Referral Agency Response (Vegetation) Plan</b> <b>Plan of all Areas A in Lot 104 on RP21941</b>		 Version 2
	CENTRE: GYMPIE REGION: SOUTH LOCALITY OF DELAN LOCAL GOVT: BUNDABERG		
	Map Reference: 9347 Compiled from: DCDB, PVMP & NRMO Notes		Ref: <b>RARP</b> <b>SDA-0815-023256</b> Sheet 1 of 1
	File Reference: eLVAS 2015/0004986 (DNRME) Prepared by: LMO Date: 12 December 2018		

**Renee Dewhurst**

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**From:** No Reply <mydas-notifications@qld.gov.au>  
**Sent:** Friday, 21 December 2018 3:36 PM  
**To:** Development; sara@ehp.qld.gov.au; vegsouthregion@dnrm.qld.gov.au;  
Wide.Bay.Burnett.IDAS@tmr.qld.gov.au; Nathan Freeman - Insite Strategies;  
Holly.sorohan@dsdmip.qld.gov.au  
**Subject:** [SDA-0815-023256] Referral Agency Response  
**Attachments:** CAR signed - SDA-0815-023256.pdf



Please find the attached a written notice regarding your development application.

To view your **Application dashboard in MyDAS**[click here](#)

If you require any further information, please contact the departmental office referred in the attached notice.



PO Box 3130, BUNDABERG QLD 4670  
 Local Call **1300 883 699** | Fax **(07) 4150 5410**  
 ABN 72 427 835 198

## INFRASTRUCTURE CHARGES NOTICE

Charges Resolution (No. 1) 2018

**To:** Coachtrail Investments Pty Ltd  
 285 McIlwraith Road, Gin Gin, QLD. 4671

**Date of Issue:** 26/02/2019  
**Register No.:** 331.2015.766.1

### Land to which the Levied Charge applies

Address: Clarkes Road, Delan, QLD. 4671  
 Property Description: RP21941/104

### Development to which the Levied Charge applies

The adopted infrastructure charge applies to the following development type: Material Change of Use  
 Development Approval No.: 322.2015.43739.1

### Current amount of the Levied Charge

The levied charge has been calculated in accordance with the method outlined in the Bundaberg Regional Council Changes Resolution (No.1) 2018 and Chapter 4 of the *Planning Act 2016*.

<i>Total Adopted Infrastructure Charge applicable to this development =</i>	\$117,547.38
<i>Total Offset applicable to this development =</i>	n/a
<b><i>Total Levied Charge (i.e., amount payable) =</i></b>	<b>\$117,547.38</b>

(as at date of issue)

Please see Schedule 1 of this notice for the detailed calculation of total amount payable and offset.

### Refund

Please see Schedule 1 of this notice for the detailed calculation of any refund.

<b><i>Total refund applicable to this development =</i></b>	<b>n/a</b>
<b><i>Refund is to be paid no later than:</i></b>	<b>n/a</b>

### Payment of Levied Charge

- The **due date for payment** of the *levied charge* is:
  - before the change of use happens for each stage.
- Interest at 11% per annum, calculated daily, will be applied to overdue payments.
- The levied charge is to be paid to **Bundaberg Regional Council**. Please contact Bundaberg Regional Council, Development Assessment Team, prior to making payment.
- Please include a copy of this Notice with payment.

### Automatic Increase

The levied charge is subject to an automatic increase in accordance with Bundaberg Regional Council Changes Resolution (No.1) 2018. The levied charge is to automatically increase from the time the charge is levied to the time the charge is paid. As per section 114 of Planning Act 2016 this automatic increase provision is calculated as follows:

- If the duration of time between the date the charge is levied to the date the charge is paid is less than or equal to one calendar year, then there is no automatic increase. Therefore the charge payable is equal to the charge amount at the time the charge is levied; or
- If the duration of time between the date the charge is levied to the date the charge is paid is greater than one calendar year, then the automatic increase provision is an amount representing the increase in the PPI index. The increase in PPI index is calculated for the period starting on the day the charge is levied and ending on the day the charge is paid, adjusted by reference to the 3-yearly PPI index average. Where the 3-yearly PPI index average means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. Therefore the automatic increase provision is calculated as shown in equation 1 below:



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$$\text{automatic increase provision} = \frac{\text{Smoothed PPI (paid date)}}{\text{Smoothed PPI (levied date)}} \dots\dots\dots(1)$$

Where: *Smoothed PPI (paid date)* = 3 yearly smoothed PPI at time the charge is paid  
               = average (12 previously published PPI figures relative to paid date)  
*Smoothed PPI (levied date)* = 3 yearly smoothed PPI at time the charge is levied  
               = average (12 previously published PPI figures relative to levied date)

The *levied charge* payable is equal to the charge amount at the time the charge is levied multiplied by the automatic increase provision amount as shown in equation 2 below:

$$\text{levied charge payable} = \text{levied charge} \times \text{automatic increase provision} \dots\dots\dots(2)$$

Finally, if after applying the automatic increase provision the *levied charge payable* is:

- (a) more than the maximum adopted charge that Council could have levied for the development at the time the charge is paid, then the *levied charge payable* is the maximum adopted charge for the development; or
- (b) less than the charge amount at the time the charge is levied, then the *levied charge payable* is the charge amount at the time the charge is levied.

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## Other Important Information

### 1. PAYMENT

This notice is due and payable by the due date shown. Cheques, money orders or postal notes should be made payable to Bundaberg Regional Council and crossed "Not Negotiable". Change cannot be given on cheque payments. Property owners will be liable for any dishonour fees.

### 2. GOODS AND SERVICES TAX

The federal government has determined that rates and utility charges levied by a local government will be GST exempt. Accordingly, no GST is included in this infrastructure charges notice.

### 3. INFRASTRUCTURE CHARGES ENQUIRIES

Enquiries regarding this infrastructure charges notice should be directed to Council's Development Assessment Team on telephone 1300 883 699 during office hours or e-mail: [duty\\_planner@bundaberg.qld.gov.au](mailto:duty_planner@bundaberg.qld.gov.au)

Notice is hereby given under the *Planning Act 2016* and the *Local Government Act 2009* that the adopted infrastructure charges notice is levied by the Bundaberg Regional Council on the described land. The adopted infrastructure charge is DUE AND PAYABLE BY THE ABOVE DUE DATE. The adopted infrastructure charge plus any arrears and interest may be recovered by legal process without further notice if unpaid after the expiration of the DUE DATE as the charge is deemed to be overdue. STEPHEN JOHNSTON, CHIEF EXECUTIVE OFFICER

Checked by Arron Walker

(Remove before signing)

Michael Ellery  
 Group Manager Development



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ABN 72 427 835 198

#### SCHEDULE 1 – Calculation of Levied Charge, Offsets and Refunds

Table 1 - Summary of Charges, Offsets and Refunds

Register No:	331.2015.766.1
Inside PIA:	No
Total Adopted Infrastructure Charges:	\$117,547.38
Total Offsets:	n/a
Total Extra Payment Condition:	n/a
<b>Total Levied Charge (Amount Payable):</b>	<b>\$117,547.38</b>

Table 2 - Details of Charges, Offsets and Refunds

Stage	Type	Description	Discount	Quantity	Charge/Cost	Total
1	New charge	MCU - Hinterland Partially Serviced (no wastewater and no water supply) - Additional 110,000 tonnes per annum (i.e., upto 150,000 tonnes given previous approval). Equivalent rural dwellings used to calculate charge. - Other uses - Extractive industry	0%	5.78	The maximum adopted charge is the charge in Table 2.2 or Table 2.3 for a use category (in column 1) that appropriately reflects the use at the time of assessment. \$10,000 per dwelling used.	\$ 57,762.91
					<b>Stage 1 Levied Charge</b>	<b>\$ 57,762.91</b>
2	New charge	MCU - Hinterland Partially Serviced (no wastewater and no water supply) - Additional 50,000 tonnes per annum. Equivalent rural dwellings used to calculate charge. - Other uses - Extractive industry	0%	2.99	The maximum adopted charge is the charge in Table 2.2 or Table 2.3 for a use category (in column 1) that appropriately reflects the use at the time of assessment. \$10,000 per dwelling used.	\$ 29,892.23
					<b>Stage 2 Levied Charge</b>	<b>\$ 29,892.23</b>
3	New charge	MCU - Hinterland Partially Serviced (no wastewater and no water supply) - Additional 50,000 tonnes per annum. Equivalent rural dwellings used to calculate charge. - Other uses - Extractive industry	0%	2.99	The maximum adopted charge is the charge in Table 2.2 or Table 2.3 for a use category (in column 1) that appropriately reflects the use at the time of assessment. \$10,000 per dwelling used.	\$ 29,892.23
					<b>Stage 3 Levied Charge</b>	<b>\$ 29,892.23</b>
					<b>Total Levied Charge</b>	<b>\$ 117,547.38</b>

Method for calculating equivalent rural dwelling.	Stage 1	Stage 2 & 3
1. Calculate annual tonnage	110,000	50,000
2. Calculate average haul truck capacity (truck and trailer)	23	23
3. Calculate total truck trips per year (annual tonnage/capacity)	4,782.61	2,173.91
4. Calculate quarry working days	312	312
5. Calculate trucks per day (trucks per year/working days)	15.33	6.97
6. Calculate truck trips (with return x 2)	30.66	13.94
7. Number of employees	2	2
8. Calculate employee trips (2 way) - passenger car equivalents x 2	4	4
9. Calculate total vehicle trips (truck trips + employee trips in passenger car equivalents)	34.66	17.94
10. Equivalent dwelling for this traffic load (based 6 rural lot trips per 3 bedroom dwelling)	5.78	2.99



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 ABN 72 427 835 198

## INFRASTRUCTURE CHARGES NOTICE INFORMATION NOTICE

### 1. REASON FOR DECISION

This notice has been issued pursuant to the Bundaberg Regional Council Charges Resolution (No. 1) 2018 and Chapter 4 of the Planning Act 2016.

### 2. APPEAL RIGHTS

The recipient of the infrastructure charges notice may appeal to the Planning and Environment Court and, for certain matters, to a tribunal in accordance with Chapter 6 of the *Planning Act 2016*.

#### CHAPTER 6, PART 1 APPEAL RIGHTS

##### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note — See the P&E Court Act for the court's power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.



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- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

## SCHEDULE 1 APPEALS

### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—





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- (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to—
    - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
    - (ii) the Plumbing and Drainage Act, part 4 or 5; or
  - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
  - (i) a decision to give an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (k) a matter that, under another Act, may be appealed to the tribunal; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.



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- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

**Extract of Schedule 1, Table 1 of the Planning Act 2016**

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="margin-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p style="margin-left: 20px;"><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> <li>• the incorrect application of gross floor area for a non-residential development</li> <li>• applying an incorrect 'use category', under a regulation, to the development</li> </ul> <p style="margin-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="margin-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-

**Item****26 February 2019****Item Number:**

O1

**File Number:**

TEN/0589

**Part:**COMMUNITY & CULTURAL  
SERVICES**Portfolio:**

Community &amp; Environment

**Subject:**

Re-subscription to Freegal eMusic Download Service

**Report Author:**

Peta Browne, Manager Library Services

**Authorised by:**

Kirstin Harrison, Branch Manager Community Services

**Link to Corporate Plan:**

Our Community - 1.1 Economic growth and prosperity - 1.1.3 Proactively advocate, attract and support economic development related opportunities across the region, specifically targeting priority industries.

**Background:**

Bundaberg Regional Libraries has subscribed to the Freegal service since 2013. Freegal enables Library members to download and keep up to 5 songs per week from their extensive database (Sony Music Entertainment is the primary label and is exclusive to Freegal). Since 2013 the number of songs downloaded by Library patrons has averaged 770 per month, making Freegal a well-used and valued service by the community. Freegal is a specialised supplier within the market.

Council's annual subscription for 2019 is \$12,360 (ex GST), although annual subscription fees can vary from year to year as additional services are added or removed. Purchase of this annual subscription requires two quotations as per Council's Procurement and Contract Manual (GM-7-001) introduced July 2018. In addition, under the *Local Government Regulation 2012* Council must not enter into a contractual arrangement for a mid-size contract without inviting written quotes or tenders unless an exception exists. As Freegal is a specialised supplier, Council considers that it would be impractical to invite quotes or tenders given that no other supplier can provide a like service.

Council staff have also submitted a request for a specialised supplier to Council's Procurement Board where it has received endorsement for resolution of Council.

**Associated Person/Organization:**

Library Ideas LLC Trading as Freegal Music

**Consultation:**

Procurement Board  
Chief Legal Officer

**Chief Legal Officer's Comments:**

In accordance with section 235(b) of the *Local Government Regulation 2012*, Council may resolve that because of the specialised nature of the services that it would be impractical to invite quotes or tenders.

**Policy Implications:**

There appear to be no policy implications.

**Financial and Resource Implications:**

There appear to be no financial or resource implications.

**Risk Management Implications:**

There appears to be no risk management implications.

**Communications Strategy:**

Communications Team consulted.

Yes

No

**Attachments:**

[↓](#) 1 Sole Supplier Procurement Board Submission

**Recommendation:**

**That**

- a) Council enter into an arrangement with Library Ideas LLC for the supply of Freegal eMusic Service without first inviting written quotes pursuant to Section 235(b) of the *Local Government Regulation 2012*; and**
- b) this arrangement stay in place for three years.**



## SOLE SUPPLIER SUBMISSION

**(SECTION 235 OF LOCAL GOVERNMENT REGULATION 2012)**  
Bundaberg Regional Council

To:	The Procurement Board	Date:
From:	Peta Browne, Manager Library Services	22 Jan 2019
Subject:	Freegal (eMusic) subscription renewal	
Tender No.	TEN/0589	

### 1. PURPOSE

To seek approval of the Procurement Board to approach Council seeking approval to enter into an arrangement with **Library Ideas LLC, PO Box 9, Vienna, Virginia USA, 22183** for the provision of **Freegal (eMusic service)** without seeking competitive quotations or tenders in accordance with Council's Procurement & Contract Manual, pursuant to Section 235 (**the local government resolves it is satisfied that there is only 1 supplier who is reasonably available**) of the Local Government Regulation 2012. A submission will be prepared seeking approval to enter into a contract once negotiations have been finalised.

### 2. BACKGROUND

Bundaberg Regional Libraries has subscribed to the Freegal service since 2013. Freegal enables Library members to download and keep up to 5 songs per week from their extensive database (Sony Music Entertainment is the primary label and is exclusive to Freegal). Since 2013 the number of songs downloaded by Library patrons has averaged 770 per month, making Freegal a well-used and valued service by the community.

### 3. COMMERCIAL CONSIDERATIONS

This procurement is considered to be sole source as a competitor of like content and/or service could not be found in the marketplace.

### 4. RATIONALE FOR SOLE OR SPECIALISED SUPPLIER

The rationale for sourcing with **Library Ideas LLC** is as follows:

#### 4.1 Who in the market could provide these goods and/or services (include a description of the market research undertaken where appropriate)?

Other suppliers of like content and/or service could not be found. However, the following other suppliers/services were looked at:

Hoopla – appears to only be available in North America and UK.

Various databases available via State Library of Queensland (eg. Naxos) – these are reference databases which include sound recordings. They are not download services and do not include current popular music like Freegal.

Medici.tv – a streaming service for classical music (not a download service for popular



Organisational Services  
Strategic Supply

music).

Spotify – individual streaming service; no model for institutional subscription.

**4.2 Where there is more than one potential supplier, why the supplier nominated in this submission has been chosen over the other potential suppliers?**

n/a

**4.3 Why and how this Contract represents value for money to Council?**

The provision of electronic services, including eMusic, ensures Council's ratepayers and residents have access to libraries, information, and content via multiple methods. It means their library service is open 24/7. Access to information and content in a variety of formats, which keep pace with current technology and the needs and expectations of the community, means that Libraries, and by extension Council, is well-regarded and providing a modern, accessible, and valued service to their community. It meets Council's vision of being an 'intelligent community' and the 'best regional community'. Therefore, this arrangement represents excellent value for money for Council.

**4.4 Why the interests of the Bundaberg Regional Council are best served by not inviting competitive offers e.g. ownership of IP or unique knowledge and experience of Council processes by a potential supplier?**

n/a

**4.5 Please nominate the period for this Sole/Specialised Supplier arrangement to be in place?**

22 Mar 2019 – 21 Mar 2022.

Bundaberg Regional Libraries anticipates renewing the subscription annually for the next 3 years, unless a true competitor enters the market and offers better value.

## 5. BUDGET CONSIDERATIONS

Sufficient budget is available for this subscription renewal. Freegal has offered the same price as the previous year's subscription, with no price rise.

## 6. RECOMMENDATION

That the Procurement Board **approve**:

- Council Officers to seek a resolution from Council to negotiate with **Library Ideas LLC** for the provision of **Freegal (eMusic service)** without seeking competitive quotations or tenders from industry in accordance with Council's Procurement and Contract Manual, pursuant to Section 235 Section of the Local Government Regulations **the local government resolves it is satisfied that there is only 1 supplier who is reasonably available.**
- A separate submission will be presented to the Procurement Board seeking approval to enter into a contract once negotiations have been finalised.

**All parties detailed below, please sign on the line provided**

.....  
**Peta Browne**  
**Manager Library Services**  
**Community & Environment**

Bundaberg Regional Council is collecting this information in order to comply with its responsibilities and obligations as a Local Government. The information will only be used by Council Officers or Agencies which may have a legitimate need for the information to process applications or the like. Your information will not be given to any other person or Agency until you have given us permission or we are required to by law.

DT-7-245 Rev.7 16/11/18 P2 of 3



Organisational Services  
Strategic Supply

Approve/Approved with Conditions/Rejected

*[Handwritten Signature]*  
29/1/19.  
**Craig Doyle**  
Chairman of the Board

Procurement Board Comments/Recommendation:

PLEASE ENSURE THIS CONTRACT IS ENTERED INTO COUNCIL'S CONTRACT REGISTER.

Bundaberg Regional Council is collecting this information in order to comply with its responsibilities and obligations as a Local Government. The information will only be used by Council Officers or Agencies which may have a legitimate need for the information to process applications or the like. Your information will not be given to any other person or Agency until you have given us permission or we are required to by law.

**Item****26 February 2019****Item Number:**

O2

**File Number:**

A4233405

**Part:**COMMUNITY & CULTURAL  
SERVICES**Portfolio:**

Community &amp; Environment

**Subject:**

Lease - General Aviation Hanger AF - J &amp; M Smith

**Report Author:**

Greg Barrington, Manager Airport Operations

**Authorised by:**

Kirstin Harrison, Branch Manager Community Services

**Link to Corporate Plan:**

Our Environment - 2.1 Infrastructure that meets our current and future needs - 2.1.4 Manage and maintain Council owned buildings, facilities and assets that support and facilitate social connectedness and community life.

**Background:**

Council owns and operates Bundaberg Regional Airport which is situated at 2 Childers Road, Kensington, described as Lot 35 on SP254546. Council leases to tenants specified areas of land on the airport site for the purpose of tenants being able to build and maintain general aviation hangars.

Council proposes to enter into a renewal lease with proposed Lessees, J & M Smith who have been previously leasing a general aviation hangar site known as Lease AF on SP123062 at the airport for a number of years.

The proposed lease will be for 5 years with a further 5 year option. The initial rent is as set in Council's fees and charges schedule which is in accordance with the valuation which has been previously received by Council. A 3% rental increase is to be applied annually.

Council proposes to apply the exception to the tender/auction requirement contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012* given that the disposal is for the purpose of renewing the lease of land to an existing tenant of the land.

**Associated Person/Organization:**

Greg Barrington, Airport Manager

**Consultation:**

Not Applicable



**Chief Legal Officer's Comments:**

*Local Government Regulation 2012 - Section 236(1)(c)(iii)*

236 Exceptions for valuable non-current asset contracts

- (1) Subject to subsections (2) to (4), a local government may dispose of a valuable non-current asset other than by tender or auction if -
  - (c) for the disposal of land or an interest in land –
    - (iii) the disposal is for the purpose of renewing the lease of land to the existing tenant of the land.

**Policy Implications:**

There appear to be no policy implications.

**Financial and Resource Implications:**

Heron Todd White (Independent Valuers) have recently assessed the market rent for the GA Hangars with the price reflected in the current Council Fees and Charges.

**Risk Management Implications:**

There appears to be no risk management implications.

**Communications Strategy:**

Communications Team consulted.

- Yes
- No

**Attachments:**

[↓](#) 1 Lease AF

**Recommendation:**

**That:**

- 1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a 5 year lease with a 1 x 5 year option for Lease AF on SP123062 with J & M Smith.**

