



**AGENDA FOR ORDINARY MEETING  
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG  
ON TUESDAY 26 JULY 2022, COMMENCING AT 10.00 AM**

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**Item**

**26 July 2022**

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
D1		OFFICE OF THE MAYOR AND CEO

**Portfolio:**

Executive Services

**Subject:**

Petition - Re-open Gin Gin Visitors Information Centre in Existing Building

**Report Author:**

Wendy Saunders, Executive Assistant to the Councillors

**Authorised by:**

Stephen Johnston, Chief Executive Officer

**Link to Corporate Plan:**

Our community and environment - 1.2 Safe, active, vibrant and inclusive community - 1.2.2 Support and facilitate community programs, networks, projects, networks, projects and events that promote social connectedness; and active and healthy community life.

**Background:**

A petition has been received requesting Council re-open the Gin Gin Visitor Information Centre (VIC) at the site in the middle of the main street in Gin Gin where the VIC was previously located.

**Associated Person/Organization:**

M Stansbie – Principal Petitioner

**Consultation:**

Gin Gin community

Bundaberg Tourism

**Human Rights:**

There appears to be no human rights implications.

**Indigenous Land Use Agreement (ILUA) Implications:**

There appears to be no ILUA implications.

**Attachments:**

Nil

**Recommendation:**

**That the petition be received and noted.**





**Item**

**26 July 2022**

<b>Item Number:</b> F1	<b>File Number:</b>	<b>Part:</b> FINANCIAL SERVICES
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**Portfolio:**

Organisational Services

**Subject:**

Financial Summary as at 30 June 2022

**Report Author:**

Doug Taylor, Deputy Chief Financial Officer

**Authorised by:**

Simon Muggeridge, Chief Financial Officer

**Link to Corporate Plan:**

Our organisational services - 3.1 A sustainable financial position - 3.1.1 Develop and maintain a long-term financial plan and fiscal principles for sustainable financial management.

**Background:**

In accordance with section 204 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 30 June 2022.

**Associated Person/Organization:**

N/A

**Consultation:**

Financial Services Team

**Chief Legal Officer's Comments:**

Pursuant to section 204 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 practicable to the end of the month before the meeting is held.

**Policy Implications:**

There appears to be no policy implications.

**Financial and Resource Implications:**

There appears to be no financial or resource implications.

**Risk Management Implications:**

There appears to be no risk management implications.

**Human Rights:**

There appears to be no human rights implications.

**Indigenous Land Use Agreement (ILUA) Implications:**

There appears to be no ILUA implications.

**Attachments:**

[↓1](#) Financial Summary 30 June 2022

**Recommendation:**

**That the Financial Summary as at 30 June 2022 be noted by Council.**

Financial Summary  
as at 30 June 2022



	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 - 100%</i>															
<b>Recurrent Activities</b>															
<b>Revenue</b>															
Rates and Utility Charges	165,453,490	166,000,095	100%	85,227,629	85,060,095	100%	16,631,258	16,550,000	100%	32,564,559	32,440,000	100%	31,030,044	31,950,000	97%
Less: Pensioner Remissions	(1,701,917)	(1,704,000)	100%	(1,701,945)	(1,704,000)	100%	(9)	-		-	-		37	-	
	<b>163,751,573</b>	<b>164,296,095</b>	<b>100%</b>	<b>83,525,684</b>	<b>83,356,095</b>	<b>100%</b>	<b>16,631,249</b>	<b>16,550,000</b>	<b>100%</b>	<b>32,564,559</b>	<b>32,440,000</b>	<b>100%</b>	<b>31,030,081</b>	<b>31,950,000</b>	<b>97%</b>
Fees and Charges	33,540,799	31,394,294	107%	21,937,922	20,610,741	106%	8,468,631	7,849,503	108%	1,171,453	1,017,000	115%	1,962,793	1,917,050	102%
Interest Revenue	1,541,324	1,285,800	120%	1,541,324	1,285,800	120%	-	-		-	-		-	-	
Grants, Subsidies and Donations	18,414,191	13,867,971	133%	17,994,321	13,657,971	132%	419,870	210,000	200%	-	-		-	-	
Sale of Developed Land Inventory	1,647,894	560,000	294%	1,647,894	560,000	294%	-	-		-	-		-	-	
<b>Total Recurrent Revenue</b>	<b>218,895,781</b>	<b>211,404,160</b>	<b>104%</b>	<b>126,647,145</b>	<b>119,470,607</b>	<b>106%</b>	<b>25,519,750</b>	<b>24,609,503</b>	<b>104%</b>	<b>33,736,012</b>	<b>33,457,000</b>	<b>101%</b>	<b>32,992,874</b>	<b>33,867,050</b>	<b>97%</b>
<b>Expenses</b>															
Employee Costs	80,491,009	78,214,009	103%	63,138,128	60,908,189	104%	6,474,966	6,216,593	104%	5,302,276	5,439,956	97%	5,575,638	5,649,271	99%
Materials and Services	69,335,604	75,403,629	92%	39,674,093	44,423,824	89%	12,428,671	12,634,941	98%	8,024,113	8,128,983	99%	9,208,728	10,215,881	90%
Finance Costs	4,100,111	3,909,695	105%	1,752,031	1,553,695	113%	583,317	605,000	96%	1,514,546	1,520,000	100%	250,217	231,000	108%
Depreciation	52,692,763	53,699,553	98%	37,667,569	38,225,753	99%	1,072,548	1,126,900	95%	6,971,744	7,117,000	98%	6,980,902	7,229,900	97%
<b>Total Recurrent Expenditure</b>	<b>206,619,487</b>	<b>211,226,886</b>	<b>98%</b>	<b>142,231,821</b>	<b>145,111,461</b>	<b>98%</b>	<b>20,559,502</b>	<b>20,583,434</b>	<b>100%</b>	<b>21,812,679</b>	<b>22,205,939</b>	<b>98%</b>	<b>22,015,485</b>	<b>23,326,052</b>	<b>94%</b>
<b>Operating Surplus</b>	<b>12,276,294</b>	<b>177,274</b>		<b>(15,584,676)</b>	<b>(25,640,854)</b>		<b>4,960,248</b>	<b>4,026,069</b>		<b>11,923,333</b>	<b>11,251,061</b>		<b>10,977,389</b>	<b>10,540,998</b>	
<b>Transfers to</b>															
NCP Transfers	-	-		(18,021,816)	(18,021,816)		998,288	998,288		8,849,036	8,849,036		8,174,492	8,174,492	
<b>Total Transfers</b>	<b>-</b>	<b>-</b>		<b>(18,021,816)</b>	<b>(18,021,816)</b>		<b>998,288</b>	<b>998,288</b>		<b>8,849,036</b>	<b>8,849,036</b>		<b>8,174,492</b>	<b>8,174,492</b>	
<b>Movement in Unallocated Surplus</b>	<b>12,276,294</b>	<b>177,274</b>		<b>2,437,140</b>	<b>(7,619,038)</b>		<b>3,961,960</b>	<b>3,027,781</b>		<b>3,074,297</b>	<b>2,402,025</b>		<b>2,802,897</b>	<b>2,366,506</b>	
Unallocated Surplus/(Deficit) brought forward	42,311,305	42,311,305		(26,057,057)	(26,057,057)		13,077,920	13,077,920		17,235,609	17,235,609		38,054,833	38,054,833	
<b>Unallocated Surplus/(Deficit)</b>	<b>54,587,599</b>	<b>42,488,579</b>		<b>(23,619,917)</b>	<b>(33,676,095)</b>		<b>17,039,880</b>	<b>16,105,701</b>		<b>20,309,906</b>	<b>19,637,634</b>		<b>40,857,730</b>	<b>40,421,339</b>	
<b>Capital Activities</b>															
Council Expenditure on Non-Current Assets	64,920,186	93,406,685	70%	50,369,965	74,949,342	67%	841,988	3,704,752	23%	4,087,620	3,984,221	103%	9,620,613	10,768,370	89%
Loan Redemption	6,940,412	6,673,000	104%	3,651,366	3,384,000	108%	741,043	741,000	100%	2,192,912	2,193,000	100%	355,091	355,000	100%
<b>Total Capital Expenditure</b>	<b>71,860,598</b>	<b>100,079,685</b>	<b>72%</b>	<b>54,021,331</b>	<b>78,333,342</b>	<b>69%</b>	<b>1,583,031</b>	<b>4,445,752</b>	<b>36%</b>	<b>6,280,532</b>	<b>6,177,221</b>	<b>102%</b>	<b>9,975,704</b>	<b>11,123,370</b>	<b>90%</b>
<b>Cash</b>															
Opening balance	149,144,168	149,144,168													
Movement - increase/(decrease)	60,650,085	(2,035,884)													
<b>Closing balance</b>	<b>209,794,253</b>	<b>147,108,284</b>													

Further to the Financial Summary Report as of 30 June 2022, the following key features are highlighted. It should be noted that these values will continue to be adjusted as part of the finalisation of the end of year accounts.

The current overall operating position shows an improvement from the original budgeted forecast with the current operating surplus at 5.6%. This current result is in the mid-range of the State's Financial Sustainability Guidelines. The financial result reflects a range of elements that can be broadly grouped as changes in timing of grant payments (\$4.5M), regional economic activity (\$2.1M), timing in delivery of projects (\$3.9M) and conservative budgeting (\$1.9M). Whilst the final result for the year is welcome and further builds on the strong financial position of Council, many of the income elements may not be available in 2022/2023 and the current inflationary pressures will have a particular impact during 2022/2023.

Cash position is higher than forecast as result of early Financial Assistance Grant payment (received March 2022) and Waste Levy advance payments (received June 2022), along with operational projects and capital delivery being financially lower than budget.

In relation to operating expenses, one main item to highlight is non-capital projects which impacts where there are delays or deferment of capital projects (e.g. relocation of services such as Telstra).

Despite the overall improvement in the final budget position, the General Fund (prior to any distribution from other the funds) unfortunately remains in a deficit position. The General Fund is reliant on business units transfers to contribute to its operating outcome.

In respect of capital expenditure, there was 70% financial completion, with budget carryovers due to be considered by the September meeting.

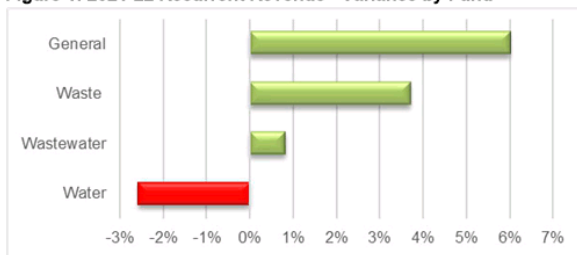
Financial Overview				
	YTD Actual	YTD Budget		Variance
Operating Income	218.9m	211.4m	✓	7.5m
Operating Expenditure	206.6m	211.2m	✓	-4.6m
Operating Surplus/(Deficit)	12.3m	0.2m	✓	12.1m
Capital Expenditure	64.9m	93.4m	✗	-28.5m
Cash	209.8m	147.1m	✓	62.7m

#### **Recurrent Revenue**

- Rates and Utility charges levied amounts are lower than budget due to lower water consumption charges of \$0.9 million. The summer/autumn seasons would usually have a higher consumption compared with winter/spring seasons, however there were high rainfalls during first-half 2022.
- Fees and charges actuals are \$2.1 million higher than budget. There has been positive influence from development activity with plumbing activity and private works budget for Water and Sewerage Funds being higher than budget, along with higher spot prices for Waste scrap metal sales.
- Interest revenue is higher than budget. Interest on Investments is ahead of budget - due to higher cash balance and recent increases in interest (cash) rates has provided opportunity to diversify portfolio across term deposits and generate greater returns on investment. Interest on overdue rates is lower due to historically low levels of arrears.
- Grants, Subsidies and Donations are significantly higher than budget. The budget included an assumption of advance payment of Financial Assistance (FA) Grant with the Federal Budget 2022 (released in late March 2022) indicating the allocation will be higher than forecast in the 2021/2022 budget. Whilst this advance payment improves the 2021/2022 result, it will conversely disadvantage the 2022/2023 operational result. Council is still waiting for the outcome on the review of the FA Grant distribution for 2022/2023.
- Land Developed for Sale is higher than budget with Council having settled ten parcels this financial year with a further 3 lots under at conditional contract stage and expected to settle during second half of calendar year 2022. Any conditional contracts are not reflected in the financial summary. There

remains lots in Aviation Precinct and balance parcels at Heritage Oaks (Childers), Aviation Precinct and Kinkuna Estate that may be further developed.

**Figure 1: 2021-22 Recurrent Revenue - Variance by Fund**

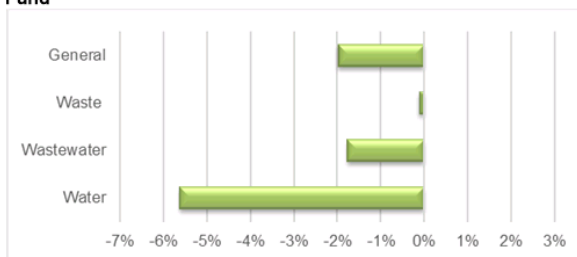


- Figure 1 presents the view across the funds, General Fund, reflecting the higher variance, related to FA grant, Land Developed for Sale, with the Water Fund variance due to lower water consumption. Comments were outlined above.

**Recurrent Expenditure**

- Employee Costs were higher than budget relating to operating activities with employee’s delivery of the capital program impacting this expense. The combined (operating and capital) employee costs show lower than budget.
- Materials and Services favourable outcomes was \$6.1 million against budget. Non-capital projects account for a large portion of underspend \$2.9 million, with many of these projects linked to the capital program which are tracking behind (e.g. Lucketts Road). There are a range of items covering the remainder of variance, including consultancies, legal expense, with wider spread wet weather events during the summer and autumn seasons that have impacted usual operations such as road repairs and shifted to flood recovery where expenditure is capitalised.
- Finance Costs are marginally higher than budget as the borrowing drawdown was done earlier this year to lock in escalating interest rates. Other movements relate to more write-offs, offset from adjustment downwards against Restoration Provision.
- Depreciation is lower than budget due to the timing in the completion and commissioning of assets. Despite this, revaluation and indexation rates were higher than forecast, being an impact from industry inflationary pressures, and this will impact the depreciation over the long term financial forecast

**Figure 2: 2021-22 Recurrent Expenditure - Variance by Fund**



- Figure 2 shows the Funds as favourable comparatively to approximate budget.

**Capital Expenditure and Capital Grants**

- Year-to-date capital expenditure is \$64.9 million against budget of \$93.4 million (or 70%). Capital expenditure is tracking behind given difficulty of supplies and weather events during quarters 3 and 4. It is anticipated the balance will be considered for carryover during the budget review process in 2022/2023.
- The capital program funding analysis and application are still being processed as part of the end of year finalisation, with further financial adjustments unlikely to impact the operational result. The majority of capital grants are on track with any variations and extension of time approved throughout the year.

Figure 3: 2021-22 Capital Expenditure

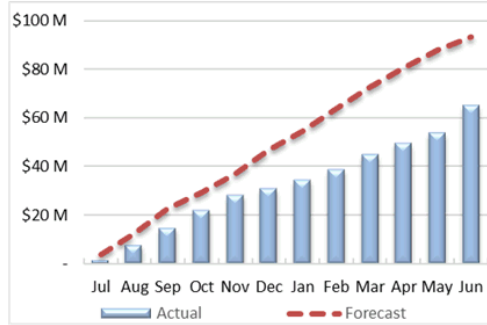
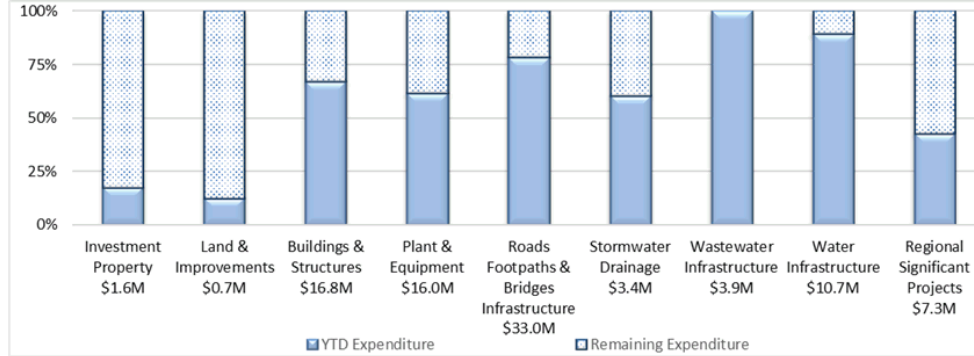


Figure 4: 2021-22 Capital Expenditure (financial delivery)



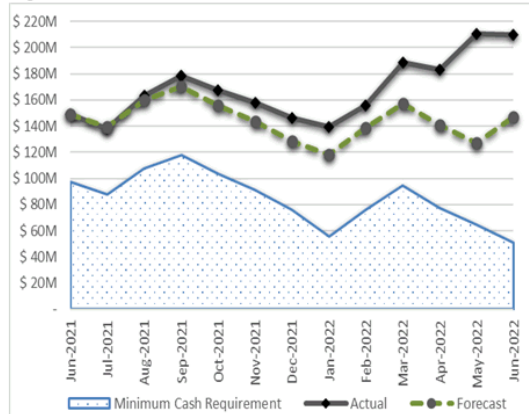
Figure 5: 2021-22 Capital Expenditure by Asset Class (separately identified regional projects)



**Cash**

- The cash balance at reporting date was \$209.8 million, being a decrease of \$0.5 million from last month (\$210.3 million). The actual and forecast cash movement is illustrated in Figure 6.
- No short-term liquidity issues are foreseeable.
- Actual is higher due to early payment of FA Grant, \$13.0 million early upfront payment of 4 years allocation for Waste Levy advance payments), capital projects that will carry across into 2022/23 as indicated in the comments in earlier sections.

Figure 6: 2021-22 Cash Profile



**Rates Debtor**

- Rates outstanding at the end of June 2022 were \$3.2 million or 1.8% (last month was \$4.0 million or 2.2%). Comparative to last year June 2021 the arrears was \$4.1 million or 2.4%.
- The levy for the first half of 2022/2023 will be issued in late July.

**Other Debtors**

- Infringements at end of June 2022 total \$412,000 with 2,653 infringements (last month was \$403,000 with 2,602 infringements) and comparative last year June 2021 was \$392,000 with 2,854 infringements.
- Parking infringements represent 41% the infringements outstanding (after SPER write-offs), with the remaining related to local laws, environmental health and development compliance. There has been more than \$36k of SPER debt written-off this financial year. These are reflected in the statistics in the above infringement bullet point.
- The majority of debts are recovered via internal resources. Where appropriate, remaining outstanding debts are referred to Council's external agency for collection, specifically Infringements continue to be recovered via the State Penalties, Enforcement Registry (SPER) – which at end of June 2022 manages 85% quantity or 92% value of the outstanding debtors (compared to last year was 88% quantity or 94% value).

**Borrowings**

- Loans balance of \$99.6 million at the reporting date are shown in Table 1.
- The quarterly debt service payment was made during June 2022.
- Council borrowed \$33.5 million during May 2022. These funds are reflected in the above cash position and shown in the loan balance.

**Table 1: Loan Portfolio (\$000) 30 Jun 2022**

<b>Loan</b>	<b>Balance</b>
Airport & Precinct	4,820
Hinkler Hall of Aviation	717
Holiday Parks	102
Fleet	263
Kolan Gardens Aged Care	73
Burnett Heads CBD Upgrade	2,296
General Facilities and Infrastructure	48,158
Waste	5,635
Sewerage	35,416
Water	2,106
<b>Total</b>	<b>99,586</b>



**Item****26 July 2022****Item Number:**

G1

**File Number:****Part:**

CORPORATE SERVICES

**Portfolio:**

Organisational Services

**Subject:**

Specialised Supplier Arrangement - LG Software Solutions (Pulse Software)

**Report Author:**

Christine Large, Chief Legal Officer

**Authorised by:**

Anthony Keleher, Manager Corporate Services

**Link to Corporate Plan:**

Our organisational services - 3.2 Responsible governance with a customer-driven focus - 3.2.5 Provide and review systems, programs and processes to ensure effective, innovative and efficient service delivery to meet community expectations.

**Background:**

Pulse is a suite of software modules developed by LG Software Solutions. The software was implemented in September 2018 and has been in use by employees across the organisation since that time. Modules currently used are:

- Corporate Planning & Operational Plan (key performance indicator) reporting;
- Enterprise Risk Management – Strategic and operational risk registers and reporting; and
- Internal Audit Corrective Actions Requests and reporting.

Council has an existing specialised supplier arrangement which was adopted by Council on 23 July 2019 to enter into an arrangement for a period of 3 years, which expires on 31 July 2022.

Council's Governance and Legal team have been exploring other product offerings in the market for functionality, however, this is in very early stages. A new specialised supplier arrangement for a period of 12 months is sought which would allow for a procurement activity to be coordinated for the above modules and any additional governance or compliance related modules, if necessary.

**Associated Person/Organization:**

LG Software Solutions Pty Ltd trading as Pulse Software

**Consultation:**

Council Procurement Board



**Chief Legal Officer's Comments:**

Section 235(b) of the *Local Government Regulation 2012* allows the local government to resolve that it is satisfied that it would be impractical or disadvantageous for the Council to invite quotes or tenders as this is a specialised supplier.

**Policy Implications:**

There appears to be no policy implications.

**Financial and Resource Implications:**

The subscriptions costs for this system is included in the adopted budget.

**Risk Management Implications:**

There appears to be no risk management implications.

**Human Rights:**

There appears to be no human rights implications.

**Indigenous Land Use Agreement (ILUA) Implications:**

There appears to be no ILUA implications.

**Attachments:**

Nil

**Recommendation:**

**That:**

- 1. Council enters into an arrangement with LG Software Solutions Pty Ltd for the provision of Pulse Software without seeking competitive quotations or tenders pursuant to Section 235(b) of the *Local Government Regulation 2012*; and**
- 2. this arrangement be in place for the period 1 August 2022 to 31 July 2023.**

**Item****26 July 2022****Item Number:**

G2

**File Number:****Part:**

CORPORATE SERVICES

**Portfolio:**

Organisational Services

**Subject:**

2021/2022 Operational Plan - Quarter 4

**Report Author:**

Christine Large, Chief Legal Officer

**Authorised by:**

Anthony Keleher, Manager Corporate Services

**Link to Corporate Plan:**

Our organisational services - 3.2 Responsible governance with a customer-driven focus - 3.2.5 Provide and review systems, programs and processes to ensure effective, innovative and efficient service delivery to meet community expectations.

**Background:**

Council adopted its 2021/2022 Operational Plan at the Special Budget Meeting in June 2021. In accordance with section 174 of *Local Government Regulation 2012*, the Chief Executive Officer must present a written assessment of Council's progress towards implementing the annual operational plan at meetings held at regular intervals of not more than 3 months.

Quarterly reports provide a process for monitoring and assessing Council's progress in meeting the goals of the Corporate Plan. The attached report highlights the achievements of Council over the past 3 months with most areas achieving the targets set. Each manager has provided a comment in the report on their department or section's progress.

**Associated Person/Organization:**

Not applicable.

**Consultation:**

Executive Leadership Team, Managers and Supervisors.

**Chief Legal Officer's Comments:**Complies with section 174 of the *Local Government Regulation 2012*.**Policy Implications:**

There appears to be no policy implications.

**Financial and Resource Implications:**

All financial implications and resource utilisations have been identified in the report.

**Risk Management Implications:**

Results, comments and status symbols provide up-to-date information that informs ongoing risk management and mitigation.

**Human Rights:**

There appears to be no human rights implications.

**Indigenous Land Use Agreement (ILUA) Implications:**

There appears to be no ILUA implications.

**Attachments:**

[↓](#)1 Operational Plan 2021/2022 4th Quarter Report






**Recommendation:**

**That the 2021/2022 Operational Plan Quarter 4 review be received and noted.**



# Quarterly Operational Report

Quarter 4, 2021/2022

Indicator	Status	Indicator Meaning
	On Track	Initiative is proceeding to plan with no indication of future impediments.
	Action Required	Progress is significantly behind schedule or is rated 'closely monitor'. Decisive action is required to get back on track.
	Monitor	Progress is not as expected but action is being/ has been taken and is expected to be on track within the next quarter or financial year.
	Trend	This data is being collected for observation and analysis.
	Completed	Initiative or project has been completed.

## 1: Our community and environment

### 1.1: Economic growth and prosperity

#### 1.1.1: Promote and support use of new technology across the organisation and region's economy as part of the Intelligent Community Strategy.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Annual review of adoption of innovative and smart technologies.	<b>Organisation</b> - Strategic Projects & Economic Development	= 100%	100%	✓	Appointed ag-tech ecosystem coordinator to support tech adoption across region.
Annual review of Intelligent Community Strategy.	<b>Organisation</b> - Strategic Projects & Economic Development	= 100%	100%	✓	Appointed ag-tech ecosystem coordinator to support tech adoption across region.
Number of community members participating in our Digital Literacy programs at libraries.	<b>Organisation</b> - Community & Environment - Library Services - Library Services	≥ 80	171	—	Digital literacy programs include group and one-on-one sessions to assist with smartphones, email, MyGov, privacy and security, coding, robotics, and more. A robot cat, MarsCat, has recently been added to the suite of resources to raise awareness and understanding of new technologies including artificial intelligence.
Progress of actions in Intelligent Community Strategy.	<b>Organisation</b> - Strategic Projects & Economic Development	Progress	Actions progressed.	✓	Appointed ag-tech ecosystem coordinator to support tech adoption across region.

#### 1.1.2: Proactively advocate, attract and support economic development related opportunities across the region, specifically targeting priority industries.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Advocacy Priority list reviewed annually by Council.	<b>Organisation</b> - Strategic Projects & Economic Development	Yes	100%	✓	Scheduled review for October - November 2022.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage growth in our region's Gross Regional Product.	<b>Organisation</b> - Strategic Projects & Economic Development	≥ 2%	4%	✓	Gross Regional Product fell slightly last quarter.
Percentage increase or decrease in business entities registered.	<b>Organisation</b> - Strategic Projects & Economic Development	Trend	stable number of registered businesses	✓	Number of business registrations remained stable last quarter.
Preparation of Bundaberg Regional Advocacy Program.	<b>Organisation</b> - Strategic Projects & Economic Development	Progress	100%	✓	Completed November 2021.
Unemployment rate for the Bundaberg region.	<b>Organisation</b> - Strategic Projects & Economic Development	< 6.5	Approximately 7%	✓	Unemployment has performed well over the last year.

### 1.1.3: Promote our region as a preferred investment destination nationally and internationally.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Bundaberg Tourism Partnership Agreement: Total number of visitors to the Bundaberg Region in the year (inclusive of domestic and international).	<b>Organisation</b> - Strategic Projects & Economic Development	Trend	2,872,492	—	Bundaberg Tourism presentation to Council in June 2021 and an internal performance review is occurring in July 2022. Total includes 452,750 international visitors, 1,704,836 domestic visitors and 714,906 day trip visitors.
Percentage of Holiday Park accommodation occupied.	<b>Organisation</b> - Community & Environment - Community Services	Trend	67.25%	—	Elliott Heads Holiday Park 63.10%, Burnett Heads Holiday Park 77.07%, Miara Holiday Park 54.32% and Moore Park Beach Holiday Park 74.57%.

#### 1.1.4: Develop a sustainable pipeline of strategic projects that support organisational and economic development objectives, including procuring external grant funding.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Annual review of investment in strategic projects.	<b>Organisation</b> - Strategic Projects & Economic Development	= 100%	100%	✓	Review completed.
Demonstrated pipeline of shovel ready capital projects aligned with the organisations Advocacy Priorities list.	<b>Organisation</b> - Strategic Projects & Economic Development	Maintenance of 3-4 strategic economic capital projects per year.	4	✓	Current pipeline of projects being completed include upgrading winter garden building, Moore Park Beach, Anzac Park and new aquatic facility.
Percentage of approved external funding grants for strategic projects that support organisational and economic development objectives that Council applied for.	<b>Organisation</b> - Strategic Projects & Economic Development	= 80%	100%	✓	Local Government Grants and Subsidies Program, Hydrogen and Disaster funding won by Council in last 6 months.

### 1.2: Safe, active, vibrant and inclusive community

#### 1.2.1: Provide facilities, parks, open spaces, services, and programs that promote and support our community's safety and physical wellbeing.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Dog off-leash parks are provided and maintained based on a priority basis, following a transparent community consultation process.	<b>Organisation</b> - Community & Environment - Health & Regulatory Services - Regulatory Services	Yes	Yes	✓	Public consultation nearing completion and on track to provide 4 new dog off-leash parks in 2022/2023. Report going to Consultation meeting Monday 11 July for Council to set priority order for construction and to then go out for quotations.
Number of physical activity and preventative health initiatives promoted and supported by Council.	<b>Organisation</b> - Community & Environment - Parks, Sport & Natural Environment - Sport & Recreation	≥ 25	40	✓	Initiatives included Be Active Program (Winter) which provided 84 activities across the region over 6 weeks and Active and Healthy Bundaberg which provided physical fitness, nutrition and mental wellness programs for 24 participants over 12 weeks. Promotion of community accessible programs

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of school students engaged in gallery programs.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Galleries - BRAG & ChArts	≥ 120	466	—	delivered by organisations and providers.  This includes 400 children engaged through Under 8s Day art packs, 32 students engaged through The Amazing Shake program at Burnett Heads State School and the remaining 34 school students through organised gallery tours.
Percentage of agreed service levels have been met.	<b>Organisation</b> - Community & Environment - Parks, Sport & Natural Environment - Parks Operations & Maintenance	≥ 85%	100%	✓	The agreed service levels were met or exceeded in all parks.
Sport and Recreation Strategy (2018-2028): Number of actions implemented.	<b>Organisation</b> - Community & Environment - Parks, Sport & Natural Environment - Sport & Recreation	= 2	2	✓	Facilitation of Physical Activity Programs (ongoing) including Be Active Be Alive/Move It Expo, Drinan Park Master Plan (95%) and Kendall Flat Master Plan.

### 1.2.2: Support and facilitate community programs, networks, projects and events that promote social connectedness; and active and healthy community life.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Access to Services - Commonwealth Home Support Programme & Queensland Community Care (State and Federal funded): Number of service users with improved ability to access appropriate services.	<b>Organisation</b> - Community & Environment - Community Services	≥ 50	515	✓	Client numbers reflect an improved ability to access appropriate services. Group transport is offered from Gin Gin and Childers to Bundaberg to assist with the access to services not available in the regional areas. Clients receive information through newsletters, flyers and face to face.
Community Support Services Commonwealth Home Support Programme & Queensland Community Care (State &	<b>Organisation</b> - Community & Environment - Community Services	Trend	523	—	An audit has taken place with a number of clients no longer accessing services. These clients have been discharged therefore client numbers have dropped.



Performance Measure	Organisation Link	Target	Actual	Status	Comments
Federal Funded): Number of service users who received a service.					
Funded Programs (State & Federal): Percentage of programs and services demonstrating compliance with standards and meeting funding targets.	<b>Organisation</b> - Community & Environment - Community Services	≥ 98%	98%	✓	Ongoing compliance.
Number of community development partnerships, projects and initiatives promoted and supported by Council.	<b>Organisation</b> - Community & Environment - Community Services	Trend	28	—	A number of large initiatives undertaken for this quarter by Community Development Officers.
Number of community members participating in community development projects and initiatives.	<b>Organisation</b> - Community & Environment - Community Services	Trend	4,027	—	Major participatory events included the Colour Run, Seniors Roadshow, Flourish Family Fun Day and Walla Street Skate Bowl Opening.
Number of community members participating in our free community programs and events hosted and facilitated by the Library Service.	<b>Organisation</b> - Community & Environment - Library Services - Library Services	≥ 750	2,290	—	Regular children's programs were well attended. Participation in Family Fun Days saw an increase in the libraries' interaction with community members.
Number of community members who have improved wellbeing through social connectedness.	<b>Organisation</b> - Community & Environment - Community Services	Trend	300	—	Survey results from a broad number of activities this quarter.
Number of Community Services grants provided.	<b>Organisation</b> - Community & Environment - Community Services	Trend	11	—	6 Community services Program Grants submitted in June 2022, decision pending. 5 Micro grant application for April to June 2022.
Number of financial assistance requests/applications supported (individuals/sporting organisations/events).	<b>Organisation</b> - Community & Environment - Parks, Sport & Natural Environment - Sport & Recreation	Trend	11	—	This included Burnett Bowls Club - Men's Championship, Queensland Netball - Primary Schools Cup, Bargara Golf Club - Baraga Legends Pro-Am and 8 Young People in Sport applications.
Number of occasions that information, advice and referral services were provided.	<b>Organisation</b> - Community & Environment - Community Services	Trend	4,303	—	Consistent number and high utilisation.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of service users who received a service.	<b>Organisation</b> - Community & Environment - Community Services	Trend	4,523	■	Engagement continues to climb.
Number of service users with improved quality of life.	<b>Organisation</b> - Community & Environment - Community Services	Trend	5,285	■	Continued high utilisation and outcomes.
Number of services users with improved ability to access appropriate services.	<b>Organisation</b> - Community & Environment - Community Services	Trend	2,251	■	Repeat clientele with good prior access and awareness.
Quality of Life - Commonwealth Home Support Programme & Queensland Community Care (State and Federal funded): Number of service users with improved quality of life.	<b>Organisation</b> - Community & Environment - Community Services	≥ 300	523	✓	An audit has taken place with a number of clients no longer accessing services. These clients have been discharged therefore client numbers have dropped.
Social Connectedness - Commonwealth Home Support Programme & Queensland Community Care (State and Federal funded): Number of service users with improved social connectedness.	<b>Organisation</b> - Community & Environment - Community Services	≥ 150	515	✓	Clients interact with staff throughout all services. Clients are offered and supported to access a variety of social activities to increase and maintain their social contentedness.

### 1.2.3: Implement disaster prevention strategies and maximise community preparedness for disaster events.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Assessment rating of Local Disaster Management Plan and local disaster arrangements in accordance with Emergency Management Assurance Framework.	<b>Organisation</b> - Community & Environment - Disaster Management - Disaster Management	≥ 5/10	No areas for improvement were identified in the annual assessment.	✓	The Inspector-General Emergency Management completed an annual assessment of the Bundaberg Local Disaster Management Plan and reported back in December 2021 with no areas for improvement identified.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of community engagement activities conducted / events attended to promote the Get Ready Queensland message.	<b>Organisation</b> - Community & Environment - Disaster Management - Disaster Management	= 2	5	✓	5 community engagement activities / events attended during the reporting period including SES Day, Flourish, culturally and linguistically diverse (CaLD) community presentations and school presentations.
Number of Local Disaster Management Group (LDMG) Meetings held.	<b>Organisation</b> - Community & Environment - Disaster Management - Disaster Management	= 2	3	✓	3 Local Disaster Management Group meetings held during the 2021/2022 financial year.








#### 1.2.4: Implementation of Cultural Strategy that celebrates and embraces our local connections to First Nation People and other cultures.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of exhibitions that feature First Nations artists.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Galleries - BRAG & ChArts	= 25%	36%	—	36% of the annual exhibition schedule featured First Nations artists.

### 1.3: A creative and environmentally friendly place

#### 1.3.1: Provide facilities, spaces, services and activities that promote and support lifelong learning and community engagement within the arts and culture sector.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of community engagement activities at libraries.	<b>Organisation</b> - Community & Environment - Library Services - Library Services	≥ 10	10	—	Inhouse and Outreach sessions are held to engage with and inform our communities. 5 Author Talks have provided an opportunity for the local community to hear from renowned authors while learning about their story and the books they have published.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of community groups using the Moncrieff Entertainment Centre.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Moncrieff Entertainment Centre	Trend	14		On track.
Number of patrons visiting our library branches.	<b>Organisation</b> - Community & Environment - Library Services - Library Services	≥ 40,000	44,163		Libraries are welcoming places for members of the community and visitors to the area.
Number of patrons visiting the Moncrieff Entertainment Centre.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Moncrieff Entertainment Centre	≥ 8,000	5,961		Target hasn't been achieved because our audiences are still gaining confidence coming out of COVID-19.
Number of people visiting the Galleries.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Galleries - BRAG & ChArts	≥ 6,000	8,247		Bundaberg Regional Art Gallery (BRAG) visitation: 4794 and Childers Arts Space (CHARTS) visitation: 3453.
Number of visitors to iconic facilities Hinkler Hall of Aviation and Fairymead House.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Tourism Facilities & Events	> 4,000	5,675		Hinkler Hall of Aviation had 4358 visitors and Fairymead House had 1317 visitors.
Percentage of total days booked at Moncrieff Entertainment Centre.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Moncrieff Entertainment Centre	Trend	44%		There has been an increase of 9% from last quarter.
Percentage of total seats booked at Moncrieff Entertainment Centre.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities	Trend	20%		There has been an overall increase of 5%.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
	and Events - Moncrieff Entertainment Centre				

### 1.3.2: Provide leadership in creative innovation and opportunities for learning and community social and cultural development.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of attendees to Galleries organised Programs and Events.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Galleries - BRAG & ChArts	≥ 300	1,900	—	This includes attendance for Artisan market, exhibition openings, Outdoor Art Room and Art Walks.
Number of performing arts initiatives designed to engage with our community.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Moncrieff Entertainment Centre	≥ 3	5	✓	There was an increase in community engagement initiatives.
Percentage of trainees/apprentices gaining qualifications across Council.	<b>Organisation</b> - People and Performance - Organisational Development and Learning	≥ 80%	82%	✓	2021 Cohort still employed are all on track for completion (or have completed). 2021 Cohort commenced with 22 trainees and 4 left the program during the reporting period resulting in 82% on track for completion. 2022 Cohort are all still in the program and 100% are on track for completion.

### 1.3.3: Advocate and support heritage and culture programs, projects, plans and events, which create a positive identity for the region.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of exhibitions and travelling exhibitions undertaken in accordance with the endorsed Gallery Exhibition Program.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Galleries - BRAG & ChArts	= 30	28	—	2 exhibitions in Imaginarts were extended, hence target of 30 not met.

### 1.3.4: Manage environmental health services and rehabilitate our natural resources and regional ecosystems whilst educating and engaging with the community.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of community environmental protection and management activities participated in.	<b>Organisation</b> - Community & Environment - Parks, Sport & Natural Environment - <a href="#">Natural Resource Management</a>	≥ 6	5	✓	Activities included a community dune care activity at Elliott Heads and a community tree planting at Sanctuary Park in partnership with One Million Trees. Further highlights include coordinating a wild dog baiting program, aquatic weed management program at Moore Park and the Plant Swamp Program. Staff shortages resulted in less than the targeted number of events.
Number of public awareness, education programs and activities delivered.	<b>Organisation</b> - Community & Environment - Parks, Sport & Natural Environment - <a href="#">Natural Resource Management</a>	≥ 6	7	✓	A range of activities were undertaken including Zoo tours and school holiday activities: a rock pool ramble and a series of Virtual link ups with Reef HQ. Weed awareness displays were provided at Shalom and Bucca Markets.
Percentage of water pollution incidents investigated and resolved by education and enforcement action.	<b>Organisation</b> - Community & Environment - Health & Regulatory Services - <a href="#">Environmental Health Services</a>	= 100%	100%	✓	Water pollution incidents are investigated as a high priority. Many are natural phenomena such as 'Iron bacteria' that was identified this year and looks like oil pollution.

### 1.3.5: Review and consistently enforce local laws, environment and public health legislation to ensure they meet community standards.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Implementation of new technology by Environmental Health Services.	<b>Organisation</b> - Community & Environment - Health & Regulatory Services - <a href="#">Environmental Health Services</a>	Yes	Yes	✓	Currently in the process of upgrading noise monitoring equipment and associated software. Previous technology upgrades in mosquito management and air monitoring have been effective in improving our services.



Performance Measure	Organisation Link	Target	Actual	Status	Comments
Implementation of new technology by Regulatory Services for local law, parking and animal management functions and is implemented.	<b>Organisation</b> - Community & Environment - Health & Regulatory Services - Regulatory Services	Yes	Yes	✓	Tablets and laptops issued to nearly all field-based staff to enable 'real time' data entry/CRM updating. Field oriented software in use by Local Laws officers to enable real time CRM updating. Regulated Parking mobile printers updated providing compatibility with new ticket paper technology. PinForce to be considered for animal management fines.
Percentage of Food Hygiene Improvement Notices resolved by voluntary compliance or enforcement action.	<b>Organisation</b> - Community & Environment - Health & Regulatory Services - Environmental Health Services	= 100%	100%	✓	Critical and High-Risk food safety non-compliance's are followed-up in accordance with the Think Food Safe operational policy.
Percentage of food premises inspected annually in line with Think Food Safe timeframes.	<b>Organisation</b> - Community & Environment - Health & Regulatory Services - Environmental Health Services	> 90%	70%	✗	Reduced staffing and challenges recruiting Environmental Health Officers has impacted number of premises inspected. Inspections of high-risk or non-compliant premises were prioritised to maintain food safety standards in the region during this time. Previously rated 4 and 5 star premises were also prioritised, so these premises had opportunity for the maximum discounts under the new Think Food Safe program. All previous 3 star premises not inspected were given 10% discount.
Percentage of non-compliances for declared dogs resolved by voluntary compliance or enforcement action.	<b>Organisation</b> - Community & Environment - Health & Regulatory Services - Regulatory Services	= 100%	85%	●	A small number of declared dog owners are not meeting all the legislative and/or registration payment requirements. Greater regulatory enforcement will be considered to ensure compliance with the commencement of 2 additional experienced Regulatory Services Officers in May and July 2022. Declared dog management is a priority area for Council.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of premises with declared dogs inspected annually to ensure compliance.	<b>Organisation</b> - Community & Environment - Health & Regulatory Services - Regulatory Services	> 90%	100%	✓	On track to inspect all relevant premises by the 31 August 2022 due date. Two experienced Reg Services Officers have been appointed in May-July. Declared dog compliance is a priority area.



## 2: Our infrastructure and development

### 2.1: Infrastructure that meets our current and future needs

#### 2.1.1: Plan and implement Council's long-term and annual capital works improvement program that reflects community needs and expectations.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Length of sewer main inspected with CCTV.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	Trend	10kms of sewer main & 200 manholes.	—	CCTV inspection was completed on 10kms of sewer main and 200 sewer manholes.
Percentage of adopted Footpath Capital Investment Plan budget completed.	<b>Organisation</b> - Infrastructure Services - Engineering Services	≥ 85	97	✓	The footpath program has proceeded very well this financial year with only some minor finalisation required in 2022/2023 quarter 1.
Percentage of adopted Road Capital Investment Plan budget completed.	<b>Organisation</b> - Infrastructure Services - Engineering Services	≥ 85%	78%	●	The low completion rate for the road upgrade program is the result of several external factors. These include: a high frequency of rain events resulting in delayed projects and supply chain issues resulting in delays of material supply. As a result, some projects will now be finalised in 2022/2023.
Percentage of adopted Stormwater Capital Investment Plan budget completed.	<b>Organisation</b> - Infrastructure Services - Engineering Services	≥ 85	58	●	The low completion rate for the stormwater upgrade program is the result of several external factors. These include low industry response to tenders due to the current high demand for construction services, delays to projects because of a high frequency of rain events and supply chain issues causing delays in material supply. As a result, some projects will now be completed in 2022/2023.
Percentage of adopted Wastewater Capital Projects Program budget completed.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	= 95%	100%	✓	Program delivered in full.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of adopted Water Capital Projects Program budget completed.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	= 95%	93%	✓	Some projects were delayed due to a protracted easement acquisition process.
Percentage of hydrants inspected.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	= 100%	100%	✓	A total of 1244 hydrants were inspected over the year.
Percentage of inspected hydrants resulting in replacement.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	Trend	37	—	37 hydrants were replaced as identified needing replacement via the hydrant inspection program.
Percentage of Road, Stormwater and Footpath Projects grant funds expended in accordance with agreed timeframes.	<b>Organisation</b> - Infrastructure Services - Engineering Services	≥ 100	94	✓	Council has expended 100% of our grant funds this financial year, but because some projects have carried over to next financial year, Council cannot claim the expenditure at this point in time. The shortfall is related to some major road projects' delays due to wet weather in quarter 4.
Percentage of sewer main relining completed.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	Trend	100%	—	100% of the sewer relining program was completed.
Update the Transport, Stormwater and Active Transport Asset Management Plans to incorporate outcomes from the Road Investment, Stormwater and Active Transport Strategies.	<b>Organisation</b> - Infrastructure Services - Engineering Services	≥ 100	50	✓	BRC Active Transport Strategy 2020-2025, BRC Stormwater Management Strategy 2021 and BRC Road Investment Strategy 2021 have been developed and are effectively new Asset Management Plans for these categories. Bundaberg Integrated Transport Strategy (BITS), currently underway with Department of Transport and Main

Performance Measure	Organisation Link	Target	Actual	Status	Comments
					Roads (due for completion –December 2022) will lead to a major update of the Local Government Infrastructure Plan and associated update to the Transport Asset Management Plan.

### 2.1.2: Apply renewable and clean energy strategies in operational management and project development and construction.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Progress of recommendations in Sustainable Bundaberg 2030.	<b>Organisation</b> - Strategic Projects & Economic Development	Progress	On track	✓	New Net Zero Strategy being completed which will update Sustainable Bundaberg 2030.

### 2.1.3: Manage and maintain Council owned buildings, facilities and assets that support and facilitate social connectedness and community life.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Community satisfaction or suitability of swimming pool facilities to promote active and healthy community life.	<b>Organisation</b> - Community & Environment - Community Services	≥ 90%	90%	—	90% of survey respondents do believe that the swimming pool facilities promote active and healthy community lifestyle. 130 responses received. 117 selected yes and 13 selected no.
Number of passengers processed through Bundaberg Regional Airport terminal.	<b>Organisation</b> - Community & Environment - Bundaberg Airport	≥ 30,000	30,767	✓	Passenger numbers are now back on target but have not yet fully recovered from the COVID-19 crash.
Number of visitors attending events at the Bundaberg Multiplex Sport and Convention Centre.	<b>Organisation</b> - Community & Environment - Arts, Culture, Tourism Facilities and Events - Multiplex	Trend	3,187	—	There were approximately 3,187 visitors to the Bundaberg Multiplex Sport & Convention Centre. There were also 10 cancelled events which would have seen an additional 1485 visitors.
Percentage usage of halls and community facilities including Coronation Hall, School of Arts and Gin Gin RSL.	<b>Organisation</b> - Community & Environment - Community Services	Trend	49.41%	—	Coronation Hall 31.98%, Gin Gin RSL Hall 74.74% and School of Arts 41.51%.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage usage of the Recreational Precinct.	<b>Organisation</b> - Community & Environment - Community Services	Trend	85.81%	■	Usage is higher than the same period last year.

## 2.2: Sustainable essential services

### 2.2.1: Connect our people, places and industries by maintaining and improving road transport, pathway and drainage networks.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of Footpath Assets replaced in accordance with targets in the Long Term Asset Management Plan.	<b>Organisation</b> - Infrastructure Services - Engineering Services	= 100%	104%	■	Trending positively. Council has replaced more assets during the 2021/2022 period than had been assigned for this period in the Long Term Asset Management Plan.
Percentage of Road Assets replaced in accordance with targets in the Long Term Asset Management Plan.	<b>Organisation</b> - Infrastructure Services - Engineering Services	= 100%	99%	■	Trending positively.
Percentage of Stormwater Assets replaced in accordance with targets in the Long Term Asset Management Plan.	<b>Organisation</b> - Infrastructure Services - Engineering Services	= 100%	96%	■	Trending positively.

### 2.2.2: Supply potable water and wastewater services that ensure the health of our community in accordance with Council's service standards.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of reportable wastewater incidents.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	≤ 5	14	■	7 exceedances occurred in the Hinterland catchments (Gin Gin, Childers & Woodgate) and 7 exceedances occurred in the Bundaberg and Coastal catchments. Majority of these exceedances were due to the wet weather events that led to stormwater

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of customers who do not experience a planned water supply interruption.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	≥ 95%	96%	✓	inundation of our wastewater catchment network.  1,233 water connections experienced a planned service interruption during the quarter 4 reporting period from a total of 33,140 water connections.
Percentage of customers who do not experience wastewater interruption.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	≥ 95%	100%	✓	34 sewerage connections experienced a service interruption from a total of 26,774 sewerage connections during the quarter 4 reporting period.
Percentage of raw water usage versus allocation.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	≤ 80%	57%	✓	The Raw Water usage during the quarter 4 reporting period was 2,251.05ML. The year-to-date total raw water consumption is 10,017ML from a total combined yearly allocation of 17,429ML surface and ground water. The raw water usage during this period was lower than the equivalent periods in 2019/2020 and 2020/2021, due to the increased rainfall experienced during the April - June period.
Percentage of water supply quality incidents per 1,000 connections.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	≤ 5	4	✓	A total of 4 water quality incidents were reported during the quarter 4 reporting period.
Sewer main breaks and chokes per 100km of mains.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	≤ 40	5	✓	36 sewer main breaks and chokes occurred across the region during the quarter 4 reporting period. The total length of sewer main is 716.64 km.
Wastewater odour complaints per 1,000 connections.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	< 5	0	✓	7 odour complaints were received during the quarter 4 reporting period from a total of 26,774 sewage connections.

### 2.2.3: Provide safe and efficient waste services to protect our community and environment.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Growth in the number of households and businesses with a weekly waste and fortnightly recycling kerbside collection service.	<b>Organisation</b> - Community & Environment - Waste Services	Trend	1.6%	■	The total number of Waste and Recycling services for the financial year was 45,777. This is an increase of 810 services for the 12-month period or growth of 1.6%.
Number of people utilising Councils Waste Facilities.	<b>Organisation</b> - Community & Environment - Waste Services	Trend	130,398	■	130,398 Waste Facility customers for 2021/2022 (excluding tip shop customers). The previous year's figures were 139,074 customers which represents a decrease of 8,676 waste facility users or 6.2% for the year. The drive for this change is alternative recycling providers and changes to waste facility hours in February that reduced operating hours significantly.

### 2.2.4: Provide effective and efficient fleet and trade services for operations and projects across Council.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of asset maintenance work tickets completed when scheduled.	<b>Organisation</b> - Infrastructure Services - Fleet & Trade Services	≥ 95%	96%	✓	Target Met.
Percentage of internal client survey results satisfactory or above.	<b>Organisation</b> - Infrastructure Services - Fleet & Trade Services	> 75%	96%	✓	Target achieved.
Percentage of overall plant, vehicle and equipment availability.	<b>Organisation</b> - Infrastructure Services - Fleet & Trade Services	≥ 95%	96%	✓	Target Met.

### 2.3: Sustainable development



#### 2.3.1: Develop, implement and administer strategies and plans underpinned by the principles of sustainable development.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Annual review of the Local Government Infrastructure Plan completed.	<b>Organisation</b> - Development	= 100%	0%	✓	This project was deferred to the 2022/2023 financial year as part of budget considerations.
Local Area Plan developed for Bargara southern growth area.	<b>Organisation</b> - Development	= 100%	45%	✓	Project is awaiting input from specialist consultants regarding infrastructure requirements.
Local Area Plan developed for Branyan Growth Corridor.	<b>Organisation</b> - Development	= 100%	45%	✓	Project is awaiting input from specialist consultants regarding infrastructure requirements.

#### 2.3.2: Provide an efficient, effective and transparent development assessment service consistent with community and statutory expectations.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of development approvals audited for compliance.	<b>Organisation</b> - Development	= 6	7	✓	The required number of approvals were audited for compliance during the quarter.
Percentage of applications to endorse subdivision plans decided within 15 days or less.	<b>Organisation</b> - Development	≥ 95%	100%	✓	19 plans of subdivision were approved within 15 days or less for the quarter.
Percentage of low complexity development applications decided within 10 days or less.	<b>Organisation</b> - Development	≥ 90%	88%	✓	7 low complexity applications were decided in 10 days or less out of a total of 9 decided for the quarter.
Percentage of pre-lodgement meeting outcomes issued within 5 days or less.	<b>Organisation</b> - Development	≥ 80%	56%	✗	43 pre-lodgement meetings were held for the quarter. Increased demand for this service along with higher levels of development activity are impacting on timeframes for this service.
Percentage of total code assessable development applications decided within 25 days or less.	<b>Organisation</b> - Development	≥ 80%	51%	✗	21 code assessable applications were decided within 25 days or less out of a total of 43 decided for the quarter.



Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of total impact assessable development applications decided within 35 days or less.	<b>Organisation</b> - <a href="#">Development</a>	≥ 60%	40%		2 impact assessable applications were decided within 35 days or less out of a total of 6 decided for the quarter.
Percentage of total referral agency assessments decided within 10 days or less.	<b>Organisation</b> - <a href="#">Development</a>	≥ 95%	97%		90 referrals were issued within target timeframes out of a total of 92 for the quarter.

### 2.3.3: Review and consistently enforce the planning scheme to ensure sustainable environmental practices.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of development and building related complaints investigated.	<b>Organisation</b> - <a href="#">Development</a>	Trend	87		87 compliance registers were opened for the quarter.



### 3: Our organisational services

#### 3.1: A sustainable financial position

##### 3.1.1: Develop and maintain a Long-term Financial Plan and fiscal principles for sustainable financial management.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Business Unit Recurrent expenditure is within the budget parameters.	<b>Organisation</b> - Financial Services - Accounting	< 2.5%	Overall operating expenditure is 2.0% less than budget. Waste fund is at 4.8% below budget and Water fund is at 4.6% below budget, whilst Wastewater and General fund are within 2.5% target.		The actual percentage may vary with end of year adjustments continued to be processed, however, the interim end of year results presents a favourable operating position comparative to budget.
Investment returns compared to bank bill swap rate (BBSW).	<b>Organisation</b> - Financial Services - Accounting	≥ 1.3	1		This quarter has seen significant inflation and the increase in the official cash rate from 0.1% to 0.85%. Term deposit rates have increased, which has seen Council diversify its funds to maximise returns. Average return on term deposits is 1.46. However, Council is still holding significant funds "at call" to cover cash flow requirements over the coming months and within its risk profile outlined in the investment policy. The average return on at call funds is 0.62 meaning overall the return has not met the target. Officers are reassessing the cash profile in July to try and increase these returns, whilst ensuring risk and cash flow requirements are still in line with the policy framework.
Percentage of creditors paid within agreed terms.	<b>Organisation</b> - Financial Services - Accounting	≥ 95%	97%		3.27% of invoices paid outside terms. This is the best performance this financial year.
Percentage of outstanding rates.	<b>Organisation</b> - Financial Services - Revenue	< 5%	2%		Gross outstanding 1.75%. Prepayments continue to increase as well.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Sufficient working capital is available to meet forecast operational needs and maintained over the long-term financial forecast. Level of funds available greater than Council's minimum cash requirement.	<b>Organisation</b> - Financial Services - Accounting	> 3 months	Yes	✓	Council holds sufficient cash to fund major projects scheduled for the upcoming financial year, with no liquidity issues foreseeable in the short term.

### 3.1.2: Review, monitor and evaluate asset management.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Annual review of Asset Management Plans.	<b>Organisation</b> - Financial Services - Accounting	Yes	Yes	✓	Capital Investment Plan (CIP) has been reviewed throughout the development of the budget 2022/2023 along with linkage to Asset Management Plans and adjusted for affordability.

### 3.1.3: Develop strong networks with local, state and national stakeholders.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Actively seek and apply for funding opportunities from the State and Federal Governments.	<b>Organisation</b> - Strategic Projects & Economic Development	Trend	On track	✓	Local Government Grants and Subsidies Program, Hydrogen and Disaster funding won by Council in last 6 months.
Percentage of Accounts Payable supplier spend (excluding Corporate Purchase Cards) with local business category A, B and C, as defined in the Procurement and Contract Manual.	<b>Organisation</b> - Corporate Services - Strategic Procurement & Supply - Procurement Stores	= 50%	50%	✓	Our financial year to date achievement was 49.74%.

### 3.1.4: Annual review of services ensuring sustainable assets and service delivery.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Annual and long-term budget forecast appropriately considers need for services and levels of service.	<b>Organisation</b> - Financial Services - Accounting	Yes	Yes	✓	Council adopted 2022/2023 Original Budget (at Special Budget meeting 28 June 2022) which included the Long-term Financial Plan through to 2032.

## 3.2: Responsible governance with a customer-driven focus

### 3.2.1: Ensure our workforce is suitable, trained and supported to competently manage themselves and their work.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Average number of business days to complete recruitment process (approval to offer of employment).	<b>Organisation</b> - People and Performance - Human Resources Operations	= 30	33	✓	61 roles filled in quarter 4 with an average time to fill of 33 business days. 2 Technical Roles that are traditionally hard to fill were filled during the quarter and at 87 and 133 days to fill respectively, this has affected our total time to fill for the quarter.
Employee satisfaction and morale.	<b>Organisation</b> - People and Performance - Organisational Development and Learning	Trend	N/A	—	Employee engagement survey was not carried out during the reporting period.
Health and Safety Strategic Plan Key Performance Indicators met.	<b>Organisation</b> - People and Performance - Work, Health & Safety	= 90%	90%	✓	New strategic plan created and endorsed. Current operational actions align to the strategic plan.
Percentage of staff who successfully completed mandatory training requirements, including leadership development training.	<b>Organisation</b> - People and Safety - Organisational Development and Learning	≥ 90%	91%	✓	Completion of mandatory training continues to track well across the board.

### 3.2.2: Provide friendly and responsive customer service, in keeping with Council values and community expectations.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Customer call-backs completed within 24 hours.	<b>Organisation</b> - Financial Services - Customer Service	= 100%	100%	✓	A total of 2877 call backs were requested within this quarter. 83% of calls were processed in less than 10 minutes.
Percentage of call centre enquiries answered in accordance with Customer Service Charter.	<b>Organisation</b> - Financial Services - Customer Service	> 90%	91%	✓	20,222 calls were processed via the Call Centre within this quarter.
Percentage of customer requests processed/investigated within timeframes.	<b>Organisation</b> - Development	≥ 90%	81%	●	755 CRMS were actioned within required timeframes out of a total of 933 CRMS actioned for the quarter.
Percentage of new water and wastewater connections installed within 25 days.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	≥ 95%	90%	✓	Fees for some of the applications were not received on time.
Percentage of planning and building searches issued within statutory and corporate timelines.	<b>Organisation</b> - Development	≥ 95%	95%	✓	330 Building Compliance searches and 8 planning certificates were completed for the quarter.
Percentage of plumbing approvals decided within 10 days.	<b>Organisation</b> - Infrastructure Services - Water Services - Water Services	≥ 95%	91%	●	217 assessments completed on time out of 239. There were a number of application payments that did not register on the plumbing report. This was due to the introduction of altitude, resulting in payments made the day before not registering in the next day's report. This issue has now been resolved and we have not missed an application in the last 35 days. We do not for see a problem with making our KPI's for the next quarter.
Percentage of Road, Drainage and Footpath Customer Requests determined and responded to within allocated time periods.	<b>Organisation</b> - Infrastructure Services - Engineering Services	≥ 80%	72%	●	There were 1385 CRMs received and 1014 were closed. The average completion days decreased from 8.6 to 8.3 from last quarter. A high number of drainage requests were again generated

Performance Measure	Organisation Link	Target	Actual	Status	Comments
					this quarter due to several significant rain events occurring.

### 3.2.3: Administer statutory compliant governance operations incorporating insurance; risk management; property management and Council policies and procedures.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Administrative access scheme approvals completed and published on Councils website.	<b>Organisation</b> - Corporate Services - Governance & Legal Services - Governance & Legal Services	Trend	0	—	No new Administrative Access Scheme applications have been received in this year.
Biennial review of all Council Policies completed by 30 June 2022.	<b>Organisation</b> - Corporate Services - Governance & Legal Services - Governance & Legal Services	= 95%	100%	✓	All Council policies were reviewed and adopted by 30 June 2022.
Corporate and Operational risks are reported to Audit and Risk Committee.	<b>Organisation</b> - Corporate Services - Governance & Legal Services - Governance & Legal Services	Yes	Yes	✓	An update report was provided to the Audit and Risk Committee on 12 May 2022.
Number of Administrative Action Complaints processed within applicable timeframes.	<b>Organisation</b> - Corporate Services - Governance & Legal Services - Governance & Legal Services	Trend	74	—	74 administrative action complaints (AACs) were received this quarter, with 6 matters ongoing. 84 AACs were finalised including matters received in previous quarters.
Number of Right to Information and Information Privacy internal and/or external reviews initiated.	<b>Organisation</b> - Corporate Services - Governance & Legal Services - Governance & Legal Services	Trend	2	—	For the 2021/2022 financial year, there was 1 internal review and 1 external review initiated by applicants.
Operational risks are reviewed quarterly by risk owners.	<b>Organisation</b> - Corporate Services - Governance & Legal Services - Governance & Legal Services	= 100%	76%	✓	Operational risk reviews were undertaken and finalised with most branches during this quarter. 5 risk reviews continue to be

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of appropriate and current contractual arrangements in place for Council owned and/or managed property.	<b>Organisation</b> - Corporate Services - Governance & Legal Services - Governance & Legal Services	≥ 80%	96%	✓	finalised outside of the quarter due to risk owners on leave.  Meeting requirements.
Percentage of compliant Right to Information and Information Privacy applications processed within legislative timeframes.	<b>Organisation</b> - Corporate Services - Governance & Legal Services - Governance & Legal Services	= 100%	100%	✓	3 compliant Right to Information applications and 1 Information Privacy application were received and processed this quarter.
Percentage of insurance claims that are processed within timeframes.	<b>Organisation</b> - Corporate Services - Governance & Legal Services - Governance & Legal Services	≥ 95%	100%	✓	22 claims were received and processed (general insurance, motor vehicle, marine hull and public liability claims).
Percentage of privacy complaints processed within legislative timeframes.	<b>Organisation</b> - Corporate Services - Governance & Legal Services - Governance & Legal Services	= 100%	100%	✓	There were 6 privacy complaints received for quarter 3 and 4.

### 3.2.4: Exercise whole-of- Council adherence to, and compliance with, Council's policies and procedures, in keeping with our corporate values and community's expectations.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Internal Audits are progressing for completion in line with the Internal Audit Plan.	<b>Organisation</b> - Corporate Services - Audit Services	Trend	1	✓	KPMG has completed 1 audit within this quarter.
Number of Internal Quality, Safety and Environmental Audits completed.	<b>Organisation</b> - Corporate Services - Audit Services	≥ 2	3	✓	BDO have completed 3 audits within this quarter.

### 3.2.5: Provide and review systems, programs and processes to ensure effective, innovative and efficient service delivery to meet community expectations.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Annual review of Environmental Health Services to identify innovations to improve effectiveness and efficiency.	<b>Organisation</b> - Community & Environment - Health & Regulatory Services - Environmental Health Services	Yes	Yes	✓	Programs implemented improving effectiveness and efficiencies include Fix-it-at-the-Fence (Health & Regulatory Services), Think Food Safe and licence renewal program. These are contributing to a much-improved service delivery.
Annual review of Regulatory Services to identify innovations, effectiveness and efficiency.	<b>Organisation</b> - Community & Environment - Health & Regulatory Services - Regulatory Services	Yes	Yes	✓	Culture of continuous improvement is being taken up by staff with regular reviews of all Regulatory Services areas undertaken. Recent innovations include changed coastal dog on leash and No Dog signage, Fix-it-at-the-Fence initiative, Dog Park project, improved staff recruitment focused on team fit and upskilling staff in Local Laws (so integrating the Local Laws and regulatory Services Functions).

### 3.3: Open communication

#### 3.3.1: Keep our community and workforce informed and up-to-date in matters of agency and community interest.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Council stories published on Bundaberg Now and across digital platforms.	<b>Organisation</b> - Communications & Marketing - Communications - Communications	≥ 85	161	✓	There were 161 Council stories and videos published between April and June.



### 3.3.2: Proactively support and encourage community engagement and collaboration.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of Community Engagement Strategies created for Council projects.	<b>Organisation</b> - Strategic Projects & Economic Development	Trend	More than 30 community engagements being managed across the organisation.	✓	Multiple new and existing community engagement programs run by engagement officer.

### 3.3.3: Develop consistent messaging and professional communications that establish a positive profile and identity for Council and our region.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Council e-newsletter open rate, measured against industry standard.	<b>Organisation</b> - Communications & Marketing - Communications - Communications	≥ 22%	33%	✓	The Bundaberg Now Daily Digest e-newsletter average open rate is on track this quarter at 32.7%.
Percentage of Bundaberg Now website traffic above or below the industry benchmark.	<b>Organisation</b> - Communications & Marketing - Communications - Communications	Trend	+62.68%	✓	Bundaberg Now sessions are sitting above the industry benchmark set by Google Analytics for news websites in Australia.

### 3.3.4: Review and develop updated and relevant communication platforms, modes, mediums and content.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Delivery of a customer portal to enhance common interactions with Council.	<b>Organisation</b> - Corporate Services - Information Services	= 100%	50%	●	This project will need to be carried over to the next financial year. With resourcing constraints throughout the final 2 quarters, the project stalled. Given currently all roles are filled we're expecting to deliver a proof of concept before Christmas 2022.





## Item

26 July 2022

**Item Number:**

G3

**File Number:****Part:**

CORPORATE SERVICES

**Portfolio:**

Organisational Services

**Subject:**

Lease Renewal - Bartolo

**Report Author:**

Nicole Sabo, Property &amp; Leases Officer

**Authorised by:**

Gavin Steele, General Manager Community &amp; Environment

**Link to Corporate Plan:**

Our organisational services - 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.

**Previous Items:**

8 - Cafe 1928 - Renewal or Tender - Consultation Meeting - 06 June 2022

**Background:**

Lot 106 on CP880945 located at 6 Mt Perry Street, Bundaberg North is a State owned reserve for Botanic Gardens which Council is the trustee ('Property').

Roger Bartolo currently leases part of the Property known as lease area D and operates Café 1928 ('the Premises'). The lease commenced on 27 July 2018 and has an end date of 30 November 2022. By operation of section 46AA(4) of the *Retail Shop Leases Act 1994*, the trustee lease has been extended to 17 December 2022. Roger Bartolo wishes to renew the lease.

The term of the new lease is proposed to be 5 years. The lease will be on Council's standard terms and rent will be for market value. The tenant will now be responsible for all maintenance at the Premises including the Trustee's property. Structural maintenance will remain Council's responsibility.

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

**Associated Person/Organization:**

Roger Bartolo

**Consultation:**

All Councillors

**Chief Legal Officer's Comments:**

Pursuant to section 236(1)(c)(iii) of the *Local Government Regulation 2012*, Council may dispose of the Premises by way of lease as the disposal is for the purpose of renewing the lease to an existing tenant.

**Policy Implications:**

There appears to be no policy implications.

**Financial and Resource Implications:**

There appears to be no financial or resource implications.

**Risk Management Implications:**

There appears to be no risk management implications.

**Human Rights:**

There appears to be no human rights implications.

**Indigenous Land Use Agreement (ILUA) Implications:**

There appears to be no ILUA implications.

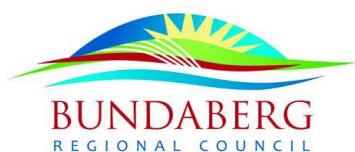
**Attachments:**

Nil

**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 lease with Roger Bartolo for lease area D, being part of Lot 106 on CP880945, for a term of 5 years.**

**Item****26 July 2022****Item Number:**

G4

**File Number:****Part:**

CORPORATE SERVICES

**Portfolio:**

Organisational Services

**Subject:**

Show Holiday Nomination for 2023

**Report Author:**

Jon Rutledge, Manager People, Safety &amp; Culture

**Authorised by:**

Anthony Keleher, Manager Corporate Services

**Link to Corporate Plan:**

Our organisational services - 3.2 Responsible governance with a customer-driven focus - 3.2.5 Provide and review systems, programs and processes to ensure effective, innovative and efficient service delivery to meet community expectations.

**Background:**

Each year Council must make an application to the Office of Industrial Relations nominating days for a show public holiday in accordance with the requirements of the *Holidays Act 1983*.

In past years Council has nominated 2 show day holidays:

- The Gin Gin Show holiday be allocated to the Monday before Peoples' Day of the Brisbane Exhibition held in August each year.
- The rest of the region observe the Bundaberg Show Day.

Should Council resolve to have 2 show day holidays as in previous years, it is recommended Council submit a nomination for the Bundaberg Region, based on a postcode basis, ie:

- 4660 and 4670 – Thursday 1 June 2023; and
- 4671 – Monday prior to People's Day for the Brisbane Exhibition – Monday 7 August 2023.

If the nomination is accepted by the Office of Industrial Relations, Council employees based in Council Service Centres, offices, depots etc located at Bundaberg, Childers and Gin Gin will observe the Show Holiday as Thursday 1 June 2023.

**Associated Person/Organization:**

Office of Industrial Relations

**Consultation:**

Portfolio Spokesperson: Cr SA Cooper

Divisional Councillor: Cr WA Honor, Division 3

Gin Gin Show Society

Bundaberg AP & I Society Inc

**Chief Legal Officer's Comments:**

There appears to be no legal implications.

**Policy Implications:**

There appears to be no policy implications.

**Financial and Resource Implications:**

There appears to be no financial or resource implications.

**Risk Management Implications:**

There appears to be no risk management implications.

**Human Rights:**

There appears to be no human rights implications.

**Indigenous Land Use Agreement (ILUA) Implications:**

There appears to be no ILUA implications.

**Attachments:**

Nil

**Recommendation:**

**That application be made to the Office of Industrial Relations for gazettal of Show Holidays for the Bundaberg Region, based on postcode basis, ie:**

- **4660 and 4670 – Thursday 1 June 2023; and**
- **4671 – Monday 7 August 2023 (Monday prior to People's Day for the Brisbane Exhibition).**

**Further, that Council Offices and Depots located in postcodes 4660, 4670 and 4671 be closed on Thursday, 1 June 2023, and all Council employees in those locations have this day as their allocated Show Day Holiday.**

of

**Item****26 July 2022****Item Number:**

G5

**File Number:****Part:**

CORPORATE SERVICES

**Portfolio:**

Organisational Services

**Subject:**

Christmas Closedown 2022

**Report Author:**

Jon Rutledge, Manager People, Safety &amp; Culture

**Authorised by:**

Anthony Keleher, Manager Corporate Services

**Link to Corporate Plan:**

Our organisational services - 3.2 Responsible governance with a customer-driven focus - 3.2.2 Provide friendly and responsive customer service, in keeping with Council values and community expectations.

**Background:**

In past years, Council has agreed to the closure of Council administration offices, service centres and depots for business days over the Christmas/New Year period. It is proposed that Council offices will close from Monday 26 December 2022 and reopen on Tuesday 3 January 2023. During this period, employees will take the following leave:

- Monday 26 December 2022 – Public Holiday
- Tuesday 27 December 2022 – Public Holiday
- Wednesday 28 to Friday 30 December 2022 – Employees will be offered the alternative of taking leave, accrued Rostered Days Off (RDO's) or Time Off In Lieu (TOIL) or any combination of these.
- Monday 2 January 2023 – Public Holiday

Council will maintain an employee listing of who will attend to critical business during this period.

**Associated Person/Organization:**

Not applicable.

**Consultation:**

Executive Leadership Team

**Chief Legal Officer's Comments:**

There appears to be no legal implications.

**Policy Implications:**

There appears to be no policy implications.

**Financial and Resource Implications:**

There appears to be no financial or resource implications.

**Risk Management Implications:**

There appears to be no risk management implications.

**Human Rights:**

There appears to be no human rights implications.

**Indigenous Land Use Agreement (ILUA) Implications:**

There appears to be no ILUA implications.

**Attachments:**

Nil

**Recommendation:**

**That:-**

- 1. Council's main administration office, service centres, libraries, arts centres and depots (and other administrative and depot areas as applicable) be closed for general business on the 3 working days over the Christmas/New Year period, namely Wednesday 28, Thursday 29 and Friday 30 December 2022, with offices and depots reopening on Tuesday 3 January 2023;**
- 2. Employees be offered the alternative of taking the subject 3 days from Leave, or a combination of Leave and accrued Rostered Days Off;**
- 3. The Chief Executive Officer advertise the closure and telephone numbers of Council employees who will attend to critical business over this period.**

**Item****26 July 2022****Item Number:**

K1

**File Number:**

322.2015.43739.1

**Part:**

PLANNING &amp; DEVELOPMENT

**Portfolio:**

Planning &amp; Development Services

**Subject:**

Request for Extended Completion Date Building Bundaberg Region 2020 Incentives - DA322.2015.43739.1

**Report Author:**

Michael Ellery, Group Manager Development

**Authorised by:**

Stuart Randle, General Manager Infrastructure Services

**Link to Corporate Plan:**

Our community and environment - 1.1 Economic growth and prosperity - 1.1.4 Develop a sustainable pipeline of strategic projects that support organisational and economic development objectives, including procuring external grant funding.

**Background:**

Council is in receipt of a request to extend the completion date for a development to be eligible for incentives under the Bundaberg Open for Development 2016 incentives scheme.

The request relates to DA 322.2015.43739.1 being a development permit for a material change of use of land located at Clarkes Road, Delan for the purposes of an Extractive Industry (extension to an existing quarry). The incentives approved on 6 June 2019 provide for a 50% discount to the applicable infrastructure charge. Under the Infrastructure agreement (IA) executed on 10 June 2019, to receive the incentives the development was required to be completed by 26 June 2020, although this was extended to 26 June 2022 as part of Council's development industry recovery package issued in 2020. To date, no works have commenced and no further development approvals have been obtained from the Council.

The owners through their consultants have requested that the completion date be extended for a period of 18 months to 17 October 2024. The extended date aligns with the lapsing date for the approval, which was extended to this date by the general extensions granted by the Planning Minister in response to the pandemic.

Although the IA provides for the ability to make an Extension Request to the Chief Executive Officer, it is a precondition of such requests that the development achieve substantial commencement prior to making that request. As such the request has been reported to Council for determination.

In seeking the request the owner has advised that the project has been delayed by the need to obtain further approvals from other government agencies as well as impacts from the pandemic. A copy of the owner’s request is included as Attachment 2.

**Associated Person/Organization:**

Wayne and Judy Honor - owners  
 Coachtrail Investments Pty Ltd - Developer

**Consultation:**

No consultation has been undertaken regarding this matter.

**Chief Legal Officer’s Comments:**

As noted previously, the discounts and performance of the developer are secured by an Infrastructure Agreement. If the Council agrees to the extended completion date, a Deed of Variation will be required to amend the Completion Date in the IA.

**Policy Implications:**

The Bundaberg Open for Development 2016 incentives scheme closed for new applications on 30 June 2019. Accordingly, it was originally envisaged that the last of the incentivised developments would be finalised in the second half of 2020, however the extensions granted by Council have seen this extended to mid-2022.

Although the development has not achieved substantial commencement the owner has taken substantial steps to progress the development. This includes obtaining approval from the federal government under the EPBC Act, a process that took some time after approval was granted by the Council, and also undertaking further cultural heritage surveys of the site. It is noted that the Planning Minister has also extended the approval and the request to extend the discount is consistent with these extensions.

On this basis it is recommended that the requested extension to 17 October 2024 be granted.

**Financial and Resource Implications:**

The discounts available for the development based on the current IA are outlined in the table below:

<b>Infrastructure Amount</b>	<b>Applicable Discount</b>	<b>Reduced Infrastructure Amount</b>
<b>\$117,547.38</b>	<b>50%</b>	<b>\$58,773.69</b>

**Risk Management Implications:**

There appears to be no risk management implications.

**Human Rights:**

There appears to be no human rights implications.



**Indigenous Land Use Agreement (ILUA) Implications:**

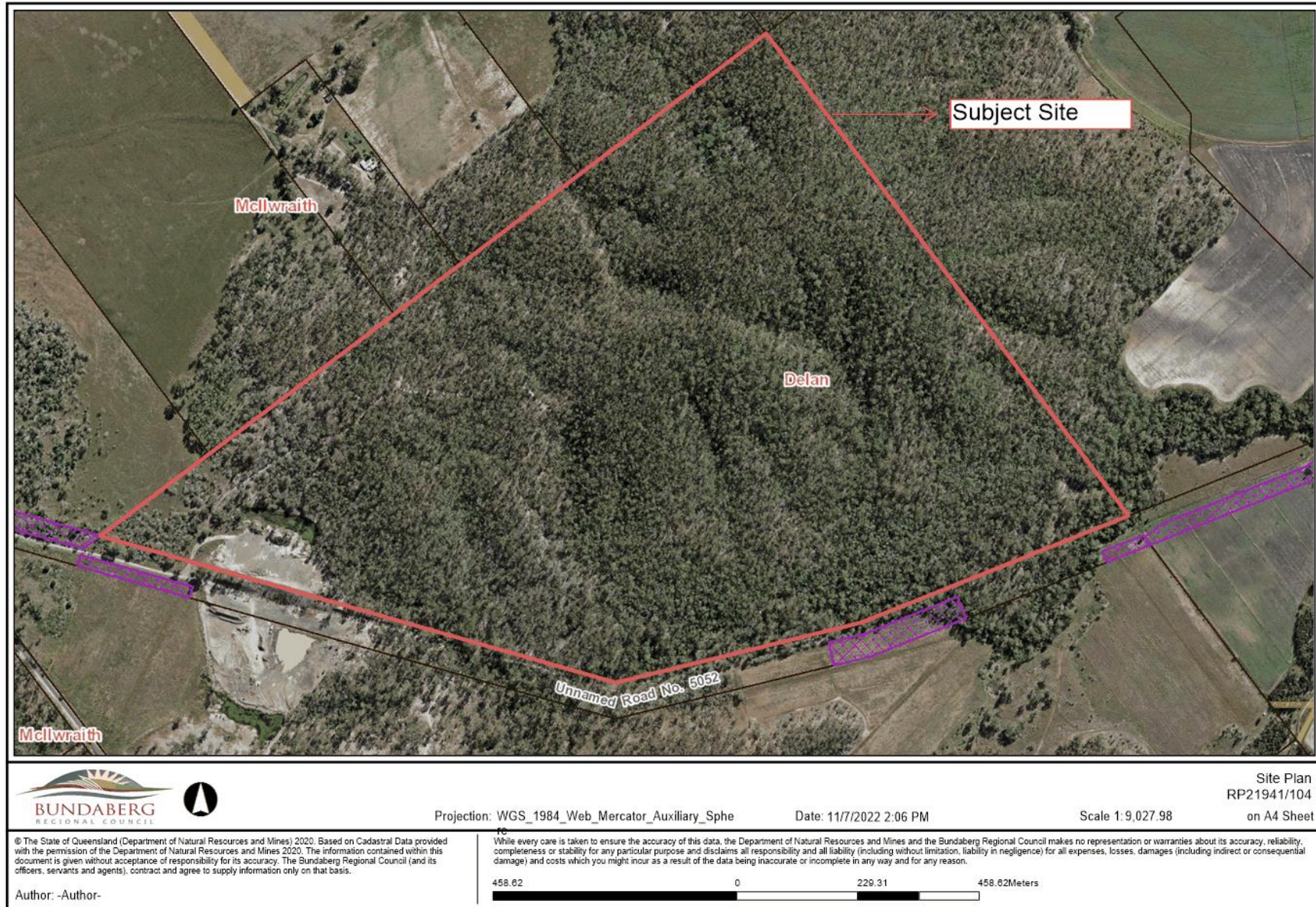
There appears to be no ILUA implications.

**Attachments:**

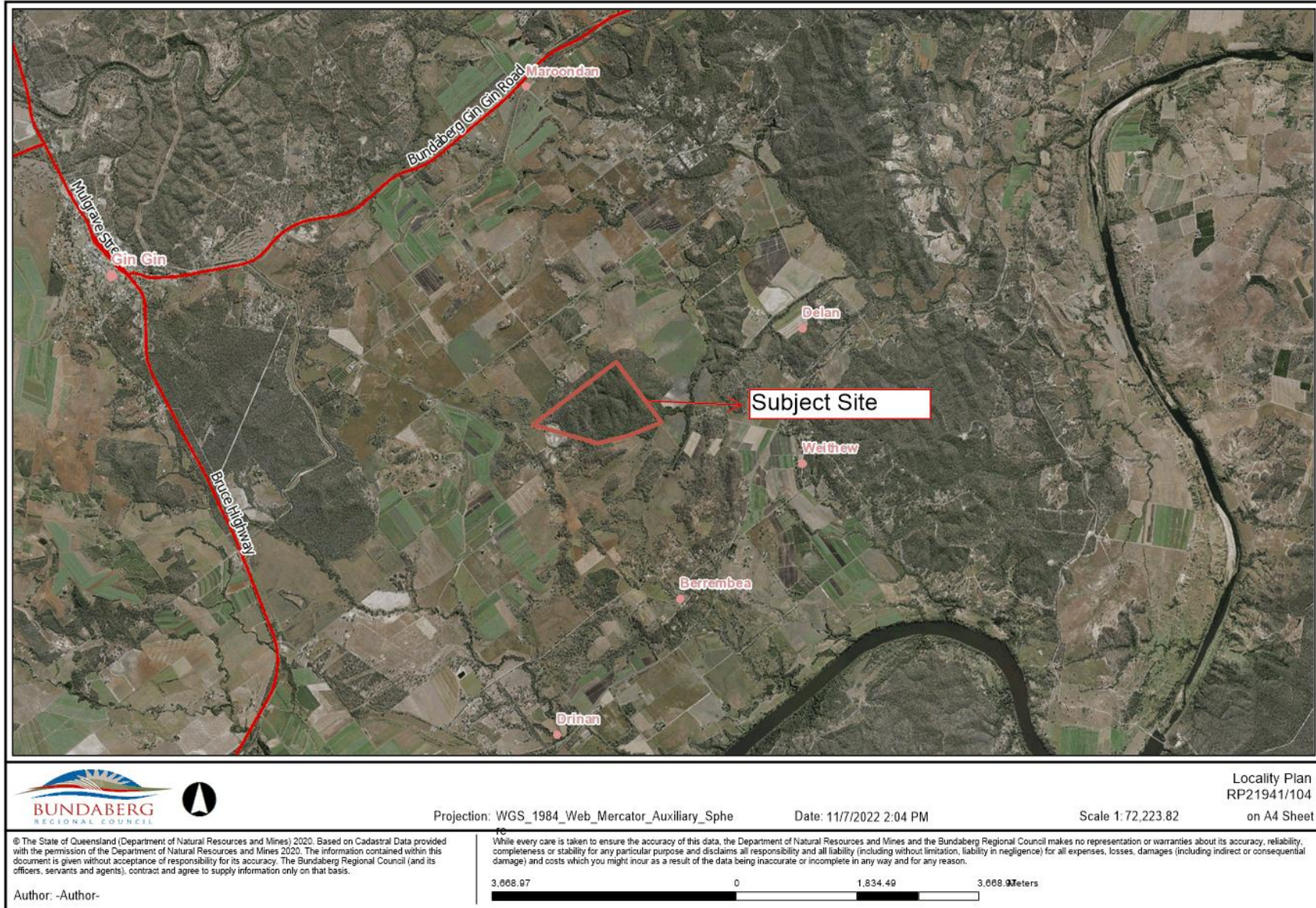
- ↓1 Locality Plan
- ↓2 Owners Request
- ↓3 Infrastructure Agreement

**Recommendation:**

**That Council agree to an extension of the Completion Date in the Building Bundaberg Region 2020 infrastructure agreement for DA322.2015.43739.1 to 17 October 2024.**









Our ref: GC15-184-T06  
Council ref: 322.2015.43739.1

24 June 2022

Chief Executive Officer  
Bundaberg Regional Council  
PO Box 3130  
BUNDABERG QLD 4670

Attention: Michael Ellery

Dear Michael,

**BUNDABERG OPEN FOR DEVELOPMENT 2016 INFRASTRUCTURE AGREEMENT  
REQUEST FOR EXTENSION TO COMPLETION DATE**

**ELIGIBLE DEVELOPMENT 322.2015.43739.1—MATERIAL CHANGE OF USE  
EXTRACTIVE INDUSTRY USE—EXTENSION TO EXISTING QUARRY  
INFRASTRUCTURE CHARGES NOTICE REGISTER NO. 331.2015.766.1**

We refer to the above matter and the “Bundaberg Open for Development 2016” Infrastructure Agreement (IA) dated 10 June 2019 for Eligible Development 322.2015.43739.1 providing 50% discount on infrastructure charges payable under Infrastructure Charges Notice Register No. 331.2015.766.1.

We understand the owners, Wayne and Judy Honor, recently met with you and Manager Development Assessment Richard Jenner wherein it was confirmed the lapsing date of Eligible Development 322.2015.43739.1 has been extended by a total of 18 months by the various applicable event extension notices given by the Minister for the COVID-19 applicable Event 1/2021.

On behalf of the developer, Coachtrail Investments Pty Ltd, and in accordance with clause 6.1(c) of the IA, we seek an extension to the Completion Date from 26 June 2022 to 17 October 2024 to align with the current lapsing date of Eligible Development 322.2015.43739.1.

We note clause 2.1 of the IA defines “Extension Request” as—

*a request made in writing to the Chief Executive Officer before the Completion Date sought to be extended, for an extension to the Completion Date which includes information demonstrating that:*

- a) the Eligible Development has achieved Substantial Commencement by the Completion Date sought to be extended; and*
- b) there is a sufficient explanation for why the Eligible Development cannot be completed by the Completion Date sought to be extended.*

Creative Thinking Responsible Solutions

P (07) 4151 6677 A 67 Barolin Street, Bundaberg P PO Box 1688, Bundaberg, 4670 E admin@insitesjc.com.au ABN 62 329 746 562  
Bundaberg • Hervey Bay • Gympie • Sunshine Coast insitesjc.com.au



We also note clause 2.1 of the IA defines “Substantial Commencement” as—

- a) for a material change of use, the commencement of construction of either slab or footings (whichever is required for the development) proportionate to the size of the development proposed; or*
- but does not include preliminary site works such as tree clearing or bulk earth works.*

Neither slabs nor footings are required for Eligible Development 322.2015.43739.1.

#### **Progress and issues to date**

1. Following receipt of the original Decision Notice on 26 February 2019, a Negotiated Decision Notice was sought and obtained on 17 April 2019.
2. In addition to obtaining approval from Bundaberg Regional Council and Department of State Development, Manufacturing, Infrastructure and Planning, Coachtrail Investments was also required to obtain approval for the quarry expansion from the federal Department of Agriculture, Water and the Environment due to the discovery of Collared Delma (*Delma torquata*), being a vulnerable species under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC).
3. The process to obtain EPBC approval commenced in January 2016 but issue of the approval was delayed in 2020 by issues arising from COVID-19, including staff availability particularly from NSW and the ACT.
4. Approval was given by Department of Agriculture, Water and the Environment on 11 November 2020 following extensive reporting and field assessments at a cost of circa \$215,000. Approval is valid to 1 June 2064. A copy of EPBC approval Ref: 2017/7922 is enclosed.
5. EPBC approval requires inter alia a Collared Delma Translocation Management Plan, 60.26ha of Collared Delma habitat in the offset area, and a Blasting Management Plan be applied for and approved prior to commencement of the extractive industry use.
6. Coachtrail Investments originally intended for its family members to operate the quarry. However, circumstances have changed, and it is now intended that an independent operator will undertake the extractive industry use.
7. A six-month Deed of Due Diligence agreement was entered into in April 2019 with SEE Civil Pty Ltd, a Gold Coast construction and engineering conglomerate. This agreement was extended by six months following identification by Department of Environment and Science of potential cultural heritage on the site.
8. It took two investigations over several months (again partly due to disruptions caused by COVID-19) and circa \$45,000 for two archaeologists and two Gidarjil Land Rangers appointed by the National Indigenous Australians Agency to establish no cultural heritage values exist on the site.

9. This process and its associated delays necessitated a further six-month extension of the agreement by the end of which SEE Civil had committed to the Inland Rail project so could no longer commit to the agreement.
10. Coachtrail Investments has been in discussions since with other potentially interested parties and is currently negotiating with a Victorian-based company. As with SEE Civil, this other company has experienced logistical difficulties in conducting its due diligence due to disruptions caused by COVID-19.

#### Relevant points

- A. Eligible Development 322.2015.43739.1 can never demonstrate Substantial Commencement, as defined by the IA.
- B. Notwithstanding A., Coachtrail Investments' intention and commitment to commence the use is demonstrated by the substantial costs expended and onerous processes undertaken to date to satisfy federal requirements (refer points 2 to 5 and 8 above) and secure a lessee operator (refer points 7 to 10 above).
- C. It is not viable to prepare plans for the Collared Delma Translocation Management and Blasting Management or proceed with the offset area until such time as a lessee operator is secured and the specifics of the operation are determined. Therefore, the use cannot yet commence.
- D. The dates framing the "Bundaberg Open for Development 2016" incentives scheme and the previous extension given to the Completion Date could not contemplate, and therefore account for, effects from COVID-19 and other global factors on personal mobility and availability and operational costs, all of which are now well known with the benefit of hindsight. These challenges are still very much in play.
- E. Continuation of the discounts is critical in redressing the considerable delays and disruptions experienced by COVID-19 as well as assist in securing a lessee operator by offsetting the—
  - a) costs that would be incurred in meeting the remaining federal requirements prior to commencement of use;
  - b) increased operational costs from, for example, higher diesel prices; and
  - c) generally inflation and interest rate increases.

We welcome any further discussion on our request, if required, and otherwise look forward to a favourable response in due course.

Kind regards,  
InsiteSJC

**Evonne Swain**  
Digitally signed by:  
Evonne Swain  
DN: CN = Evonne Swain  
email =  
evonne@insitesjc.com.  
au C = AU O = InsiteSJC  
Date: 2022.06.24 14:51:  
51 +10'00'

Evonne Swain  
**Senior Projects Coordinator**

Enc.  
EPBC approval Ref: 2017/7922



EPBC Ref: 2017/7922

Wayne and Judy Honor  
Coachtrail Investments Pty Ltd  
285 McIlwraith Road  
MCILWRAITH QLD 4671

Dear Mr and Mrs Honor

**Decision on approval****Proposed expansion of extractive operation, Clarkes Road, Gin Gin, Queensland**

I am writing to you in relation to a proposal to expand an existing quarry located on Clarkes Road, Gin Gin, Queensland. I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Coachtrail Investments Pty Ltd. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing the Department's Post Approval Section (Post.Approval@environment.gov.au) of the contact person responsible for the administration of the approval decision. Please note, any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The Department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your proposal may be selected for audit by the Department at any time and all related records and documents may be subject to scrutiny. Information about the Department's compliance monitoring and auditing program is enclosed.

If you have any questions about this decision, please contact Luke Hulbert, by email to Luke.Hulbert@environment.gov.au, and quote the EPBC reference number shown at the beginning of this letter.

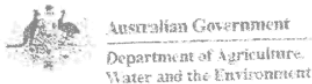
Yours sincerely



Kim Farrant  
Assistant Secretary  
Environment Assessments Queensland and Sea Dumping Branch

11 November 2020





EPBC Ref: 2017/7922

Wayne and Judy Honor  
Coachtrail Investments Pty Ltd  
285 McIlwraith Road  
MCILWRAITH QLD 4671

Dear Mr and Mrs Honor

**Decision on approval**  
**Proposed expansion of extractive operation, Clarkes Road, Gin Gin, Queensland**

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If you have any questions about this decision, please contact Luke Hulbert, by email to Luke.Hulbert@environment.gov.au, and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Kim Farrant  
Assistant Secretary  
Environment Assessments Queensland and Sea Dumping Branch

11 November 2020

GPO Box 858 Canberra ACT 2601 • Telephone 02 6274 1111 • www.awe.gov.au

**APPROVAL****Proposed expansion of extractive operation, Clarkes Road, Gin Gin, Queensland (EPBC 2017/7922)**

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

**Details**

<b>Person to whom the approval is granted (approval holder)</b>	Coachtrail Investments Pty Ltd
<b>ABN of approval holder</b>	36 165 901 708
<b>Action</b>	To expand an existing quarry located on Clarkes Road, Gin Gin, Queensland [see EPBC Act Referral 2017/7922].

**Approval decision**

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

**Controlling Provisions**

<b>Listed Threatened Species and Communities</b>	
Section 18	Approve
Section 18A	Approve

**Period for which the approval has effect**

This approval has effect until 1 June 2064.

**Decision-maker**

<b>Name and position</b>	Kim Farrant Assistant Secretary Environment Assessments Queensland and Sea Dumping Branch Environment Approvals Division Department of Agriculture, Water and the Environment
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**Signature**
**Date of decision**

11 November 2020



#### Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

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### ANNEXURE A – CONDITIONS OF APPROVAL

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#### Part A – Conditions specific to the action

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##### Disturbance limits and staging of action

1. To minimise **impacts** to the Collared Delma (*Delma torquata*), the approval holder must:
  - a. not clear more than 33.94 hectares (ha) of **Collared Delma habitat**;
  - b. undertake the action in the **Plan of Areas**; and
  - c. undertake the action in accordance with the **Staging Plan**.

##### Translocation of Collared Delma

2. The approval holder must submit a Collared Delma Translocation Management Plan for the **Minister's** approval that ensures the action minimises **impacts** to the Collared Delma.
3. The Collared Delma Translocation Management Plan must be prepared by a **suitably qualified ecologist** and be consistent with the **Environmental Management Plan Guidelines**. The Collared Delma Translocation Management Plan must include:
  - a. a comprehensive survey program for the detection and capture for Collared Delma in the 33.94 ha of **Collared Delma habitat** shown on the **Plan of Areas** to be undertaken prior to the **commencement** of the action;
  - b. a further program of survey and capture for Collared Delma for Stages 2 and 3 of the **Staging Plan** prior to the commencement of Stages 2 and Stage 3 of the **Staging Plan**;
  - c. a program for the soft release of captured Collared Delma onto the **offset area**;
  - d. details of how each Collared Delma will be tracked and released into the same vegetation type and microclimate as where the individuals were captured;
  - e. translocation objectives for Collared Delma;
  - f. commitments to be implemented for the period for which the approval has effect to achieve the translocation objectives;
  - g. details of a monitoring program for the Collared Delma on the **offset area** to demonstrate how the translocation objectives are being met, including:
    - i. measurable performance indicators;
    - ii. the timing and frequency of monitoring to detect changes in progress towards the performance indicators; and
  - h. reporting and review mechanisms and documentation standards to demonstrate compliance with the Collared Delma Translocation Management Plan.
4. All commitments contained in the Collared Delma Translocation Management Plan must be implemented by a **suitably qualified ecologist**.



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5. The approval holder must not **commence** the action unless the **Minister** has approved the Collared Delma Translocation Management Plan in writing. If the **Minister** approves the Collared Delma Translocation Management Plan, then the approved Collared Delma Translocation Management Plan must be implemented for the duration of this approval.

#### Environmental offsets – Collared Delma

6. Within 12 months of the **commencement** of the action, the approval holder must **legally secure** 60.26 hectares of **Collared Delma habitat** in the **offset area**. The **offset area** must be **legally secured** for the remaining duration of this approval. The Collared Delma Offset Management Plan approved by the **Minister** must be attached to the securing mechanism used to **legally secure** the **offset area**.
7. The approval holder must provide written evidence to the **Department** that the **offset area** has been **legally secured** within **10 business days** of **legally securing** the **offset area**.
8. The approval holder must submit a Collared Delma Offset Management Plan for the **Minister's** written approval that details how the **offset area** will be managed to avoid and mitigate risks to the Collared Delma and improve the quality of **Collared Delma habitat**. The Collared Delma Offset Management Plan must be prepared by a **suitably qualified ecologist** in accordance with the **Environmental Management Plan Guidelines**. The Collared Delma Offset Management Plan must include:
  - a. a description and map (including **shapefiles**) to clearly define the location and boundaries of the **offset area**, accompanied by the **offset attributes**;
  - b. details and a quantitative analysis of the baseline vegetation condition and habitat quality in the **offset area** prior to management;
  - c. comprehensive baseline data on weeds, feral animals and other threats to the Collared Delma present in the **offset area**;
  - d. a description of the management measures (including timing, frequency and duration) that will be implemented in the **offset area** to improve the quality of **Collared Delma habitat** in the **offset area**, including:
    - i. prevention of **clearing** and alternate land uses;
    - ii. removal and exclusion of livestock;
    - iii. weed and feral animal management;
    - iv. fire risk management;
  - e. a discussion of how proposed management measures take into account the **Approved Conservation Advice for *Delma torquata* (Collared Delma)**;
  - f. a description and analysis of the potential risks to the successful implementation of the environmental offset, and contingency measures that will be implemented to mitigate against these risks;
  - g. time-bound completion criteria and performance targets for evaluating the effectiveness of the implementation of the Collared Delma Offset Management Plan;



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- h. triggers for when corrective actions are required and timeframes for implementing corrective actions;
  - i. a program to monitor, report on and review the effectiveness of the Collared Delma Offset Management Plan; and
  - j. how the environmental offset addresses the **EPBC Act Environmental Offsets Policy**.
9. The approval holder must not **commence** the action unless the **Minister** has approved the Collared Delma Offset Management Plan in writing. If the **Minister** approves the Collared Delma Offset Management Plan, the approved Collared Delma Offset Management Plan must be implemented immediately and for the remaining duration of this approval.

#### **Blasting Management Plan**

10. Prior to the commencement of **blasting**, the approval holder must submit a Blasting Management Plan for the **Minister's** written approval. The Blasting Management Plan must be prepared by a **suitably qualified expert** in accordance with the **Environmental Management Plan Guidelines**. The Blasting Management Plan must include:
- a. measures that will be implemented to avoid and mitigate **impacts** to Collared Delma associated with **blasting**, including on the **offset area**;
  - b. a description of the management measures (including timing, frequency and duration) that will be implemented;
  - c. a discussion of how proposed management measures take into account the **Approved Conservation Advice for *Delma torquata* (Collared Delma)**;
  - d. time-bound performance targets for evaluating the effectiveness of the implementation of the Blasting Management Plan;
  - e. triggers for when corrective actions are required and timeframes for implementing corrective actions; and
  - f. a program to monitor, report on and review the effectiveness of the Blasting Management Plan.
11. The approval holder must not commence **blasting** unless the **Minister** has approved the Blasting Management Plan in writing. If the **Minister** approves the Blasting Management Plan then the approved Blasting Management Plan must be implemented for the duration of **blasting**.

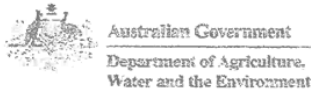
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#### **Part B – Standard administrative conditions**

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##### **Notification of date of commencement of the action**

12. The approval holder must notify the **Department** in writing of the date of **commencement** of the action and the date of the **commencement** of each stage of the action within **10 business days** after the date of **commencement** of the action or the relevant stage of the action.
13. If the **commencement** of the action does not occur within 5 years from the date of this approval, then the approval holder must not **commence** the action without the prior written agreement of the **Minister**.



#### Compliance records

14. The approval holder must maintain accurate and complete **compliance records**.
15. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and/or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

16. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the **Guidelines for biological survey and mapped data (2018)** and submitted electronically to the **Department** in accordance with the requirements of the **plan** within 3 months of each monitoring event.

#### Preparation and publication of plans

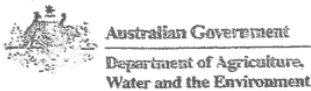
17. The approval holder must:
- a. publish each **plan** on the **website**;
  - b. notify the **Department** by email that **plans** have been published on the **website** within 5 **business days** of the date of publication, and provide a link to the location of the published **plans**;
  - c. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public; and
  - d. keep **plans** published on the **website** until the end date of this approval.

#### Annual compliance reporting

18. The approval holder must prepare a **compliance report** within one month of each 12 month period following the date of **commencement** of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
- a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
  - b. notify the **Department** by email that a **compliance report** has been published on the **website** within 5 **business days** of the date of publication, and provide a link to the location of the published report;
  - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
  - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
  - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

Note: **Compliance reports** may be published on the **Department's** website.





#### Reporting non-compliance

19. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than **2 business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
- the condition which is or may be in breach;
  - a short description of the **incident** and/or non-compliance; and
  - the location (including co-ordinates), date and time, to the extent that these can be determined, of the **incident** and/or non-compliance.
20. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than **10 business days** after becoming aware of the **incident** or non-compliance, specifying:
- any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
  - the potential **impacts** of the **incident** or non-compliance; and
  - the method and timing of any remedial action that will be undertaken by the approval holder.

#### Independent audit

21. The approval holder must ensure that **independent** audits of compliance with the conditions are conducted as requested in writing by the **Minister**.
22. For each **independent** audit, the approval holder must:
- provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
  - only commence the **independent** audit once the audit criteria have been approved in writing by the **Department**; and
  - submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
23. The approval holder must publish the audit report on the **website** within **10 business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

#### Revision of plans

24. If the **Minister** believes that it is necessary or convenient for the better protection of the Collared **Delma**, the **Minister** may request the approval holder make specified revisions to a **plan** required by these conditions and submit the revised **plan** for the **Minister's** written approval. The approval holder must comply with any such request. The approved **plan** must be implemented. Until the **Minister** has approved a revised **plan**, the approval holder must continue to implement the previously approved **plan**, as specified in these conditions.



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25. If the approval holder wishes to carry out any activity otherwise than in accordance with a plan specified in these conditions, the approval holder must submit to the Department for the Minister's written approval, a revised version of that plan. The varied activity must not commence until the Minister has approved the varied plan in writing. The Minister will not approve a varied plan unless the revised plan would result in an equivalent or improved environmental outcome for the Collared Delma over time. If the Minister approves the revised plan, that plan must be implemented in place of the plan originally approved.

#### Completion of the action

26. Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.

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#### Part C - Definitions

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In these conditions, except where contrary intention is expressed, the following definitions are used:

**Approved Conservation Advice for *Delma torquata* (Collared Delma)** means the conservation advice for the Collared Delma approved by the Minister under section 266B(2) of the EPBC Act.

**Blasting** means the controlled use of explosives or other methods to break up the *in-situ* material to enable excavation and extraction for processing.

**Business days** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

**Clear/ing/ance** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).

**Collared Delma habitat** means eucalypt dominated woodland and open forest where it is associated with suitable habitat features, including rocks (5 cm and larger in diameter), logs, bark and other coarse woody debris, and mats of leaf litter (typically 30–100 mm thick). The ground cover is predominantly native grasses, such as Kangaroo Grass (*Themeda triandra*), Barbed-wire Grass (*Cymbopogon refractus*), Wiregrass (*Aristida* sp.) and Lomandra (*Lomandra* sp.).

**Commence/Commencement** means the first instance of any specified activity associated with the action including clearance of vegetation and construction of any infrastructure. Commencement does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys; and
- ii. protect environmental and property assets from weeds and feral animals, including the erection of signage, and maintenance or use of existing surface access tracks.

**Completion data** means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The Department's preferred spatial data format is **shapefile**. Completion data must include, but is not be limited to:

- i. actual total habitat for Collared Delma impacted as identified in condition 1;
- ii. how translocation commitments and objectives have been met, as required by condition 3;





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- iii. actual total habitat offset for Collared Delma as required under condition 6;
- iv. how completion criteria and performance targets have been met, as required by condition 8;
- v. condition of the habitat offset for Collared Delma as required under condition 8; and
- vi. how performance targets have been met, as required by condition 10.

**Completion of the action** means the time at which the approved resource extraction has been completed.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

**Compliance report/s** means written reports:

- i. providing accurate and complete details of compliance, incidents, and non-compliance with these approval conditions, and commitments in the plans;
- ii. details of any contingency measures or corrective actions that have been or will be implemented;
- iii. consistent with the Department's *Annual Compliance Report Guidelines (2014)*;
- iv. include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period; and
- v. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.

**Department** means the Australian Government agency responsible for administering the EPBC Act.

**Environmental Management Plan Guidelines** means the Department's *Environmental Management Plan Guidelines (2014)*, or subsequent revision.

**Environmental Offsets Policy** means the EPBC Act *Environmental Offsets Policy (2012)*, or subsequent revision, including the Offset Assessment Guide.

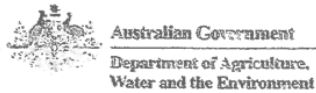
**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

**Guidelines for biological survey and mapped data** means the Department's *Guidelines for biological survey and mapped data (2018)*, or subsequent revision.

**Impact/s/ed** means as defined in section 527E of the EPBC Act.

**Incident/s** means any event which has the potential to, or does, impact on protected matter(s), including the detection of injured or deceased species listed under the EPBC Act.

**Independent** means not having, as an individual or by employment or family affiliation, any conflicting or competing interests with the approval holder; the approval holder's staff, representatives or associated persons; or the action, including any personal, financial, business or employment relationship.



**Independent audit/s** means an audit conducted by an independent and suitably qualified person as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2015)*.

**Legally secure/d** means to secure a legal agreement under relevant Queensland legislation, in relation to a site, to provide enduring protection for the site against development incompatible with conservation.

**Minister** means the Australian Government Minister administering the EPBC Act including any delegate thereof.

**Monitoring data** means the data required to be recorded under the conditions of this approval.

**Offset area** means the remaining area on Lot 104 RP21941 other than Area A, Area B, Area C (part 1) and Area C (part 2) shown in Attachment A.

**Offset attributes** means an '.xls' file capturing relevant attributes of the offset area, or relevant site, including:

- i. EPBC Act reference number;
- ii. physical address of the offset area;
- iii. coordinates of the boundary points in decimal degrees;
- iv. protected matters that the offset compensates for;
- v. any additional protected matters that are benefiting from the offset; and
- vi. size of the offset in hectares.

**Plan(s)** means any of the documents required to be prepared, approved by the Minister, and/or implemented by the approval holder and published on the website in accordance with these conditions.

**Plan of Areas** means Area A, Area B, Area C (part 1) and Area C (part 2) shown in Attachment A.

**Protected matter/s** means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.

**Sensitive ecological data** means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

**Shapefiles** means a mapping file or files showing polygons outlining all site boundaries and delineating all relevant sub-zones on site. The shapefiles must use the GDA94 coordinate system, and be in either of the following formats:

- a KML file (file extension either '.KML' or '.KMZ'); or
- a zip folder using the '.zip' file extension (other formats such as '.7z' are not acceptable), and containing a single unique occurrence of each of '.shp', '.prj', '.dbf' and '.shx' file types.

If a '.zip' format is used, the shapefile may also contain unique occurrences of any or all of the following file types: '.qix', '.fix', '.sld', '.sbn', '.sbx', '.lyr', '.avi', '.xml' or '.cpg'. Each polygon must be provided as a separate '.zip' or KML file.

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**Staging Plan** means Stages 1, 2 and 3 on Lot 104 RP21941 shown in Attachment B.

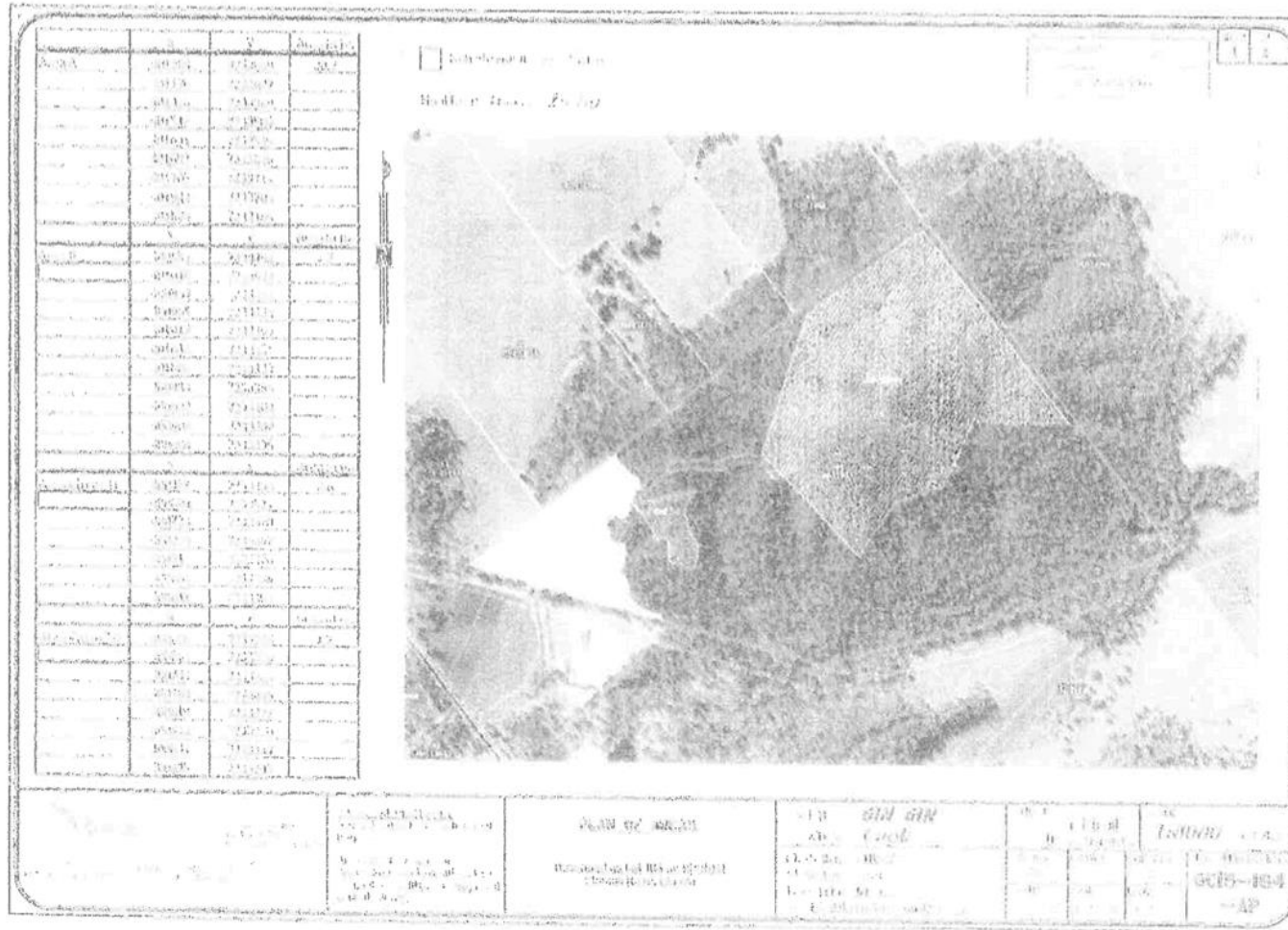
**Suitably qualified ecologist** means a person who has professional qualifications, training, skills and/or experience related to the Collared Delma and can give authoritative **independent** assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Suitably qualified expert** means a person who has professional qualifications, training, skills and/or experience related to the use of explosives for resource extraction and can give authoritative **independent** assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

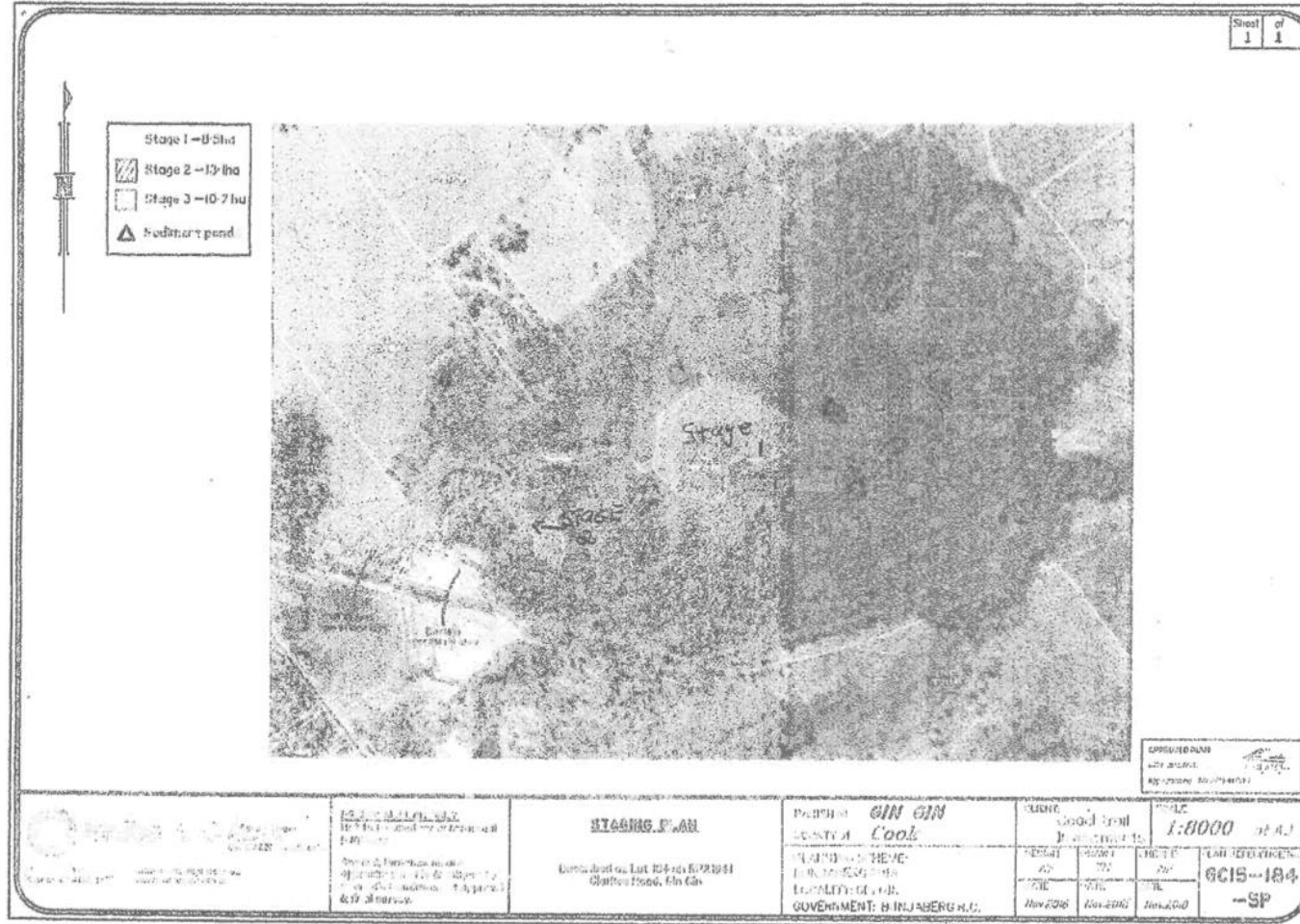
**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Australian Government  
 Department of Agriculture,  
 Water and the Environment  
**Attachment A - Plan of Area and Offset Area**

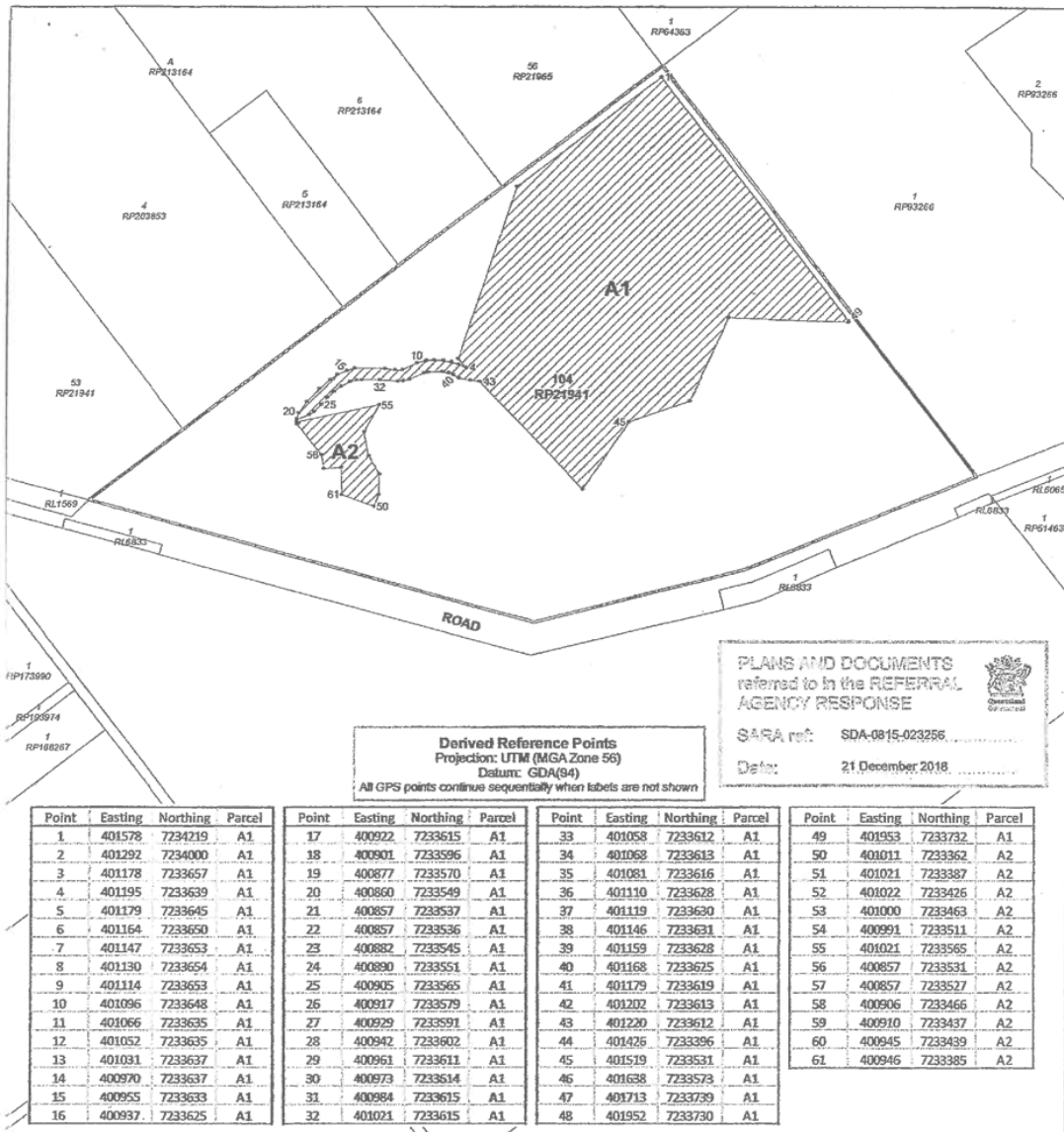




 **Australian Government**  
**Department of Agriculture,**  
**Water and the Environment**  
**Attachment B – Staging Plan**



copy



Point	Easting	Northing	Parcel	Point	Easting	Northing	Parcel	Point	Easting	Northing	Parcel	Point	Easting	Northing	Parcel
1	401578	7234219	A1	17	400922	7233615	A1	33	401058	7233612	A1	49	401953	7233732	A1
2	401292	7234000	A1	18	400901	7233596	A1	34	401068	7233613	A1	50	401011	7233362	A2
3	401178	7233657	A1	19	400877	7233570	A1	35	401081	7233616	A1	51	401021	7233387	A2
4	401195	7233639	A1	20	400860	7233549	A1	36	401110	7233628	A1	52	401022	7233426	A2
5	401179	7233645	A1	21	400857	7233537	A1	37	401119	7233630	A1	53	401000	7233463	A2
6	401164	7233650	A1	22	400857	7233536	A1	38	401146	7233631	A1	54	400991	7233511	A2
7	401147	7233653	A1	23	400882	7233545	A1	39	401159	7233628	A1	55	401021	7233565	A2
8	401130	7233654	A1	24	400890	7233551	A1	40	401168	7233625	A1	56	400857	7233531	A2
9	401114	7233653	A1	25	400905	7233565	A1	41	401179	7233619	A1	57	400857	7233527	A2
10	401096	7233648	A1	26	400917	7233579	A1	42	401202	7233613	A1	58	400906	7233466	A2
11	401066	7233635	A1	27	400929	7233591	A1	43	401220	7233612	A1	59	400910	7233437	A2
12	401052	7233635	A1	28	400942	7233602	A1	44	401426	7233396	A1	60	400945	7233439	A2
13	401031	7233637	A1	29	400961	7233611	A1	45	401519	7233531	A1	61	400946	7233385	A2
14	400970	7233637	A1	30	400973	7233614	A1	46	401638	7233573	A1				
15	400955	7233633	A1	31	400984	7233615	A1	47	401713	7233739	A1				
16	400937	7233625	A1	32	401021	7233615	A1	48	401952	7233730	A1				

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> ● Derived Reference Points for GPS □ Subject Lot(s) ▨ Area A (A1 & A2)	<b>Referral Agency Response (Vegetation) Plan</b> Plan of all Areas A in Lot 104 on RP21941	 Version 2
Map Reference: 9347 File Reference: eLVA5 2015/004988 (DNRME)	Compiled from: DCDB, PVMP & NRM Notes Prepared by: LMO Date: 12 December 2018	Ref: <b>RARP</b> <b>SDA-0815-023256</b> Sheet 1 of 1





Australian Government  
Department of the Environment and Energy

**VARIATION OF CONDITIONS ATTACHED TO APPROVAL  
PROPOSED EXPANSION OF EXTRACTIVE OPERATION, CLARKES ROAD, GIN  
GIN, QUEENSLAND (EPBC 2017/7922)**

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

**Approved action**

**Person to whom the approval is granted** Coachtrail Investments Pty Ltd  
ABN: 36 165 901 708

**Approved action** To expand an existing quarry located on Clarkes Road, Gin Gin, Queensland [See EPBC Act referral 2017/7922].

**Variation**

**Variation of conditions attached to approval** The variation is:  
Delete condition 8d(ii) attached to the approval and substitute with the condition specified in the table below.

**Date of effect** This variation has effect on the date the instrument is signed.

**Person authorised to make decision**

**Name and position** Kim Farrant  
Assistant Secretary  
Environment Assessments Queensland and Sea Dumping Branch  
Environment Approvals Division  
Department of Agriculture, Water and the Environment

**Signature**

**Date of decision** 30 November 2020

Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	Condition 8d(ii): grazing of no more than eight livestock at any one time

## **Infrastructure Agreement**

*Planning Act 2016*

---

### **Bundaberg Open for Development 2016 Infrastructure Agreement**

---

**Bundaberg Regional Council**  
Council

**Coachtrail Investments**  
Developer

**Wayne and Judy Honor**  
Owner

CONNOR O'MEARA  
Solicitors  
Level 5, 370 Queen Street  
BRISBANE QLD 4000  
Telephone: 3221 3033  
Facsimile: 3221 6661

Register reference: [document type].[document year].[document number].[document part]

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Dated this 10<sup>th</sup> day of June 2019

## **PARTIES**

- Council:** BUNDABERG REGIONAL COUNCIL of 190 Bourbong Street, Bundaberg in the State of Queensland
- Developer:** Coachtrail Investments Pty Ltd c/- Insite SJC PO Box 1688, Bundaberg in the State of Queensland
- Owner:** Wayne and Judy Honor of 285 Mcllwraith Road, Mcllwraith in the State of Queensland

## **Part 1 Preliminary**

### **1. Introduction**

#### **1.1 Short title**

This document may be referred to as the Bundaberg Open for Development 2016 Infrastructure Agreement.

#### **1.2 Deed**

This document is a deed which comprises the following:

- (a) **Part 1** which recites the following:
- (i) the date of this document;
  - (ii) the names of the parties to this document;
  - (iii) the purpose for which the parties have entered into this document;
- (b) **Part 2** which witnesses the terms agreed upon by the parties;
- (c) **Part 3** which provides for the execution of this document by the parties.

#### **1.3 Date**

This document is made on the date when the last party executes this document.

#### **1.4 Parties**

This document is made between the parties in Schedule 1.

#### **1.5 Recitals**

This document has been entered into for the following purposes:

- (a) On 19 July 2016, the Council launched the "Bundaberg Open for Development 2016" infrastructure charges incentives policy with the



- objective of stimulating new construction activity and employment in the region;
- (b) The “Bundaberg Open for Development 2016” infrastructure charges incentives scheme commenced on 19 July 2016 and it seeks to offer discounts for infrastructure charges or infrastructure contributions required under a condition of approval, for certain development;
  - (c) The parties have agreed that discounts will apply for the Eligible Development in accordance with the terms of this document.

## Part 2 Terms agreed by the parties

### 2. Interpretation

#### 2.1 Definitions

In this document, unless the context or subject matter otherwise indicates or requires a word which is capitalised has the following meaning:

**Applicable Discount** means.

- (a) 100% of the Infrastructure Amount if the Eligible Development is for:
  - (i) CBD/Town Centre Development; or
  - (ii) Rural Sector Development where:
    - (1) intensive horticulture;
    - (2) rural industry;
    - (3) aquaculture; or
    - (4) winery (where in a rural zone),
 and is Completed by the Completion Date but limited to a maximum monetary discount of one million dollars; or
- (b) 50% of the Infrastructure Amount if the Eligible Development is any other development and is Completed by the Completion Date but limited to a maximum monetary discount of one million dollars.

**Approval** means a development permit or compliance permit for a material change of use or reconfiguring a lot.

**Authority** means a government, semi-government, local government, statutory, public, ministerial, civil, administrative, fiscal or judicial body or other entity or body with relevant power or authority.

**Business Day** has the meaning in the *Acts Interpretation Act 1954* (Qld).

**Calendar Day** means from one midnight to the following one.

**CBD/Town Centre Development** has the meaning specified for “CBD/Town Centre development” in Attachment B of the Incentives Application Form.

**Charges Notice** means:

- (a) an infrastructure charges notice as defined in the Planning Act;
- (b) a notice equivalent to an infrastructure charges notice which is given under legislation which repeals and replaces the Planning Act.

**Chief Executive Officer** means the chief executive officer of the Council.

**Commencement Date** means the date on which this document commences as stated in **clause 1.3**.

**Completed** means:

- (a) for a material change of use:
  - (i) where involving building works, a certificate of classification or the final inspection certificate (for a single detached class 1a building or structure) has been issued and the Council is satisfied that all applicable conditions for the material change of use have been complied with; or
  - (ii) where not involving building work, the whole of the approved use is established and the Council is satisfied that all applicable conditions for the material change of use have been complied with; or
- (b) for reconfiguring a lot, all plans of reconfiguration have been given to the Council and the Council is satisfied that all applicable conditions for the reconfiguration have been complied with; or
- (c) where the Eligible Development relates to one or more stages of development, achievement of (a) or (b) for the stage or stages.

**Completion Date** means:

- (a) 26 June 2020; or
- (b) if the Chief Executive Officer extends the date under **clause 6.1(c)**, the extended date.

**Council** means the Local Government identified in Item 1 of Schedule 1.

**Developer** means the party identified in Item 2A of Schedule 1 .

**Development Land** means the land identified in Item 3 of Schedule 1.

**Development Obligation** means an obligation under this document to be performed and fulfilled by a party.

**Dispute Notice** means a Notice given under **clause 11.1**.

**Due Date** means the last date by which the Reduced Infrastructure Amount must be paid to the Council and identified in Item 6 of Schedule 1.

**Eligible Development** means the development identified in Item 4 of Schedule 1 which is:

- (a) CBD/Town Centre Development; or

- (b) Housing Affordability Development; or
- (c) Long Term Employment Generating Development; or
- (d) Rural Sector Development.

**Expert** means an expert appointed under **clause 11.3**.

**Extension Request** means a request made in writing to the Chief Executive Officer before the Completion Date sought to be extended, for an extension to the Completion Date which includes information demonstrating that:

- (a) the Eligible Development has achieved Substantial Commencement by the Completion Date sought to be extended; and
- (b) there is a sufficient explanation for why the Eligible Development cannot be completed by the Completion Date sought to be extended.

**Force Majeure** means an event:

- (a) being a Commonwealth or State government decree, an act of God, industrial disturbance, act of public enemy, war, international blockade, public riot, lightning, flood, earthquake, fire, storm or other physical or material restraint;
- (b) which is not within the reasonable control of the party claiming Force Majeure; and
- (c) which could not have been prevented by that party exercising a standard of knowledge, foresight, care and diligence consistent with that of a prudent and competent person under the circumstances.

**GST** has the meaning in the GST Act.

**GST Act** means *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

**Housing Affordability Development** has the meaning specified for "Housing Affordability development" in Attachment B of the Incentives Application Form.

**Incentives Application Form** means the document in Schedule 3.

**Infrastructure Agreement** means an agreement under Chapter 4, Part 4 of the Planning Act.

**Infrastructure Amount** means the amount identified in Column 1 of Schedule 2.

**Infrastructure Charging Instrument** means a law or statutory instrument for the levying of a charge for infrastructure.

**Local Government** has the meaning in the Local Government Act.

**Local Government Act** means the *Local Government Act 2009* (Qld).

**Long Term Employment Generating Development** has the meaning specified for "Long Term Employment Generating development" in Attachment B of the Incentives Application Form.

**Notice** means a document to be given by a party or a person under this document.

**Owner** means:

- (a) the party identified in Item 2 of Schedule 1;
- (b) otherwise, for land the following:
  - (i) the person for the time being entitled to receive the rent for the land;
  - (ii) the person who would be entitled to receive the rent for the land if the land were let to a tenant at a rent.

**Planning Act** means the *Planning Act 2016* (Qld).

**Reconfigured Lot** means a lot created upon the reconfiguration of the Development Land.

**Reduced Infrastructure Amount** means the Infrastructure Amount discounted by the Applicable Discount and is the amount identified in Column 3 of Schedule 2.

**Rural Sector Development** has the meaning specified for "Rural Sector development" in Attachment B of the Incentives Application Form.

**Substantial Commencement** means:

- (a) for a material change of use, the commencement of construction of either the slab or footings, whichever is required for the development, proportionate to the size of the development proposed; or
- (b) for reconfiguring a lot, the commencement of civil works, such as roadwork, water or sewer connections or stormwater pipe work,

but does not include preliminary site works such as tree clearing or bulk earthworks.

## 2.2 Undefined word

If a word is not defined in this document, unless the context or subject matter otherwise indicates or requires, the word is to have a meaning given to it by the following:

- (a) the Planning Act;
- (b) a relevant local planning instrument if the word is not defined in the Planning Act;
- (c) the Macquarie Dictionary if the word is not defined in the Planning Act or a relevant local planning instrument.

## 2.3 References

In this document unless the context or subject matter otherwise indicates or requires:

- (a) a reference to a document, includes a consolidation, amendment, notation, supplement, replacement or variation of the document;
- (b) a reference to a law or a provision of a law, includes the following:
  - (i) the law and the common law including the principles of equity of the Commonwealth, a State or a Territory;
  - (ii) a statutory instrument made or in effect under the law or the provision;
  - (iii) a consolidation, amendment, extension, re-enactment or replacement of the law or the provision;
- (c) a reference to a word in:
  - (i) the singular includes the plural; and
  - (ii) the plural includes the singular;
- (d) a reference to the word dollar or \$, is a reference to a dollar of Australian currency and an amount payable is payable in Australian dollars;
- (e) a reference to writing, includes a mode of representing or reproducing a word in tangible and permanently visible form and includes a facsimile transmission;
- (f) a reference to the word includes, or to an example or particularisation of a clause, does not limit the meaning of a word to which the clause relates to a matter of a similar kind;
- (g) a reference to a word which is defined in this document, includes another part of speech or grammatical form of the word which is to have a corresponding meaning;
- (h) a reference to a party made up of more than one person, is a reference to all of those persons separately so that:
  - (i) an obligation of a party binds them jointly and each of them individually; and
  - (ii) a right of a party benefits them jointly and each of them individually;
- (i) a reference to a day is a Calendar Day;
- (j) a reference to a date on or by which an act is to be done is to be taken to be the next Business Day if:
  - (i) the date is not a Business Day; or
  - (ii) the act is done after 5.00pm on the day by which the act is to be done;
- (k) a reference to a period of time which is to be calculated by regard to a day or an event, is to exclude the day or the day of the event;

- (l) a reference to the word land, includes the following:
  - (i) an interest or estate in, on, over or under the land;
  - (ii) the airspace above the surface of the land and an estate or interest in the land;
  - (iii) the subsoil of the land and an estate or interest in the subsoil;
  - (iv) a part or parts of the land;
  - (v) an estate or interest created for any of the above matters;
- (m) a reference to the word sell, includes transfer, dispose of and alienate but excludes a mortgage, licence, grant of an easement and a lease other than a lease for a term including an option exceeding 5 years;
- (n) a reference to a successor in title of land, includes the following:
  - (i) a person deriving title to the land through or under the Owner of the land;
  - (ii) a mortgagee which takes possession of the land;
- (o) a reference to the address of a party is a reference to the physical or postal address of that party stated in Schedule 1 or as changed under this document, as indicated by the context or subject matter.

### **3. Infrastructure Agreement**

#### **3.1 Infrastructure Agreement under the Planning Act**

This document constitutes an Infrastructure Agreement under the Planning Act.

#### **3.2 Application of the Infrastructure Agreement**

This document applies to all development comprising the Eligible Development described in Item 4 of Schedule 1.

#### **3.3 Owner**

- (a) The Owner consents to the Development Obligations of the Developer attaching to the Land under the Planning Act .
- (b) A Development Obligation is binding on the Owner of the Development Land and the Owner's successor in title of the Development Land under the Planning Act.
- (c) A Development Obligation is not affected by a change in the ownership of the Development Land or a part of the Development Land.

#### **3.4 Relationship to an Approval**

If a Development Obligation is inconsistent with an Approval for the Development Land, the Development Obligation is to prevail to the extent of the inconsistency.



### **3.5 Relationship to an Infrastructure Charging Instrument**

- (a) This document is not intended to limit the nature or type of an Infrastructure Charging Instrument which an Authority may lawfully make for the development of the Development Land.
- (b) If a Development Obligation is inconsistent with an Infrastructure Charging Instrument, the Development Obligation is to prevail to the extent of the inconsistency.

## **4. Operation of the Infrastructure Agreement**

### **4.1 Commencement of the Infrastructure Agreement**

This document is to be of no effect until the Commencement Date.

### **4.2 Termination of the Infrastructure Agreement**

This document is terminated if:

- (a) the parties agree as follows:
  - (i) that the performance and fulfilment of this document has been frustrated by an event outside of the control of the parties; or
  - (ii) to terminate this document; or
- (b) **clause 7.1(d)** operates.

## **5. Deed of agreement**

### **5.1 Continuing effect as a deed of agreement if not an Infrastructure Agreement**

In the event that this document is declared not to be an Infrastructure Agreement, as defined by the Planning Act, the parties agree to be bound by the terms of this document as though it were a deed of agreement.

## **6. Development Obligations**

### **6.1 The Council's and Developer's obligations**

- (a) If:
  - (i) the Eligible Development is Completed by the Completion Date; and
  - (ii) the Reduced Infrastructure Amount is paid by the Due Date,the Council agrees to accept the payment of the Reduced Infrastructure Amount in full and final satisfaction of the Infrastructure Amount.
- (b) If:

(i) the Eligible Development is not Completed by the Completion Date; or

(ii) the Reduced Infrastructure Amount is not paid by the Due Date,

the Developer will pay the Infrastructure Amount forthwith.

(c) The Chief Executive Officer may, in his absolute discretion, extend the Completion Date upon the making of an Extension Request.

## 6.2 The Developer's obligations

The Developer:

(a) agrees to provide evidence of Substantial Commencement to the Council within 5 business days of the achievement of Substantial Commencement;

(b) agrees to provide evidence of Completion to the Council within 5 business days of Completion; and

(c) upon acceptance by the Council of the payment of a Reduced Infrastructure Amount in accordance with the terms of this document, is released from any further obligation to pay the Infrastructure Amount under the Charges Notice or condition identified in Item 5 of Schedule 1.

## 7. Application

### 7.1 Application of Applicable Discount

(a) An Applicable Discount applies to the net amount of an Infrastructure Amount after credits and offsets have been deducted.

(b) An Applicable Discount may only be applied in the manner stated in this document.

(c) An Applicable Discount may only be applied once for the Eligible Development.

(d) Development which is subject to a refund by operation of section 137 or section 139 of the Planning Act is not eligible for a discount. If by operation of section 137 or section 139 of the Planning Act development, which is otherwise Eligible Development, is subject to a refund, this agreement terminates and each party is released from all obligations under this agreement.

### 7.2 Early payment

This document does not preclude a Developer from making early payment of a Reduced Infrastructure Amount. However, early payment does not guarantee eligibility for an Applicable Discount and the terms of this document must be satisfied to secure an Applicable Discount. The early

payment of a Reduced Infrastructure Amount does not release a Developer from an obligation to pay the Infrastructure Amount until the Council has accepted the payment of the Reduced Infrastructure Amount in accordance with **clause 6.1(a)**.

## **8. Assignment**

### **8.1 Assignment of interests, rights or obligations under document**

The Developer may not, either absolutely or by way of security, assign its interests, rights or obligations under this document:

- (a) without the written consent of the Council; and
- (b) in a manner which is inconsistent with the provisions of this document.

## **9. Novation of document upon sale**

### **9.1 Reconfiguring of the Development Land**

If the Development Land is subject to reconfiguring of a lot to create a Reconfigured Lot, then a Development Obligation:

- (a) remains attached to the Reconfigured Lot; and
- (b) binds the Owner of the Reconfigured Lot.

### **9.2 Dealing with the Development Land**

The Owner and the Owner's successors in title are not to sell the Development Land or a Reconfigured Lot prior to the performance and fulfilment of the Development Obligations under this document except subject to the condition that the purchaser is to enter into a deed of novation of this document with each other party, on terms reasonably acceptable to each other party, whereby the purchaser becomes contractually bound to each other party to perform and fulfil the provisions of this document or such of them as remain unperformed or unfulfilled by the Owner and Developer at the time of the sale.

## **10. Right of access**

### **10.1 Access to Development Land**

The Owner is to, upon the receipt of a Notice given by the Council to the Owner which states that access is requested, permit the Council to have access to the Development Land for the purposes of determining whether:

- (a) Substantial Commencement has been achieved; or
- (b) the Eligible Development has been Completed.

## 10.2 Exercise of a right of access

In exercising a right of access, the Council is:

- (a) to exercise reasonable care so as not to cause damage or injury to property or a person;
- (b) taken to be an invitee of the Owner and the occupier of the relevant land; and
- (c) to promptly rectify any damage caused to property.

## 11. Dispute resolution generally

### 11.1 Dispute

If there is a dispute between the parties, a party may give a Dispute Notice referring the dispute for determination by the Expert.

### 11.2 Notice as bar

The giving of a Dispute Notice operates as a complete and unconditional bar and waiver to the commencement of a proceeding or any litigation in respect of a dispute until after the actions in this **clause 11** have been taken and followed.

### 11.3 Identity of expert

If within 14 Calendar Days from the giving of a Dispute Notice the parties are not able to agree on the identity of the Expert, the Expert is to be appointed at the request of any party by the President for the time being of the Queensland Law Society Incorporated.

### 11.4 Experience and expertise

The Expert is to be a qualified civil engineer with extensive experience in dispute resolution and construction practices.

### 11.5 Non arbitrator

The Expert is to determine the procedure to be adopted to determine the dispute and is to act as an expert and not as an arbitrator.

### 11.6 Submissions

- (a) A party may make a submission to the Expert in respect of the dispute within 14 Calendar Days after the appointment of the Expert.
- (b) A party making a submission to the Expert in respect of the dispute is to give a copy of the submission to each other party within 7 Calendar Days after the submission is given to the Expert.
- (c) The Expert is to take account of any submission received in respect of the dispute under **paragraph 11.6(a)**.

**11.7 Costs**

The parties are to pay the Expert's costs (including the cost of engaging and consulting advisers) equally.

**11.8 Co-operation**

- (a) The parties are to at all times do all things which the Expert requires of them in respect of the Expert's determination of the dispute and are to co-operate and assist the Expert in every reasonable way.
- (b) A party is not to wilfully do or cause to be done any act to delay or prevent the determination of the dispute by the Expert.

**11.9 Determination**

The Expert's determination:

- (a) is to be made within 14 Calendar Days after the earlier of:
  - (i) each party has made a submission to the Expert in respect of the dispute;
  - (ii) the expiry of the time for a party to make a submission to the Expert in respect of the dispute;
- (b) is to be given in writing as soon as possible;
- (c) is to contain the reasons for the making of the determination;
- (d) is final and binding on the parties.

**12. Force Majeure****12.1 Notice of Force Majeure**

If a party is unable by reason of Force Majeure to perform and fulfil an obligation, the party is to, as soon as is reasonably practicable after the Force Majeure, give to each other party a Notice which states the following:

- (a) that Force Majeure is in existence; and
- (b) full particulars of the Force Majeure.

**12.2 Suspension of an obligation**

An obligation of a party so far as it is affected by Force Majeure is suspended during the following:

- (a) the continuance of Force Majeure; and
- (b) a further period which is reasonable in the circumstances.

**12.3 Removal or amelioration of Force Majeure**

The party giving a Notice of Force Majeure is to, as soon as is reasonably practicable, use its best endeavours to remove the Force Majeure or ameliorate its effect.

**12.4 Dispute resolution process to apply**

If the parties are unable to agree on the existence of a party's Force Majeure or the period during which an obligation is suspended during the continuance of Force Majeure the dispute is to be resolved under **clause 11**.

**13. Time****13.1 Time of the essence**

Time is, in all cases, of the essence.

**13.2 Extension of time**

The parties may agree to extend a time stated in this document by giving to each other a Notice which states the extended time.

**14. Counterparts****14.1 Document may consist of counterparts**

This document may consist of a number of counterparts, each of which when executed shall be an original and all the counterparts together shall constitute one and the same instrument.

**14.2 Exchange of a counterpart**

A party who has executed a counterpart of this document may exchange that counterpart with another party by faxing it or emailing it to the other party and, if that other party requests it, promptly delivering that executed counterpart by hand or post to the other party. However, the validity of this document is not affected if the party who has faxed or emailed the counterpart delays in delivering or does not deliver it by hand or by post.

**15. Further action****15.1 Action to give effect to this document**

A party is to do at its cost everything reasonably necessary to effect, perfect or complete this document and a transaction incidental to this document.

**15.2 Further action if a clause is invalid, illegal or unenforceable**

The parties are to use their best endeavours including the preparation, negotiation and execution of a further document to ensure that the object of a clause or part of a clause which is held by a court to be invalid, illegal or unenforceable is substantially achieved.



## **16. Severance**

### **16.1 Removal from this document**

A clause or part of a clause which is held by a court to be invalid, illegal or unenforceable is to be treated as removed from this document.

### **16.2 Effect of removal on this document**

The remaining clauses are not affected by:

- (a) the invalidity, illegality or unenforceability of a clause or part of a clause; or
- (b) the removal of a clause or part of a clause from this document.

### **16.3 Further action on removal**

The parties are to use their best endeavours to satisfy the intent of this document as stated in **clause 1.5**, for a clause or part of a clause which is held by a court to be invalid, illegal or unenforceable, to the extent that it is possible having regard to the relevant court judgment.

## **17. Notice**

### **17.1 Form of a Notice**

- (a) A Notice given by a party is to be:
  - (i) in writing;
  - (ii) signed by the party; and
  - (iii) marked for the attention of the relevant person.
- (b) A party receiving a Notice is not obliged to enquire as to the authority of the person signing the Notice.

### **17.2 Giving of a Notice**

- (a) A party may give to any other party a Notice by sending the Notice in one of the following ways:
  - (i) delivering the Notice to the other party at the physical address of the party;
  - (ii) sending the Notice to the other party by electronic mail;
  - (iii) posting the Notice by prepaid post to the other party at the postal address of the party;
  - (iv) faxing the Notice to the other party at its facsimile number.
- (b) A Notice is to be treated as given in the following circumstances:
  - (i) if it is delivered, when it is left at the physical address of the other party;

- (ii) if it is sent by electronic mail and no electronic error notification is received by the sender, the date and time the electronic mail indicates it was sent;
- (iii) if it is sent by post, 3 Calendar Days after it is posted or 7 Calendar Days after it is posted if sent to or from a place outside Australia;
- (iv) if it is sent by facsimile, as soon as the sender receives from the sender's facsimile machine a report of an error-free transmission to the correct facsimile number.

**17.3 Change of the details of a party**

A party may change the address, facsimile number and the person to whose attention a Notice is to be brought by giving to each other party a Notice which states the following:

- (a) the changed details;
- (b) that the change is to take effect from a date which is at least 7 Calendar Days after the Notice is given to each other party.

**18. Further agreement**

**18.1 Agreement to change**

- (a) The parties may at any time agree to change, review or replace this document.
- (b) The parties may agree the circumstances and the manner in which a change, review or replacement of this document is to be conducted.

**18.2 Form of the change**

A change, review or replacement of this document only has effect if the change:

- (a) is in the form of a deed executed by the parties; and
- (b) complies with the Planning Act and any other relevant law.

**18.3 Further agreement**

- (a) The parties may at any time enter into an agreement or arrangement for a matter the subject of this document that the parties consider is necessary or desirable in order to give effect to this document.
- (b) An agreement or arrangement entered into under **paragraph (a)** is not to be inconsistent with this document.

**19. Costs and outlays**

**19.1 Each party pay its own costs**

Each party must pay its own costs and outlays connected with the negotiation, preparation and execution of this document.

## 20. Governing law and jurisdiction

### 20.1 Queensland law to apply

This document is governed by the laws which apply in the State of Queensland.

### 20.2 Queensland courts to have jurisdiction

- (a) The parties irrevocably and unconditionally submit to the exclusive jurisdiction of the courts of the State of Queensland and a court which has jurisdiction to hear an appeal from those courts.
- (b) The parties are not to object and waive their right to object to the following:
  - (i) a legal proceeding brought in those courts;
  - (ii) the exercise of the jurisdiction by those courts on any basis;
  - (iii) the exercise or non-exercise of a right, including for the actual or contemplated enforcement or preservation of a right, waiver, release, indemnity, discharge or charge under this document.

## 21. GST

### 21.1 Construction of this clause

In this **clause 21**:

- (a) a word has the meaning in the GST Act; and
- (b) a reference to GST payable and an input tax credit entitlement include the GST payable by, and the input tax credit entitlement of, the representative member for a GST group of which the entity is a member.

### 21.2 Payment of GST

- (a) If a party or an entity through which that party acts (**Supplier**) is liable to pay GST on a supply made under or in connection with this document, the recipient is to pay to the Supplier an amount equal to the GST payable by the Supplier.
- (b) The recipient is to pay the amount stated in **paragraph (a)** in addition to and at the same time that the consideration for the supply is to be provided under this document.
- (c) The Supplier is to deliver a tax invoice or an adjustment note to the recipient before the Supplier is entitled to the payment of the amount stated in **paragraph (a)**.
- (d) The recipient may withhold the payment of the amount stated in **paragraph (a)** until the Supplier provides a tax invoice or an adjustment note, as appropriate.

- (e) If an adjustment event arises in respect of a taxable supply made by a Supplier under this document, the amount payable by the recipient is to be recalculated to reflect the adjustment event and a payment is to be made by the recipient to the Supplier or by the Supplier to the recipient as the case requires.
- (f) The parties are to do all things including producing a tax invoice and other documents which may be necessary or desirable to enable or help the other party to claim an input tax credit, set-off, rebate or refund for an amount of GST for a supply under this document.

**21.3 Reimbursable cost**

If a party is required to pay for a cost of another party (**Reimbursable Cost**), the amount to be paid is the amount of the Reimbursable Cost net of an input tax credit or reduced input tax credit to which the other party is entitled for the Reimbursable Cost.

**21.4 Indemnified cost**

If a party has the benefit of an indemnity for a cost (**Indemnified Cost**), the indemnity is for the Indemnified Cost net of an input tax credit or reduced input tax credit to which that party is entitled for the Indemnified Cost.

**21.5 Stated amount**

An amount stated in this document is exclusive of GST unless otherwise expressly stated.

**21.6 No merger on termination**

**Clause 21** does not merge on the termination of this document and continues to have effect until each party gives to each other party a Notice waiving the benefit of the clause.

## SCHEDULE 1

### Reference schedule

ITEM 1	<b>Council</b>	
	Name of Council	<b>Bundaberg Regional Council</b>
	Address	190 Bourbong Street, Bundaberg, 4670 in the State of Queensland
	Facsimile No.	(07) 4150 5410
	Email address:	ceo@bundaberg.qld.gov.au
	Person to whose attention a Notice is to be brought:	Chief Executive Officer
ITEM 2	<b>Owner</b>	
	Name	<b>Wayne and Judy Honor</b>
	Address (or registered office if a corporation)	285 Mcllwraith Road, Mcllwraith in the State of Queensland
	Person to whose attention a Notice is to be brought:	Nathan Freeman
ITEM 2A	<b>Developer</b>	
	Name	Coachtrail Investments Pty Ltd
	Address (or registered office if a corporation)	c/- Insite SJC PO Box 1688, Bundaberg in the State of Queensland
	Email address:	nathan@insitesjc.com.au
	Person to whose attention a Notice is to be brought:	Nathan Freeman
ITEM 3	<b>Development Land</b>	
	Clarkes Road, Delan in the State of Queensland; land described as Lot 104 on RP21941	
ITEM 4	<b>Eligible Development</b>	
	322.2015.43739.1	
ITEM 5	<b>Charges Notice or condition under which Infrastructure Amount is payable</b>	
	331.2015.766.1	

**ITEM 6 Due Date for payment of Reduced Infrastructure Amount**  
Before the Change of Use happens



**SCHEDULE 2**  
**Discount Schedule**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Infrastructure Amount</b>	<b>Applicable Discount</b>	<b>Reduced Infrastructure Amount</b>
<b>\$117,547.38</b>	<b>50%</b>	<b>\$58,773.69</b>

**SCHEDULE 3****Incentives Application Form****Bundaberg Open for Development 2016  
Infrastructure Charges Incentives Application Form**

Council is offering infrastructure charges incentives to attract developments that will generate longer term economic growth and job creation where they are consistent with our planning vision for the region.

To see if your development is eligible for infrastructure charges incentives, please refer to Attachment A.

To apply, please complete this form and return to Council prior to 28 June 2019. Please email directly to [Duty\\_Planner@bundaberg.qld.gov.au](mailto:Duty_Planner@bundaberg.qld.gov.au)

**Developers details**

Name/s (individual or company name in full):			
For Contact Name:			
Postal Address:			
	Suburb:	State:	Postcode:
Contact Number:		Fax Number:	
Email address:			

**Owners details**

Name/s (individual or company name in full):			
Postal Address:			
	Suburb:	State:	Postcode:
Contact Number:		Fax Number:	

**Description of Land**

Property Address			
Property Description:	Lot		Plan Type & No.
	Lot		Plan Type & No.
	Lot		Plan Type & No.

**Declaration**

In lodging this request for an infrastructure charge discount I/We \_\_\_\_\_ declare that the owners of the property have consented to enter into an infrastructure agreement subject to the terms of the Rules and Regulations of the Bundaberg Open for Development initiative.

Signature/s: \_\_\_\_\_ Date \_\_\_\_\_

<b>Application Details</b>
<p><b>Which of the following categories of incentivised development are you applying for (please see definitions):</b></p> <p><input type="checkbox"/> Rural Sector development</p> <p><input type="checkbox"/> CBD/Town Centre development</p> <p><input type="checkbox"/> Long Term Employment Generating development</p> <p><input type="checkbox"/> Housing Affordability development</p> <p><i>NOTE: if the proposed development does not fit within a category listed, the development may not be eligible for this program but may be eligible for other incentives offered by Council. Please contact Council's Development Assessment team on 1300 883 699 for further information about how we can assist with your development. Please see definitions in Attachment B for assistance in determining what category your development may fit within.</i></p>
<b>Details of the Development Permit or Compliance Permit</b>
Application No:
Type of Approval:
Date Approval took effect:
<b>Have the adopted infrastructure changes or infrastructure contribution/s been paid?</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Proposal Details</b>
What is the proposed value of works for the \$ development?
What is the anticipated number of jobs to be created by this development? (if known/applicable)
If the development is for residential development please provide the following:
Number of dwelling units <span style="margin-left: 150px;">Number of lots</span>
If the development is for commercial or industrial uses please provide the following:
Gross Floor Area (GFA)
<b>Staged Development</b>
Is the development a staged development?
<input type="checkbox"/> Yes <input type="checkbox"/> No
Is it proposed that a discount apply to certain stages of the development and not the whole of the development?
<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Note: if development is to be staged, the application needs to be accompanied by a staging plan.</i>
If it is proposed that a discount apply to certain stages of the development, provide details of:
<ul style="list-style-type: none"> <li>• the total number of stages in the development and the site area of the total development.</li> <li>• the stages to which a discount is sought to be applied.</li> </ul>

----- END OF APPLICATION FORM -----

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## Attachment A: Rules and Procedures

<b>1. Background</b>	
<p>On 19 July 2016 Council launched the "Bundaberg Open for Development 2016" incentives scheme with the objective of stimulating new construction activity and creation of longer term employment in the region. As part of this initiative, Council is offering discounts for infrastructure charges for specific targeted developments.</p> <p>Council resolved to develop these rules and procedures to guide its decision-making in assessing applications for the infrastructure charges incentives.</p> <p>Bundaberg Open for Development 2016 will commence on 19 July 2016 and applies to Eligible Development. A development that has been completed prior to 28 June 2019 is not eligible for the infrastructure charges incentives.</p>	
<b>2. Eligibility for infrastructure charges incentives</b>	
2.1	A Development Approval exists for the development.
2.2	<p>The Council has either:</p> <ul style="list-style-type: none"> <li>• issued a Charges Notice in relation to the Development Approval; or</li> <li>• imposed an infrastructure contribution condition in the Development Approval;</li> </ul> <p>AND The development is not subject to an existing infrastructure agreement that varies the amount of Infrastructure Charges payable (except where the infrastructure agreement relates to an extension of the relevant period for the Development Approval).</p>
2.3	The development is for Rural Sector, Long Term Employment Generating, CBD/Town Centre or Housing Affordability development as defined in Attachment B.
2.4	The development was not Completed on or before 19 July 2016. For staged development, the stage being applied for was not Completed on or before 19 July 2016.
2.5	The development is not eligible for a refund for the provision of trunk infrastructure pursuant to s649 of the <i>Sustainable Act 2009</i> (SPA) (or equivalent section in any subsequent legislation). If through a conversion application (s659 SPA) or a recalculation of the establishment cost of trunk infrastructure (s657 SPA) a development that at the time an application under this policy was made was not subject to a refund becomes subject to a refund, then the development will no longer be eligible for a discount under this incentives scheme.
2.6	Development that does not meet the above criteria is not eligible for the infrastructure charges incentives.
<b>3. Rules</b>	
3.1	Developments seeking to take advantage of the infrastructure charges incentives must make application to Council for a discount using the approved form. Applications for the infrastructure charges incentives can be made at any time prior to 28 June 2019.
3.2	Only one infrastructure charges incentives offer can apply to a development.
3.3	<p>The infrastructure charges incentives will not apply to:</p> <ul style="list-style-type: none"> <li>• any development that has been Completed on or before 19 July 2016; and</li> <li>• any development that is Completed after 28 June 2019.</li> </ul>
3.4	<p>Discounts for the Infrastructure Charges are as follows:</p> <ul style="list-style-type: none"> <li>• 100% discount for development that is Completed by 26 June 2020 which is for: <ul style="list-style-type: none"> <li>(a) CBD/Town Centre development;</li> <li>(b) Rural Sector development where: <ul style="list-style-type: none"> <li>(i) Intensive horticulture;</li> <li>(ii) Rural industry;</li> <li>(iii) Aquaculture; or</li> <li>(iv) Winery (where located in a Rural zone);</li> </ul> </li> </ul> </li> <li>• 50% discount for all other Eligible Development that is completed by 26 June 2020.</li> </ul>

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	The above discounts are taken to be discounts off the applicable Infrastructure Charges specified in a Charges Notice or conditioned in a Development Approval (as varied by any infrastructure agreement relating to an extension of the relevant period of the Development Approval, where one exists). To be clear, no other discounts either under an Adopted Infrastructure Charges Resolution or other policy will apply.
3.6	The maximum discount under the incentives scheme is no more than \$1 million for an Eligible Development.
3.7	Council may, in its absolute discretion, extend the date for any of the above discounts for a particular development where: <ul style="list-style-type: none"> <li>• The Applicant can show sufficient reason why the development cannot be completed by the original Completion Date; and</li> <li>• The development has achieved Substantial Commencement prior to the original Completion Date.</li> </ul>
3.8	Applications to extend the date by which development is to be Completed for any particular discount must be made in writing and received prior to expiry of the Completion Date. Any extension to the date by which development is to be Completed is at Council's absolute discretion.
3.9	Compliance with the Completion Date for receiving the incentive reduction in Infrastructure Charges is only achieved through full compliance with the following: <ul style="list-style-type: none"> <li>• For developments involving material change of use and building works, the issue of a certificate of classification for building works and/or issue of final inspection certificate by the Completion Date; or</li> <li>• For developments involving material change of use and no building works, the approved use is established by the Completion Date; or</li> <li>• For development involving reconfiguring a lot, all plans of reconfiguration (or for an application which applies to a particular stage, all plans of reconfiguration for that stage) are lodged with the Council by the Completion Date.</li> </ul>
3.10	Applicants must provide evidence to the Council of Substantial Commencement within 5 business days of the achievement of Substantial Commencement.
3.11	Applicants must provide evidence to the Council of Completion within 5 business days of the Completion Date.
3.12	In all cases, Council must be satisfied that all applicable conditions of the Development Approval for the development Completed have been satisfactorily complied with.
3.13	The discount will be applied at the time of payment of the Infrastructure Charges, but no discount is applicable if Infrastructure Charges are not paid when due.
3.14	Nothing stops development from making early payment of Infrastructure Charges payable after approval for discount has been given under this policy. However, early payment does not guarantee eligibility for any discount. Development must comply with the terms of the executed infrastructure agreement to secure approved discounts.
3.15	The discount applies to net charges after credits and offsets for the provision of trunk infrastructure have been deducted. To be clear, no discount given under this policy can result in a development receiving a refund.
<b>4. Process</b>	
4.1	Applicants must lodge the application form prior to 28 June 2019.
4.2	Within five (5) business days of Council receiving the request, Applicants will be notified by Council via email about whether the development is eligible for the incentive scheme applied for and details of any approved reduction in Infrastructure Charges subject to the incentive requirements being met and if so; <ul style="list-style-type: none"> <li>(a) An infrastructure agreement will be issued identifying the discount available and must be signed by the Applicant to acknowledge all terms applying to the incentive offer approved for the development;</li> <li>(b) For the discounts to apply, the Applicant must execute and return the infrastructure agreement to Council prior to the time for payment of the Infrastructure Charges.</li> </ul>

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## Attachment B: Definitions

The below table contains the definitions for the Bundaberg Open For Development 2016 incentives scheme. If a word is not defined in this document, unless the context or subject matter otherwise indicates or requires, the word is to have a meaning given to it by the following:

- (a) the Planning Act;
- (b) the Bundaberg Regional Council Planning Scheme 2015 if the word is not defined in the Planning Act;
- (c) the Macquarie Dictionary if the word is not defined in the Planning Act or the Bundaberg Regional Council Planning Scheme 2015.

Where a Development Approval has been given under one of the four superseded planning schemes for the Bundaberg Region, the development's eligibility will be determined by applying the definition from the Bundaberg Regional Council Planning Scheme 2015 that best fits the approved development.

Definition	
<b>Adopted Infrastructure Charges Resolution</b>	Means Adopted Infrastructure Charges Resolution (NO.1) 2012, Adopted Infrastructure Charges Resolution (NO.1) 2013, Adopted Infrastructure Charges Resolution (NO.1) 2014 or Adopted Infrastructure Charges Resolution (NO.1) 2015.
<b>Applicant</b>	Means the applicant for the infrastructure charges incentives under this policy.
<b>Business Activities</b>	Means any of the following: <ul style="list-style-type: none"> <li>• Adult store;</li> <li>• Agricultural supplies store;</li> <li>• Bar;</li> <li>• Car wash;</li> <li>• Food and drink outlet;</li> <li>• Garden centre;</li> <li>• Hardware and trade supplies;</li> <li>• Market;</li> <li>• Office;</li> <li>• Outdoor sales;</li> <li>• Sales office;</li> <li>• Service station;</li> <li>• Shop;</li> <li>• Shopping centre;</li> <li>• Showroom;</li> <li>• Veterinary services.</li> </ul>
<b>CBD/Town development Centre</b>	Means development located within the Bundaberg CBD, Childers Town Centre, Gin Gin Town Centre or Bargara Tourism Precinct as delineated in the Bundaberg Open for Development 2016 maps (shown on Council's website at <a href="http://www.bundaberg.qld.gov.au/development/bo4d">www.bundaberg.qld.gov.au/development/bo4d</a> ) for any one or combination of the following purposes defined under the Bundaberg Regional Council Planning Scheme 2015 subject to any limitation in brackets: <ul style="list-style-type: none"> <li>• Bar</li> <li>• Dual occupancy (where part of a mixed use building)</li> <li>• Dwelling unit (where part of a mixed use building)</li> <li>• Educational establishment;</li> <li>• Entertainment activities;</li> <li>• Food and drink outlet;</li> <li>• Multiple dwelling;</li> <li>• Offices;</li> <li>• Shop;</li> </ul>



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	<ul style="list-style-type: none"> <li>• Shopping centre;</li> <li>• Short-term accommodation; and</li> <li>• Showroom.</li> </ul>
<b>Charges Notice</b>	<p>Means:</p> <ul style="list-style-type: none"> <li>• an infrastructure charges notice as defined in section 627 of the <i>Sustainable Planning Act 2009</i> (SPA); or</li> <li>• a notice mentioned in section 977(1) of SPA; or</li> <li>• a notice equivalent to an infrastructure charges notice which is given under legislation which repeals and replaces SPA.</li> </ul>
<b>Completed</b>	<p>Means for a material change of use:</p> <ul style="list-style-type: none"> <li>• Where involving building works, a certificate of classification or the final inspection certificate (for a single detached class 1a building or structure) has been issued; or</li> <li>• Where not involving building works, the approved use has been established.</li> </ul> <p>Means for reconfiguring a lot all plans of reconfiguration (or for an application which applies to a particular stage, all plans of reconfiguration for that stage) have been given to Council.</p>
<b>Completion Date</b>	<p>Means:</p> <ul style="list-style-type: none"> <li>• <b>26 June 2020</b>; or</li> <li>• such date as extended by the Council pursuant to section 3.7 of Attachment A.</li> </ul>
<b>Development Approval</b>	A development permit for a material change of use or a development permit or compliance permit for reconfiguring a lot or a development permit for building work for a dual occupancy that has not lapsed.
<b>Eligible Development</b>	Means proposed development that satisfies the requirements of section 2 of Attachment A.
<b>Entertainment Activities</b>	<p>Means any of the following:</p> <ul style="list-style-type: none"> <li>• Club;</li> <li>• Function facility;</li> <li>• Hotel;</li> <li>• Nightclub entertainment facility;</li> <li>• Theatre;</li> <li>• Tourist attraction.</li> </ul>
<b>Housing Affordability development</b>	<p>Means development for:</p> <ul style="list-style-type: none"> <li>• Infill Residential Development; or</li> <li>• Reconfiguration of a lot creating more than ten (10) fully serviced (including both reticulated water and sewerage infrastructure) residential allotments on land located within the Low Density Residential zone, Medium Density Residential zone or Emerging Community zone.</li> </ul>
<b>Industry Activities</b>	<p>Means any of the following:</p> <ul style="list-style-type: none"> <li>• Bulk landscape supplies;</li> <li>• Extractive industry;</li> <li>• High impact industry;</li> <li>• Low impact industry;</li> <li>• Marine industry;</li> <li>• Medium impact industry;</li> <li>• Research and technology industry;</li> <li>• Service industry;</li> <li>• Special industry;</li> <li>• Transport depot;</li> <li>• Warehouse.</li> </ul>

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<b>Infill Residential Development:</b>	Means residential development (including multiple dwellings and dual occupancies) located on land which is: <ul style="list-style-type: none"> <li>• situated within an existing suburb or township;</li> <li>• substantially surrounded by existing urban development;</li> <li>• serviced by urban roads and reticulated water supply;</li> <li>• was less than one (1) hectare in area on 19 July 2016 and is less than one (1) hectare in area on the date of application for a discount under this policy;</li> <li>• developed for not more than ten (10) residential lots or dwellings; and</li> <li>• located within the identified Priority Infrastructure Area of the Bundaberg Regional Council Planning Scheme 2015; and</li> <li>• does not constitute a stage of a larger development that does not otherwise meet the criteria of this definition.</li> </ul>
<b>Infrastructure Charges</b>	Means infrastructure charges or contributions for trunk infrastructure payable pursuant to a Charges Notice or a contribution condition in a Development Approval.
<b>Long Term Employment Generating development</b>	Means development for any one or combination of the following purposes defined under the Bundaberg Regional Council Planning Scheme 2015 subject to any limitation in brackets: <ul style="list-style-type: none"> <li>• Industry activities;</li> <li>• Health care services;</li> <li>• Hospital;</li> <li>• Resort complex;</li> <li>• Short term accommodation;</li> <li>• Tourist park;</li> <li>• Nature-based tourism;</li> <li>• Tourist attraction; and</li> <li>• Business activities (where located on land in either the Principal Centre zone, Major Centre zone, District Centre zone, Local Centre zone, Neighbourhood Centre zone or Specialised Centre zone).</li> </ul>
<b>Planning Act</b>	Means the <i>Planning Act 2016</i> or subsequent legislation which repeals and replaces that act.
<b>Priority Infrastructure Area</b>	Is the area where suitable and adequate development infrastructure exists, or where it can be provided most efficiently (the maps contained within the Bundaberg Regional Council Planning Scheme 2015 titled Priority Infrastructure Area delineates the boundaries of the Priority Infrastructure Area for this incentives scheme).


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<b>Rural development</b>	<b>Sector</b>	<p>Means development for any one or combination of the following purposes defined under the Bundaberg Regional Council Planning Scheme 2015 subject to any limitation in brackets:</p> <ul style="list-style-type: none"> <li>• Intensive horticulture;</li> <li>• Rural industry;</li> <li>• Aquaculture;</li> <li>• Winery (where located in a Rural zone);</li> <li>• Intensive animal husbandry;</li> <li>• Short-term accommodation (for the purpose of accommodating backpackers and/or itinerant farm workers);</li> <li>• Non-resident workforce accommodation (for the purpose of accommodating backpackers and/or itinerant farm workers); or</li> <li>• Rural workers accommodation.</li> </ul>
<b>Substantial Commencement</b>		<p>Means for a material change of use the commencement of the construction of either slab or footings (whichever is required for the development) proportionate to the size of the development proposed.</p> <p>Means for reconfiguring a lot the commencement of civil works (such as roadwork, water or sewer connections, stormwater pipe work).</p> <p>Preliminary site works including tree clearing or bulk earth works are not considered to be substantial commencement for these purposes.</p>

### Part 3 Execution by the parties

EXECUTED as a deed.

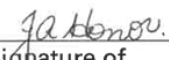
Signed by Michael Ellery, Group Manager Development on behalf of the **BUNDABERG REGIONAL COUNCIL** in accordance with the *Local Government Act 2009* on the 10<sup>th</sup> day of June 2019


^  \_\_\_\_\_  
Signature of

^  \_\_\_\_\_  
Signature of witness

^ Judy JACKSON \_\_\_\_\_  
Name of witness (print)

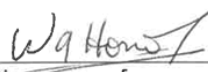
Signed by JUDY HONOR on the 10<sup>th</sup> day of June 2019 in the presence of:


^  \_\_\_\_\_  
Signature of

^  \_\_\_\_\_  
Signature of witness

^ Tim Howlett \_\_\_\_\_  
Name of witness (print)

Signed by Wayne Honor on the 10 day of June. 2019 in the presence of:

^  \_\_\_\_\_  
Signature of

^  \_\_\_\_\_  
Signature of witness

^ Tim Howlett \_\_\_\_\_  
Name of witness (print)