



**AGENDA FOR ORDINARY MEETING
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG
ON TUESDAY 27 SEPTEMBER 2016, COMMENCING AT 10.00 AM**

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**Item****27 September 2016****Item Number:**

E1

File Number:

.

Part:

FINANCE

Portfolio:

Organisational Services

Subject:

Financial Summary as at 1 September 2016

Report Author:

Anthony Keleher, Chief Financial Officer

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

Governance - 4.4.5 Responsible financial management and efficient operations

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 for the month ended August 2016.

Consultation:

Chief Financial Officer and Financial Services team.

Legal Implications:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

This report satisfies the requirements of *Section 204* of the *Local Government Regulation 2012*.

Risk Management Implications:

There appear to be no risk management implications.

Communication Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
 Required

Attachments:

- 1 Financial Summary as at 1 September 2016

Recommendation:

That the Financial Summary as at 1 September 2016 (as detailed on the 12 pages appended to this report) – **be noted by Council.**

Financial Summary
as at 01 Sep 2016

Progress check - 17%	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
Recurrent Activities															
Revenue															
General Rates and Utility Charges	68,054,647	142,680,500	48%	33,654,511	75,569,500	45%	7,114,901	14,146,000	50%	13,437,029	26,677,000	50%	13,848,206	26,288,000	53%
Less: Discounts and pensioner remissions	(3,493,776)	(7,786,000)	45%	(3,208,021)	(7,209,000)	45%	(97,056)	(195,000)	50%	(106,319)	(213,000)	50%	(82,380)	(169,000)	49%
	64,560,871	134,894,500	48%	30,446,490	68,360,500	45%	7,017,845	13,951,000	50%	13,330,710	26,464,000	50%	13,765,826	26,119,000	53%
Fees and Charges	3,841,766	24,330,348	16%	2,845,488	18,509,107	15%	638,997	3,973,441	16%	176,875	933,500	19%	180,406	914,300	20%
Interest Revenue	182,450	2,971,000	6%	4,080	1,039,000	0%	10,391	72,000	14%	66,834	729,000	9%	101,145	1,131,000	9%
Grants, Subsidies & Donations	2,561,430	10,669,426	24%	2,561,430	10,669,426	24%	-	-	-	-	-	-	-	-	-
Sale of Developed Land Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Recurrent Revenue	71,146,517	172,865,274	41%	35,857,488	98,578,033	36%	7,667,233	17,996,441	43%	13,574,419	28,126,500	48%	14,047,377	28,164,300	50%
Expenses															
Employee, Material and Services Costs	17,822,766	118,404,297	15%	12,460,593	80,764,882	15%	2,016,633	15,551,667	13%	1,522,922	10,556,079	14%	1,822,618	11,531,669	16%
Finance Costs	59,990	3,473,000	2%	59,990	1,639,000	4%	-	343,000	0%	-	1,269,000	0%	-	222,000	0%
Depreciation	7,791,317	46,749,432	17%	5,911,799	35,472,322	17%	105,446	632,675	17%	910,078	5,460,470	17%	863,994	5,183,965	17%
Total Recurrent Expenditure	25,674,073	168,626,729	15%	18,432,382	117,876,204	16%	2,122,079	16,527,342	13%	2,433,000	17,285,549	14%	2,686,612	16,937,634	16%
Operating Surplus	45,472,444	4,238,545		17,425,106	(19,298,171)		5,545,154	1,469,099		11,141,419	10,840,951		11,360,765	11,226,666	
Transfers to															
Restricted Capital Cash	-	4,000,000	0%	-	-	-	-	-	-	-	4,000,000	0%	-	-	-
NCP Transfers	1	-	-	(2,398,168)	(14,389,008)	17%	(269,496)	(1,616,978)	17%	1,218,609	7,311,651	17%	1,449,056	8,694,335	17%
Fund Capital Expenditure (Capital Account)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Transfers	1	4,000,000	0%	(2,398,168)	(14,389,008)	17%	(269,496)	(1,616,978)	17%	1,218,609	11,311,651	11%	1,449,056	8,694,335	17%
Movement in Unallocated Surplus	45,472,443	238,545		19,823,274	(4,909,163)		5,814,650	3,086,077		9,922,810	(470,700)		9,911,709	2,532,331	
Unallocated Surplus (Deficit) brought forward from prior year(s)	879,080	(1,254,367)	-70%	(10,409,605)	(16,111,371)	65%	-	1,155,052	0%	-	2,515,414	0%	11,288,685	11,186,538	101%
Unallocated Surplus (Deficit)	46,351,523	(1,015,822)		9,413,669	(21,020,534)		5,814,650	4,241,129		9,922,810	2,044,714		21,200,394	13,718,869	
Capital Activities															
Council's Capital Expenditure (Excludes Donated Assets)															
Council Expenditure on Non-Current Assets	5,027,515	110,170,747	5%	3,424,945	60,986,747	6%	-	318,000	0%	1,177,518	45,521,000	3%	425,052	3,345,000	13%
Loan Redemption	-	8,316,000	0%	-	5,937,000	0%	-	418,000	0%	-	1,662,000	0%	-	299,000	0%
Total Capital Expenditure	5,027,515	118,486,747	4%	3,424,945	66,923,747	5%	-	736,000	0%	1,177,518	47,183,000	2%	425,052	3,644,000	12%
Cash opening balance (incl. investments)	94,357,604	86,548,673													
Cash closing balance (incl. investments)	85,899,653	72,530,816													

Please note Year to Date (YTD) Budget is the 2016/2017 Budget

Further to the Financial Summary Report as at 1 September 2016, the following key features are highlighted.

Recurrent Expenditure

There are 3 main expense items which form the "Total Recurrent Expenditure" for Council.

a) Employee, Materials and Services Costs

The pattern of expenditure for Employee Materials and Services Costs across a financial year can vary slightly from year to year depending on factors such as the progress of Non-Capital Projects, weather conditions/events, and emergent works.

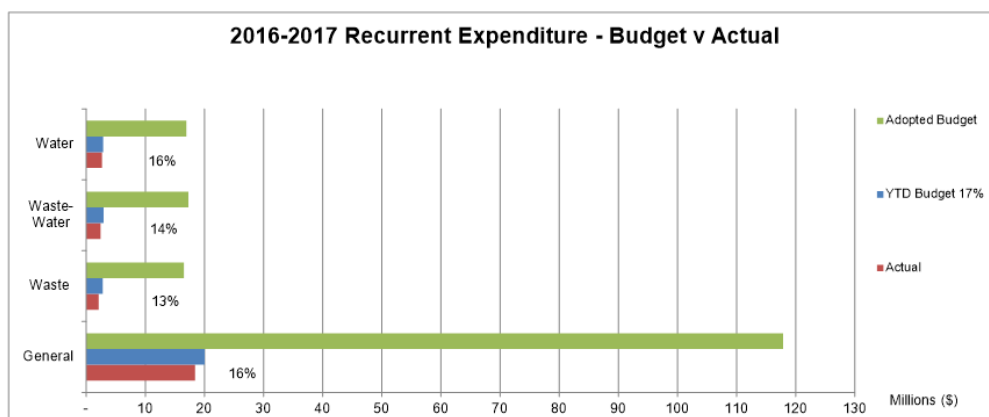
Due to the reversal of accruals in July each year the actual expenditure is expected to be approximately 2% lower than the budget progress of 17%. These accruals relate to accrued Wages and Superannuation, and Goods Received not invoiced at 30 June 2016.

b) Finance Costs

Finance Costs mainly consist of the interest paid on Council loans. The first quarterly loan payment for the 2016/2017 FY is due to be made on 15 September 2016. As expected the Finance Costs will be significantly lower than budget until this payment is made. This pattern will continue for each quarter throughout the year.

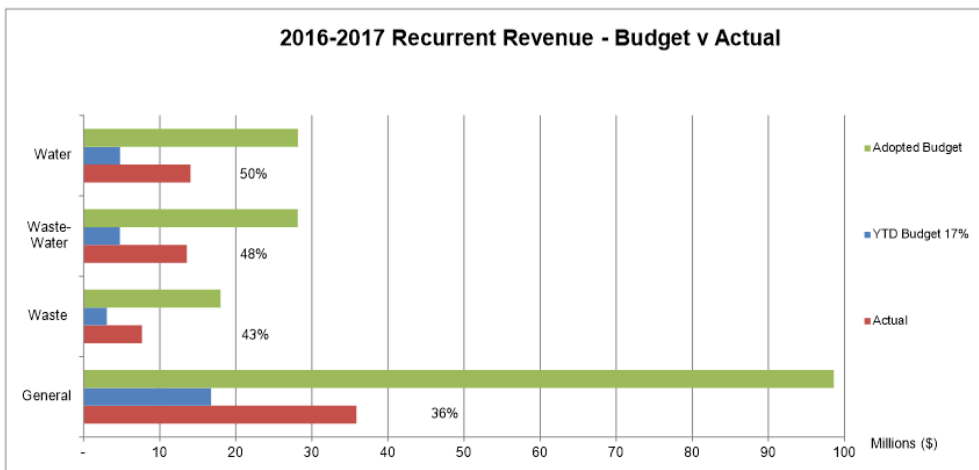
c) Depreciation

The budgeted depreciation expenditure is apportioned evenly across the 12 months of the year and is processed every month. The depreciation amount for August has been processed and the overall expenditure is as expected.



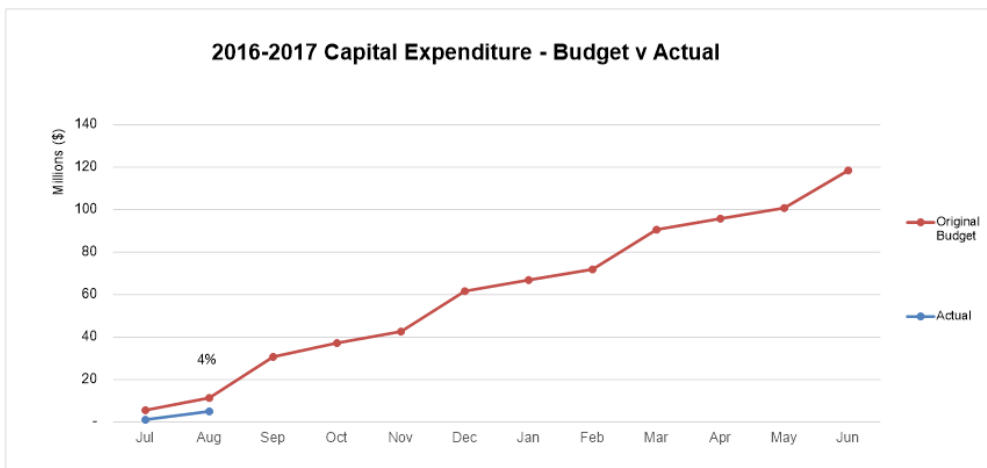
Recurrent Revenue

- Net Rates and Utility Charges revenue is currently following the normal pattern of income for Council during a financial year, with the rates having been levied for the 1st half of the year and the revenue showing as around 48% of budget. The percentage of actual to budgeted Discount and Pensioner Remissions on Rates is slightly lower for the General Fund as the discount is applied as payments are received. No discount is applied to the other Business Units, only Pensioner Remissions.
- Interest revenue is influenced by current interest rates and also the amount of cash held within the Business Units. Accrual adjustments from the previous financial year have been reversed in July. The operating figures for Interest Revenue are distorted due to these accrual reversals for interest owing to Council as at 30 June 2016, however these figures will normalise as the year progresses.
- Operating Grants received to date include the 1st Quarter Financial Assistance Grant and grants for Home and Community Care services and for Fuel Tax Credits.



Capital Expenditure

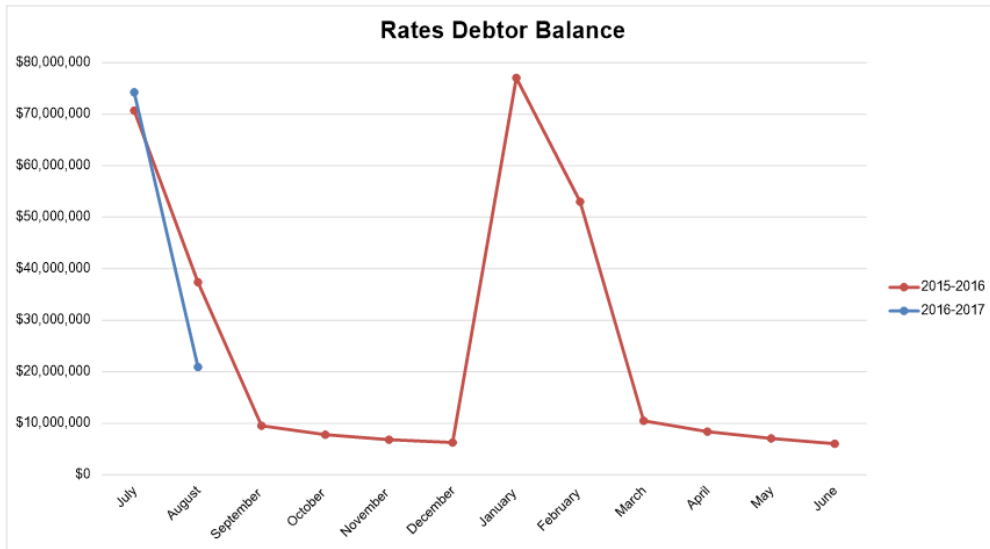
- The payment of the 1st Quarter loan redemption for outstanding Council loans is due to be made on 15 September 2016.
- Capital Expenditure is currently 4% of the budget.



For more details regarding Capital Expenditure projects please refer to the Project tables below.

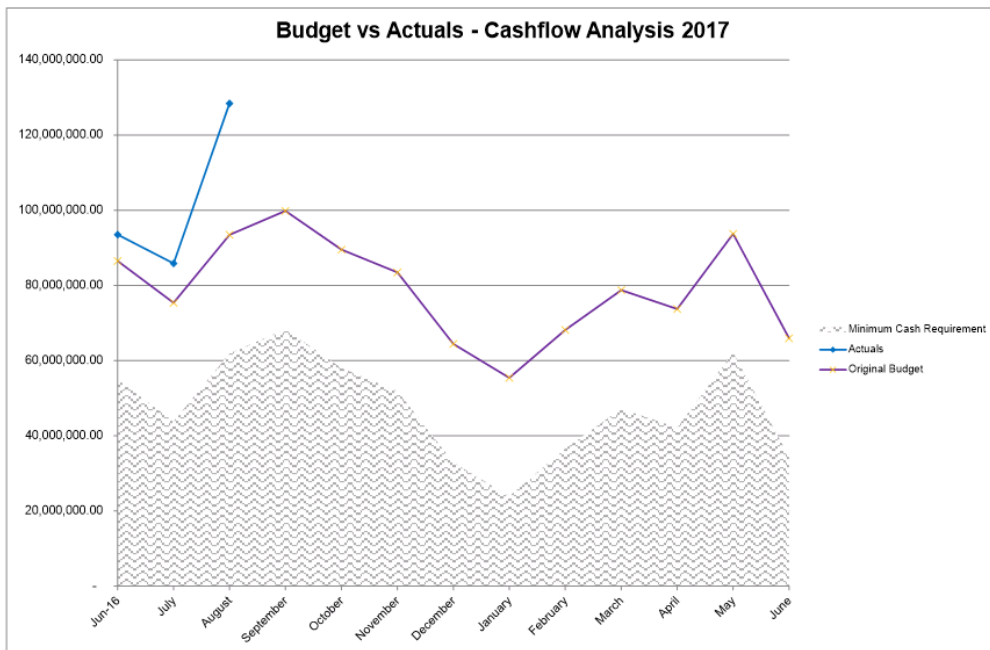
Rates Debtor

- Council's Rates are levied in July and February this financial year.
- The latest levy was raised in July 2016, with a due date of 31 August 2016.
- As at 31 August 2016 the Rates Debtor balance sits at \$20.9 million, however this balance excludes payments made on the 31 August 2016 via BPay, Bpoint and Australia Post. The Rates Debtor balance sits at \$13.1 million after these payments were processed early September. This balance is lower than the same time last year as the due date was in August this year compared to September in 2015.



Cash Flow

- The Cash Balance as at 31 August 2016 was \$128.5 million. This balance is higher than forecast due to actual Opening Cash Balance as at 1 July 2016 being approximately \$8 million higher than the budgeted Opening Cash Balance for the 2016/2017 FY. A detailed analysis of this variance will form part of the first quarter revised budget. Also the balance is higher than forecast as the due date for Rates payments was in August this year compared to September in 2015.
- Council is undertaking several major projects during this financial year, and will require appropriate cash levels in order to cover expenditure on these projects. As noted previously, after assessing the forecast expenditure for these projects, the minimum cash requirement level has been increased from \$34 million in June 2016 to \$55 million in July 2016, to ensure that an adequate level of liquidity is maintained during the year.
- The current Cash Balance is significantly higher than the minimum Cash Balance required by Council.
- No liquidity issues are foreseeable in the near future.



2017 Financial Year**A Year to Date Summary of Capital Projects, with a budget exceeding \$500,000**

Department	Project Description	Status *	Monitor (Descriptor)	Budget	2017 FY YTD Actuals	% Spend	Est Final Cost 2017	\$ Variance	Comments	
Water and Wastewater	Deering Place Innes Park - New Sewer Pump Station & Pressure Main	●	Construction expected to be completed March 2017	900,000	193,590	22%	1,305,000	405,000	Revised Budget Request submitted to reproviseion \$405,000 from 2016 to 2017 to fund extension of the construction program into the current financial year.	
	Rubyanna STP - Design & Construction of Plant	✓	90% Design complete. Significant progress with roadworks undertaken during	32,966,000	733,685	2%	32,965,120	(880)		
	Project Administration and Control (All Stages)	✓	Work order is ongoing	85,000	56,459	66%	85,000	-		
	Rubyanna River Outfall for Rubyanna WWTP	✓	Contract has been awarded. Design is 60% complete	5,205,000	32,468	1%	5,205,000	-		
				<i>Subtotal</i>	<i>38,256,000</i>	<i>822,611</i>	<i>2%</i>	<i>38,255,120</i>	<i>(880)</i>	
	Gin Gin Water Treatment Plant Upgrade	●	Internal delivery, completion expected March 2017	150,000	35,394	24%	369,000	219,000	Revised Budget Request submitted to reproviseion \$219,000 from 2016 to 2017 to fund extension of the construction program into the current financial year.	
	Mellifont Street Water Pump Station (to transfer Treated Water to Kalkie WTP)	✓	Internal delivery, completion expected May 2017	650,000	8,072	1%	650,000	-		
	Woodgate Vacuum Sewer Extension	✓	Project commencement is subject to Infrastructure Agreement with Developer	1,300,000	-	0%	1,300,000	-		
	Belle Eden Gravity Main Construction	✓	Construction expected to commence August 2017	1,000,000	-	0%	1,000,000	-		
	Hughes Road/ Blain Street, Bargara - Reticulation Renewal - SPS Gravity Main Conversion to Rising Main	✓	Internal Delivery, construction expected to commence August 2017	600,000	6,421	1%	600,000	-		
	Port Water Infrastructure	✓	Internal Delivery, construction expected to commence August 2017	500,000	88,587	18%	500,000	-		
	Water Service Restoration (Water Hydrants)	●	Project to be undertaken annually until standards are met in relation to water hydrant requirements	-	105,520	x	530,000	530,000	Revised Budget Request submitted to move \$530,000 from program funds.	
Port Sewerage Infrastructure - Installation of Gravity Reticulation System	●	Design & Survey expected to be completed in September	-	6,170	x	700,000	700,000	Revised Budget Request submitted to move \$700,000 from program funds.		

2017 Financial Year**A Year to Date Summary of Capital Projects, with a budget exceeding \$500,000**

Department	Project Description	Status *	Monitor (Descriptor)	Budget	2017 FY YTD Actuals	% Spend	Est Final Cost 2017	\$ Variance	Comments
Major Projects	Bundaberg Showgrounds Development - Multi-Use Sport and Community Centre (Multiplex) - Stage 1	✓	Construction in progress - practical completion estimated 28 October 2016	10,100,000	3,414,223	34%	10,100,000	-	
	Bundaberg Showgrounds Development - Multi-Use Sport and Community Centre (Multiplex) - Stage 2	○	Grant funding application pending	5,000,000	9,511	0%	5,000,000	-	
	<i>Subtotal</i>			<i>15,100,000</i>	<i>3,423,733</i>	<i>23%</i>	<i>15,100,000</i>	<i>-</i>	
Information Systems	Corporate Applications - Core Systems Replacement Program	✓	Tender to open September 2016 for the Enterprise Asset Management (EAM) System	4,210,000	-	0%	4,356,826	146,826	Revised Budget Request submitted to reproviseion \$146,826 from 2016 into 2017
Roads and Drainage	Walla Street Bridge Rehabilitation Project	○	Construction is practically complete. Contract to be finalised by end of September	-	49,978	x	49,978	49,978	2016 Budget was exceeded by approximately \$30,000. 2017 expenditure to be funded by the program budget - Revised Budget Revision submitted for \$50,000 for 1st quarter reviews.
	Kay McDuff Drive Extension	✓	Design has been finalised. Application has been submitted for funding from the Heavy Vehicle Safety and Productivity Program. Tender closes end of September	2,600,000	1,007	0%	2,600,000	-	
	Winfield Road Widening	✓	Design has been finalised. Tender will be called in conjunction with projects in the Rehabilitation Program. To be constructed early 2017	1,150,000	1,546	0%	1,150,000	-	
	Monduran Bridge	✓	Construction is ongoing and due to be completed March 2017	3,120,000	21,262	1%	3,120,000	-	
	Eggmolesse Street	✓	Project currently being designed	2,800,000	13,585	0%	2,800,000	-	
	Thabeban Stormwater Drainage Scheme - Stage 1B and 2	✓	Construction is ongoing and due to be completed November 2016	1,308,000	99,132	8%	1,308,000	-	
	Winfield Road Construction - Rocky Point Road Turnoff to Boat Ramp	✓	Project currently being designed	750,000	12,279	2%	750,000	-	

2017 Financial Year**A Year to Date Summary of Capital Projects, with a budget exceeding \$500,000**

Department	Project Description	Status *	Monitor (Descriptor)	Budget	2017 FY YTD Actuals	% Spend	Est Final Cost 2017	\$ Variance	Comments
Parks, Sport & Natural Areas	Christsen Park - Redevelopment	●	Costs have been finalised for Stage 1. Stage 2 to be finalised by December 2016	450,000	2,366	1%	450,000	-	An application for the 'Stronger Regions' funding has been submitted, still waiting to hear if successful. Stage 2 to be finalised in December 2016
Community & Environment	Animal Pound Facility	●	Tender has been awarded August.	1,550,000	179,186	12%	1,765,305	215,305	Revised Budget Request to be submitted to increase the 2017 Budget, in order to reflect the increase in project post the award of the tender
	Gin Gin Swimming Pool Amenities	●	Delay in commencing construction. Construction due to be completed October 2016	425,000	51,356	12%	492,148	67,148	Revised Budget Request has been submitted to reproviseion \$67,148 from 2016 into 2017. Contribution Invoice of \$165,000 sent to Kolan Swimming Club for construction of new amenities and demolition of old amenities
	Elliott Heads Holiday Park Amenities	●	Construction has commenced. Completion due December 2016	900,000	106,644	12%	1,005,210	105,210	Revised Budget Request has been submitted to reproviseion \$205,210 from 2016 into 2017

Indicator Status Indicator Meaning

- ✓ On track Initiative is proceeding to plan with no indication of future impediments
- ★ Completed Initiative has been completed
- Monitor Progress is not as expected but action is being/taken and is expected to be on track within the next quarter or financial year
- Action Progress is significantly behind schedule or is rated 'closely monitor'. Decisive action is required to get back on track
- ✗ Required

Please note that completed projects may still have outstanding costs

Moderate + High Governance Projects - Life to Date

A Life to Date Summary of Moderate + High Governance Projects, with a budget exceeding \$500,000 over the life of the works

Department	Project Description	Status *	Monitor (Descriptor)	Original Budget	Current Budget	LTD Actuals	Est Final Cost	Comments
	Deering Place Innes Park - New Sewer Pump Station & Pressure Main	●	Construction expected to be completed March 2017	2,700,000	3,433,127	2,321,716	3,433,127	
	Rubyanna STP - Design & Construction of Plant	✓	90% Design complete. Significant progress with roadworks undertaken during August 2016	95,726,237	51,956,589	6,513,462	51,956,589	
	Purchase of Land	★	Costs have been finalised		2,667,537	2,667,536	2,667,537	
	Rubyanna SPS Concept Study	★	Costs have been finalised		53,700	53,700	53,700	
	Project Administration and Control (All Stages)	✓	Work order is ongoing		1,005,000	756,403	1,005,000	
	Non Capital Costs for Design and Construction of Plant	✓	Work order is ongoing		231,000	231,453	231,453	
	Rubyanna STP - Trunk Pipelines Concept Design & Survey	★	Costs have been finalised		7,057,331	7,057,331	7,057,331	
	Rubyanna River Outfall for Rubyanna WWTP	✓	Contract has been awarded. Design is 60% complete		5,469,971	249,254	5,469,971	
	Rubyanna WWTP Pipelines - Springhill Road to RWWTP	★	Costs have been finalised		487,880	487,880	487,880	
	Rubyanna WWTP Pipelines - Darnell Street Sewerage Cutting	★	Costs have been finalised		321,020	321,020	321,020	
	Decommissioning of East Bundaberg WWTP	✓	Currently undertaking Concept Options Review		1,800,000	8,144	1,800,000	
			<i>Subtotal</i>	<i>95,726,237</i>	<i>71,050,028</i>	<i>18,346,182</i>	<i>71,050,481</i>	
Water and Wastewater	Gin Gin Water Treatment Plant Upgrade	●	Internal delivery, completion expected March 2017	1,100,000	1,167,193	833,587	1,167,193	Revised Budget Request submitted to reproviseon \$219,000 from 2016 to 2017 to fund extension of the construction program into the current financial year.
	Mellifont Street Water Pump Station (to transfer Treated Water to Kalkie WTP)	✓	Internal delivery, completion expected May 2017	700,000	700,000	58,841	700,000	
	Woodgate Vaccum Sewer Extension	✓	Project commencement is subject to Infrastructure Agreement with Developer	1,300,000	1,300,000	-	1,300,000	
	Belle Eden Gravity Main Construction	✓	Construction expected to commence August 2017	1,000,000	1,000,000	-	1,000,000	
	Hughes Road/ Blain Street, Bargara - Reticulation Renewal - SPS Gravity Main Conversion to Rising Main	✓	Internal Delivery, construction expected to commence August 2017	600,000	600,000	11,651	600,000	
	Port Water Infrastructure	✓	Internal Delivery, construction expected to commence August 2017	750,000	895,225	483,812	895,225	
	Water Service Restoration (Water Hydrants)	●	Project to be undertaken annually until standards are met in relation to water hydrant requirements	-	-	106,757	531,237	Revised Budget Request submitted to move \$530,000 from program funds.
	Port Sewerage Infrastructure - Installation of Gravity Reticulation System	●	Design & Survey expected to be completed in September	-	-	6,170	700,000	Revised Budget Request submitted to move \$700,000 from program funds.

Moderate + High Governance Projects - Life to Date

A Life to Date Summary of Moderate + High Governance Projects, with a budget exceeding \$500,000 over the life of the works

Department	Project Description	Status *	Monitor (Descriptor)	Original Budget	Current Budget	LTD Actuals	Est Final Cost	Comments
Major Projects	Bundaberg Showgrounds Development - Multi-Use Sport and Community Centre (Multiplex) - Stage 1	✓	Construction in progress - practical completion estimated 28 October 2016	9,500,000	14,800,000	5,010,449	14,800,000	
	Bundaberg Showgrounds Development - Multi-Use Sport and Community Centre (Multiplex) - Stage 2	●	Grant funding application pending	12,500,000	12,500,000	150,910	12,500,000	
	<i>Subtotal</i>			<i>22,000,000</i>	<i>27,300,000</i>	<i>5,161,359</i>	<i>27,300,000</i>	
Information Systems	Corporate Applications - Core Systems Replacement Program - Initial product scope and product selection	●	Tender to open September 2016 for the Enterprise Asset Management (EAM) System	4,500,000	6,026,365	820,550	5,219,814	Revised Budget Request submitted to reproviseion \$146,826 from 2016 into 2017

Moderate + High Governance Projects - Life to Date

A Life to Date Summary of Moderate + High Governance Projects, with a budget exceeding \$500,000 over the life of the works

Department	Project Description	Status *	Monitor (Descriptor)	Original Budget	Current Budget	LTD Actuals	Est Final Cost	Comments
Roads and Drainage	Walla Street Bridge Rehabilitation Project	●	Construction is practically complete. Contract to be finalised by end of September	775,000	429,568	479,547	480,000	2016 Budget was exceeded by approximately \$30,000. 2017 expenditure to be funded by the program budget - Revised Budget Revision submitted for \$50,000 for 1st quarter reviews.
	Kay McDuff Drive Extension	✓	Design has been finalised. Application has been submitted for funding from the Heavy Vehicle Safety and Productivity Program. Tender closes end of September	2,900,526	2,900,526	307,931	2,900,000	
	Winfield Road Widening	✓	Design has been finalised. Tender will be called in conjunction with projects in the Rehabilitation Program. To be constructed early 2017	1,150,000	1,185,473	37,019	1,185,473	
	Monduran Bridge	✓	Construction is ongoing and due to be completed March 2017	3,300,000	3,307,370	208,632	3,307,370	
	Eggmolesse Street	✓	Project currently being designed	2,800,000	2,865,249	78,835	2,865,249	
	Thabeban Stormwater Drainage Scheme - Stage 1B and 2	✓	Construction is ongoing and due to be completed November 2016	1,308,000	1,446,253	237,384	1,446,253	
	Winfield Road Construction - Rocky Point Road Turnoff to Boat Ramp	✓	Project currently being designed	750,000	750,000	12,279	750,000	

Moderate + High Governance Projects - Life to Date

A Life to Date Summary of Moderate + High Governance Projects, with a budget exceeding \$500,000 over the life of the works

Department	Project Description	Status *	Monitor (Descriptor)	Original Budget	Current Budget	LTD Actuals	Est Final Cost	Comments
Parks, Sport & Natural Areas	Christsen Park - Redevelopment	●	Costs have been finalised for Stage 1. Stage 2 to be finalised by December 2016	800,000	800,000	430,269	800,000	
Community & Environment	Animal Pound Facility	●	Tender has been awarded August.	1,800,000	1,757,394	386,580	1,972,699	Revised Budget Request to be submitted to increase the 2017 Budget, in order to reflect the increase in project post the award of the tender
	Gin Gin Swimming Pool Amenities	●	Delay in commencing construction. Construction due to be completed October 2016	100,000	525,000	84,207	525,000	Revised Budget Request has been submitted to reprovise \$67,148 from 2016 into 2017. Contribution Invoice of \$165,000 sent to Kolan Swimming Club for construction of new amenities and demolition of old amenities
	Elliott Heads Holiday Park Amenities	●	Construction has commenced. Completion due December 2016	270,465	1,170,465	206,915	1,170,465	Revised Budget Request has been submitted to reprovise \$205,210 from 2016 into 2017

Indicator	Status	Indicator Meaning
✓	On track	Initiative is proceeding to plan with no indication of future impediments
★	Completed	Initiative has been completed
●	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
○	Action	Progress is significantly behind schedule or is rated 'closely monitor'. Decisive action is required to get back on track
✘	Required	back on track

Please note that completed projects may still have outstanding costs

**Item****27 September 2016****Item Number:**

F1

File Number:

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Part:GOVERNANCE &
COMMUNICATIONS**Portfolio:**

Organisational Services

Subject:

Council Policy Adoption

Report Author:

Christopher Joosen, Governance Manager

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

Governance - 4.4.6 A commonsense approach to planning, coordination and consultation

Previous Items:

F1 - Council Policy Suite - Ordinary Meeting - 26 Apr 2016 10.00 am

Background:

At its meeting held 26 April 2016, Council noted a report regarding the review of its policy suite.

At that time, it had identified policies that it considered prudent for Council to review and formally adopt. These policies were listed in a schedule to the report.

For logistical ease, it was proposed to workshop and review these policies in stages. The first tranche has now been reviewed and the following policies are now submitted for adoption by Council:

- Administrative Action Complaints Policy
- Alcohol and Drug Policy
- Code of Conduct for Councillors' Policy
- Councillor Access to Information Policy
- Councillor's Confidentiality of Council Information Policy
- Entertainment and Hospitality Expenditure Policy
- Integrated Risk Management Policy
- Public Interest Disclosure Policy
- Reimbursement of Expenses and Provision of Facilities for Councillors' Policy

Consultation:

Councillors, General Managers, various Council officers

Legal Implications:

There is a statutory requirement for Council to adopt a certain number of these policies. Other policies are proposed for adoption to facilitate accountable and transparent decision making.

Policy Implications:

Each individual policy has policy implications. A decision to modify / amend or not adopt a certain policy in the proposed suite would have some policy impact.

Financial and Resource Implications:

Certain individual policies have financial and resource implications. A decision to modify / amend or not adopt a certain policy in the proposed suite may have some financial and resource impact.

Risk Management Implications:

Certain individual policies have risk management implications. A decision to modify / amend or not adopt a certain policy in the proposed suite may have some risk management impact.

Attachments:

- 1 Administrative Action Complaints Policy GP-3-109
- 2 Alcohol and Drug Policy (GP-3-097)
- 3 Code of Conduct for Councillors Policy (GP-3-041)
- 4 Councillor Access to Information Policy (GP-3-012)
- 5 Councillor's Confidentiality of Council Information Policy (GP-3-014)
- 6 Entertainment and Hospitality Expenditure Policy (GP-3-010)
- 7 Integrated Risk Management Policy (GP-3-002)
- 8 Public Interest Disclosure Policy (GP-3-022)
- 9 Reimbursement of Expenses and Provision of Facilities for Councillors Policy (GP-3-047)

Recommendation:

That:-

1. the:
 - **Administrative Action Complaints Policy** (adopted by Council at its meeting of 13 August 2013) **be rescinded; and**
 - **Administrative Action Complaints Policy** (as detailed on the 9 pages appended to this report) – **be adopted.**
2. the:
 - **Alcohol and Drug Policy** (adopted by Council at its meeting of 10 August 2015) **be rescinded; and**
 - **Alcohol and Drug Policy** (as detailed on the 12 pages appended to this report) – **be adopted.**

3. the:

- **Code of Conduct for Councillors Governance Policy** (adopted by Council at its meeting of 5 June 2012) **be rescinded; and**
- **Code of Conduct for Councillors Policy** (as detailed on the 3 pages appended to this report) – **be adopted.**

4. the:

- **Councillor Access to Information Governance Policy** (adopted by Council at its meeting of 5 April 2011) **be rescinded; and**
- **Councillor Access to Information Policy** (as detailed on the 3 pages appended to this report) – **be adopted.**

5. the:

- **Councillor's Confidentiality of Council Information Policy** (adopted by Council at its meeting of 22 March 2011) **be rescinded; and**
- **Councillor's Confidentiality of Council Information Policy** (as detailed on the 6 pages appended to this report) – **be adopted.**

6. the:

- **Entertainment and Hospitality Expenditure Governance Policy** (adopted by Council at its meeting of 15 April 2008) **be rescinded; and**
- **Entertainment and Hospitality Expenditure Policy** (as detailed on the 6 pages appended to this report) – **be adopted.**

7. the:

- **Integrated Risk Management Policy** (adopted by Council at its meeting of 21 November 2008) **be rescinded; and**
- **Integrated Risk Management Policy** (as detailed on the 3 pages appended to this report) – **be adopted.**

8. the:

- **Public Interest Disclosure Policy** (adopted by Council at its meeting of 5 July 2011) **be rescinded; and**
- **Public Interest Disclosure Policy** (as detailed on the 7 pages appended to this report) – **be adopted.**

9. the:

- **Reimbursement of Expenses and Provision of Facilities for Councillors Governance Policy** (adopted by Council at its meeting of 10 July 2012) **be rescinded; and**
- **Reimbursement of Expenses and Provision of Facilities for Councillors Policy** (as detailed on the 11 pages appended to this report) – **be adopted.**

Bundaberg Regional Council
Organisational Services
Issue Date:
Review Date: 10-07-2016

Administrative Action Complaints Policy

GP-3-109

Rev. 2 (Draft)

1.0 INTENT

The Complaints Management Process has been developed to provide a single system through which complaints about administrative actions can be dealt with, where possible internally, and to comply with the requirement for resolving administrative action complaints processes contained in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

In accordance with the *Local Government Regulation 2012*, this process is designed to:

- a) cover all administrative action complaints made to Council; and
- b) require Council to quickly and efficiently respond to complaints in a fair and objective way; and
- c) include the criteria considered when assessing whether to investigate a complaint; and
- d) require Council to inform an affected person of Council's decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.

Council is committed to dealing with complaints fairly, confidentially, promptly and in a respectful manner. It is also committed to providing a quality level of service to its customers. Council aspires to provide a level of service and conduct its operations in a way that does not attract complaints. However, where a customer is not satisfied, council is equally committed to the prompt and efficient resolution of complaints.

This policy supports Council's priority to ensure clear accountabilities, ethical standards of behaviour and a commitment to act in accordance with the "local government principles" within the *Local Government Act 2009*.

2.0 SCOPE

This Policy applies to administrative action complaints. An administrative action complaint is defined in Section 268 of the *Local Government Act 2009* as a complaint made by an affected person that is about an administrative action of Council including the following, for example:

- i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
- ii) an act, or a failure to do an act;
- iii) the formulation of a proposal or intentions; and
- iv) the making of a recommendation.

However, the administrative actions management process does not generally apply to:

- 1) Any complaints about the conduct or decisions of elected officials (refer to *Local Government Act 2009* or Code of Conduct for Councillors Policy GP-3-041).
- 2) Official misconduct, which must be reported to the Crime and Corruption Commission as per the *Crime and Corruption Act 2001*.
- 3) Requests for service, e.g. request to repair a pot hole.

GP-3-109 Rev. 2 (Draft)	Approved By: General Manager Organisational Services	Page 1 of 9
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- 4) Any matter that is already covered by a separate (statutory) review process, for example, planning issues that can be addressed through the *Sustainable Planning Act 2009*, or competitive neutrality issues that can be addressed through the *Local Government Act 2009*.
- 5) Matters relating to staff conduct or a breach of the Employee Code of Conduct (GP-3-031).
- 6) Complaints made under the *Public Interest Disclosure Act 2010* (Public Interest Disclosure Policy GP-3-022 applies).
- 7) Complaints made about the level of service provided by Council as determined in the annual budget e.g. road maintenance allocation.
- 8) Matters relating to anti-discrimination, Equal Employment Opportunity Policy (GP-3-011) or industrial matters including the Enterprise Bargaining Agreement (refer to provisions of Agreement).
- 9) Complaints relating to the decision made on insurance matters.
- 10) Complaints relating to matters the subject of current legal proceedings (including actions under Local Laws).
- 11) Complaints relating solely to the routine application of policy, for example parking fines, impounding of animals.
- 12) Complaints considered trivial, frivolous or vexatious or if it is a matter that has been dealt with or responded to.

An administrative complaint should not be confused with:

- request for service;
- notifications;
- enquiries; or
- suggestions.

Whilst the matters listed above do not constitute administrative complaints under this Policy, a failure to address the matters in accordance with adopted Policy, for example the adopted Customer Service Charter (MD-6-003), may constitute a complaint under this Policy.

The Policy should be read in conjunction with the associated procedure, which explains the administrative arrangements for the processing of complaints.

3.0 POLICY OBJECTIVES

3.1 Legislative Compliance

Council is required to comply with a number of legislative obligations relating to its administrative actions, including the conduct of Council staff. The legal obligations include:

Local Government Act 2009

- A requirement to comply with the Local Government principles and responsibilities of staff;

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- A requirement for a complaints management process that effectively manages complaints from their receipt to their resolution;
- A requirement for written policies and procedures supporting the complaints management process;
- A requirement to provide complaints information in annual reports.

Public Sector Ethics Act 1994

- A requirement for a Code of Conduct for officers (Council staff).

Crime and Corruption Act 2001

- A duty to report official misconduct.

Public Interest Disclosure Act 2010

- A duty to provide protection to people who make a protected disclosure (a complaint about wrongdoing).

3.2 Objectives

The complaints management process aims to:

- Provide a framework for the process for resolving complaints about administrative actions of Council.
- Offer a complaints management regime that facilitates continuous improvement of Council, its services, systems and staff.
- Provide clarity about Council's complaints philosophy.
- Inform customers and staff of the forms of redress available to them and the avenues of review if they are not satisfied with a particular outcome, decision or action that directly affects them.

4.0 POLICY

4.1 Statement

All complaints are to be thoroughly and expeditiously investigated with the aim of achieving a mutually acceptable resolution and informing improvements in Council's service delivery and business practices.

To facilitate the effective management of complaints, Council will:

- Develop and maintain policies and procedures and ensure that adequate training is provided to Council staff.
- Ensure that potential complainants are aware of the avenues available to them to make a complaint.
- Provide a mechanism for continuous improvement through performance reporting and customer feedback.

Benefits of managing complaints

By effectively analysing complaints, steps can be taken to:

- Redesign products and services.

- Improve business procedures and policies.
- Increase efficiency and effectiveness.
- Re-assess training priorities.
- Re-assess customer information needs such as newsletters, pamphlets, website content.
- Increase community confidence in Council decision making.
- Promote transparency and accountability.

4.2 Who can make an administrative action complaint?

Any affected person can make an administrative action complaint. Under the legislation, an affected person is defined as "a person who is apparently directly affected by an administrative action of a local government".

Where there is a need, a complaint can be made by an agent on behalf of an affected person. If a complaint is lodged by a professional advisor e.g. a solicitor or accountant, Council will respond directly to that advisor.

Council will take all reasonable steps to confirm that the person claiming to act on behalf of the complainant has the appropriate authority to do so. Unless the complaint is made anonymously, written authorisation to act as the complainant's agent will be required.

4.3 Complaining anonymously

Affected persons are able to make a complaint anonymously either in writing, via email or by telephone.

If a complainant does decide to complain anonymously, the need to provide sufficient information for the matter to be investigated is critical. If made anonymously, it will not be possible for Council to clarify or request further information from the complainant. Further, it will not be possible to advise the complainant of Council's decision and the reasons for that decision in relation to the complaint.

4.4 How to make a complaint

Affected persons can request assistance from a Council officer on how to make a complaint. Council will not tolerate abusive or disrespectful behaviour from persons making a complaint.

A complainant may make a complaint in any of the following ways:

- verbally, either by telephone or in person; or
- by email to ceo@bundaberg.qld.gov.au; or
- via Council's online form at www.bundaberg.qld.gov.au; or
- in writing.

All written complaints must be addressed to:
The Governance Manager
Bundaberg Regional Council
PO Box 3130
Bundaberg QLD 4670

A complainant who makes a verbal complaint is strongly encouraged to commit the complaint in writing to ensure that all matters relating to the complaint are clearly documented.

4.5 Taking action on complaints

After receiving a complaint, Council will make a decision on how best to deal with the matter. Where a complaint is referred to an external entity, Council will inform the complainant of this action.

4.6 Complainant to provide further information

In some cases, Council will invite an affected person to provide further information to assist Council to fully understand the concerns, the issue/s to be investigated (if an investigation is to be undertaken) and the outcome or remedy sought.

4.7 Assessing a complaint

Council may refuse to investigate an "administrative action" complaint or, having started to investigate a complaint, refuse to continue the investigation if it reasonably considers that:

- a) the complaint is trivial or concerns a frivolous matter or was made vexatiously; or
- b) the complainant is found not to be an affected person in relation to the complaint; or
- c) both of the following apply:
 - (i) the complainant has a right of appeal, reference or review, or another remedy, that the person has not exhausted; and
 - (ii) it would be reasonable in the circumstances to require the complainant to exhaust the right or remedy before the Council investigates, or continues to investigate, the complaint;
- d) in the circumstances, investigating the complaint is unnecessary or an unjustifiable use of Council resources; or
- e) the complaint is made anonymously and there is insufficient information provided to investigate the complaint.

Where relevant, Council will provide the affected person with advice on a decision to refuse to investigate the complaint and the reasons for the decision.

4.8 Investigating a complaint

The investigation of a complaint will be undertaken by Council in an impartial, objective and as far as possible, confidential manner.

The investigation of a complaint will typically involve the following stages:

- information gathering, including discussions and interviews with the complainant, Council staff, Councillors and third parties (where relevant);
- analysis of all relevant information obtained;
- preparation of a report on the results of the investigation (if it was not resolved, or withdrawn by the complainant during the complaints process);
- formulation of findings, report and making recommendations for the General Manager, Chief Executive Officer and/or for Council's consideration; and
- inclusion of statistics in the statutory reporting requirements for Council's annual report.

4.9 Keeping the complainant informed

If a complaint has been made, Council will provide the complainant with access to information on the administrative actions complaints process and inform the complainant of Council's decision and the reasons for this decision, unless the complaint was made anonymously.

Council will also advise the complainant of any rights to further review, such as to the Office of the Queensland Ombudsman.

4.10 Privacy and confidentiality

Council is committed to the privacy principles of the *Information Privacy Act 2009*. In protecting confidentiality, Council will endeavour to ensure that the details of the complaint, the investigation and related decisions will be kept confidential.

While every attempt to protect confidentiality will be made, there may be occasions when disclosure of details of a complaint may be legally required.

4.11 Register and management of administrative complaints

- a) Council will record all administrative action complaints. Whilst complaints will remain confidential, ready access will be provided to complaints policies and procedures.
- b) Internal reports will be provided to senior management identifying trends and monitoring the effectiveness of the process.

4.12 Reporting

Council will maintain a confidential file for administrative action complaints.

Council's Annual Report will reflect Council's commitment to dealing with administrative actions complaints and include statistical details regarding administrative action complaints.

Information reported will include the number of:

- i) administrative action complaints made to the local government;

- ii) administrative action complaints resolved by the local government under the complaints management process;
- iii) administrative action complaints not resolved by Council under this process.
- iv) comparative data to previous years.

4.13 Accessing information regarding administrative complaints

Council seeks to ensure the public, customers, clients and staff can readily find out:

- where to complain;
- how to complain;
- what information is required;
- what assistance is required;
- how complaints will be managed; and
- where policies and procedures are located.

Information on administrative action complaints and how to lodge a complaint are publicly available on Council's website: www.bundaberg.qld.gov.au or by contacting Council's Customer Service Centre.

4.14 Definitions

Administrative action complaint is a complaint that:

a) is about an administrative action of a local government, including the following, for example:

- (i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision (when required);
- (ii) an act, or a failure to do an act;
- (iii) the formulation of a proposal or intention;
- (iv) the making of a recommendation; and

b) is made by an affected person.

Affected person - is a person who is apparently directly affected by an administrative action of a local government.

Affected person's agent - either a professional advisor eg a solicitor or accountant, or other person acting on authorised behalf of the affected person.

Complainant - the affected person making a complaint.

Enquiry - a request for information.

Level of service - the current capacity of Council to provide services as determined by the funding allocations in the annual budget at the level council has determined the ratepayers have the capacity to fund (e.g. road maintenance schedule).

Request for service - a request for the Council to take action to satisfy the needs of a customer or ratepayer. This may be of a physical nature, such as a request

to fill a pothole or to collect a stray dog, or a request for information. This is not considered to be a complaint.

Suggestion - an unsolicited idea for a proposed service or product improvement.

5.0 CONTROLS

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

6.0 EFFECTIVE FROM

The Administrative Action Complaints Policy was adopted by Council on 27 September 2016.

This Policy is effective from 27 September 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Bundaberg Regional Council Annual Report

Bundaberg Regional Council Local Laws & Subordinate Local Laws

Crime and Corruption Act 2001

Integrity Act 2009

Local Government Act 2009

Local Government Regulation 2012

Public Interest Disclosure Act 2010

Public Sector Ethics Act 1994

DT-7-146 Administrative Action Complaints Acknowledgement Letter Template

FM-7-631 Administrative Action Complaint Analysis Form

FC-7-211 Administrative Action Complaints Flowchart

FM-7-630 Administrative Actions Complaint Form

CK-4-159 Administrative Action Complaints Identification Checklist

PD-7-350 Administrative Action Complaints Management Procedure

GP-3-041 Code of Conduct for Councillors Governance Policy

GP-3-011 Equal Employment Opportunity Governance Policy

GP-3-031 Employee Code of Conduct Governance Policy
DT-7-145 Officer's Report - Administrative Action Complaints

Bundaberg Regional Council
Organisational Services
Issue Date:
Review Date: 28-07-2018

Alcohol and Drug Policy

GP-3-097

Rev. 3.1 (Draft)

1.0 INTENT

Our vision is for Bundaberg Regional Council to be a vibrant, progressive, connected and sustainable workplace. Council is committed to providing a safe and productive work environment for all personnel and the community.

Council recognises that impairment due to alcohol or drug use, limits the ability of individuals to perform their work safely and may risk the health and safety of others. This impairment can be due to the effect of prescribed medication, alcohol or drugs.

Council's focus is to ensure fitness for work for all personnel and this Policy is designed to put in place safeguards for individuals and Council to deal with potential instances of impairment amongst personnel in a fair, professional and consistent manner.

2.0 SCOPE

This Policy applies to all personnel of Council including:

- a) Employees
- b) Volunteers
- c) Work experience and vacation students
- d) Labour hire personnel
- e) Contractors and consultants
- f) Elected representatives

There are additional requirements for employees working "Airsides" or in aviation "Sensitive Areas" which are provided in the Drug and Alcohol Management Plan - Airport (MP-7-001).

This Policy should be read and applied in accordance with the Employee Code of Conduct Policy (GP-3-031) and Work Health and Safety Policy Statement (MD-3-001).

3.0 POLICY OBJECTIVES

The objectives of this policy are to:

- a) Ensure personnel experiencing difficulties with prescribed medication, alcohol or drugs receive external services and support.
- b) Set standards to protect personnel from injury as a result of impairment due to the use of prescribed medication, drugs or alcohol.
- c) Set standards to protect Council assets and equipment from damage or misuse as a result of impairment due to the use of prescribed medication, drugs or alcohol.
- d) Set a standard of behaviour for personnel who represent Bundaberg Regional Council at external functions in order to protect the reputation of Council.

GP-3-097 Rev. 3.1
(Draft)

Approved By: General Manager Organisational Services

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4.0 POLICY

4.1 Definitions

Employee, a person directly engaged by Bundaberg Regional Council, who may also be a Team Leader, Supervisor, Manager, General Manager etc.

Contractor, a person engaged under a contract to supply services to Bundaberg Regional Council.

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

Supervisor, is a generic term for a person responsible for the work of a crew, team, branch or department. Supervisor includes all leadership roles such as Team Leader, Coordinator, Manager, Group Manager, Branch Manager, General Manager and Chief Executive Officer.

Personnel, individuals carrying out duties for or on behalf of Bundaberg Regional Council such as elected representatives, employees, contractors, volunteers, work experience students or labour hire personnel.

Volunteer, a person who chooses to perform duties on behalf of Bundaberg Regional Council without receiving any compensation.

Illegal drugs, are drugs prohibited by the Controlled Substances Act 1984.

Legal drugs or prescribed medication, are drugs prescribed by a medical practitioner and some types will cause impairment and an individual to fail a drug test.

Workplace, all locations where work is performed by Council employees, contractors, labour hire personnel and volunteers.

Random testing, is an ad-hoc testing of 10% of Council personnel per annum. The responsibility for selecting the teams to be tested and or the individuals of those teams to be tested rests with the Corporate Safety Committee. The Corporate Safety Committee may delegate this task to the People & Culture Manager .

High Risk Work Licences, are those prescribed under Schedule 3 of the Work Health and Safety Regulation 2011 which are:

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

Traffic Controllers, are those personnel issued with a Traffic Controller licence by Queensland Transport.

Earth moving equipment, are those items of plant which Council has to verify the employee is competent to operate.

Firearms, A rifle, pistol or other portable gun that requires the operator to be licenced under the Weapons Act 1990 and that is used by Local Laws Officers, Land Protection Officers, Airport Reporting Officers and Airport Operations Supervisor for the controlled management of feral and non-feral animals and birds.

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

Undue intoxication, a state of being in which a person's mental and physical faculties are impaired because of the consumption of alcohol so as to diminish a person's ability to think and act in a way which an ordinary person in full possession of their faculties and using reasonable care, would act in like circumstances.

4.2 Prescribed Medication

Council recognises that from time to time, personnel may need to take prescription medication in order to treat an illness or injury. Prescribed medication may have side effects that reduce an individual's ability to perform their duties safely and these side effects are usually listed on the medication packet. Personnel should ask their Doctor if the medication will affect their ability to do their job safely.

If an employee is in a high risk role, it is the individual's responsibility to inform their Supervisor if they are taking prescription medication which may affect their ability to safely perform their role, so the Supervisor can put in place actions to reduce the risk, such as allocating other duties. Supervisors will treat this information in a confidential manner and focus on risk mitigation for the individual and the team.

For individuals whose normal duties are to operate plant, machinery or drive a vehicle and they are taking a course of prescribed medication which may affect their ability to safely perform their role, their Supervisor can request the individual to provide a clearance from their medical practitioner.

If as a result of taking such medication, the individual is, or observed to be, unable to perform their duties safely, the individual may be directed by their Supervisor to:

- a) Cease work immediately.
- b) Leave the work area and be transported home until cleared by a medical practitioner to return to work.
- c) Access any Personal Leave until cleared by the medical practitioner to safely return to work.
- d) Perform other duties until cleared by a medical practitioner.

4.3 Alcohol

4.3.1 Consumption of Alcohol Outside Normal Work Hours

From time to time, personnel are required to represent the Council at business, community or social events. Personnel need to behave in a professional manner and 'undue intoxication' will not be tolerated.

Personnel are responsible for their own behaviour and alcohol consumption when attending such functions. This requires the exercising of judgement by an individual to ensure they behave appropriately and in accordance with the Employee Code of Conduct Policy (GP-3-031).

Even off-duty, intoxication is no excuse for breach of the Employee Code of Conduct Policy (GP-3-031) and Workplace Harassment and Bullying Policy (GP-3-015). A breach of these policies, whether under the influence of alcohol or not, may result in disciplinary action.

Supervisors who attend such functions have a responsibility to monitor and if necessary, restrict alcohol consumption by personnel.

4.3.2 During Work

The consumption of alcohol on Council premises is not permitted without prior approval of the Chief Executive Officer.

Personnel attending a training course, conference or seminar, are not to charge the cost of any alcoholic beverages to Council. This includes any alcohol consumed with meals or from the minibar at the accommodation.

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

- 0.00g/100 mls Blood/Breath Alcohol Count (BAC) for personnel engaged in classes of high risk work and plant operations, including:
 - a) Truck/bus/tractor drivers operating a vehicle that requires a light rigid, medium rigid, heavy rigid, heavy combination and combination licence.
 - b) Plant operators operating any high risk plant as defined in Work Health & Safety legislation that requires a certificate/licence issued by Work Health & Safety Queensland.
 - c) Plant operators operating earth moving equipment which are front end loaders, backhoes, skid steer loaders, excavators, dozers, road rollers, scrapers and graders regardless of engine capacity.
 - d) Traffic Controllers.
 - e) Local Laws Officers, Land Protection Officers, Airport Reporting Officers and Airport Operations Supervisor.
- A BAC of less than 0.02g/100 mls for airport personnel, including working airside or in sensitive areas.
- A BAC of less than 0.05g/100 mls (which is the legal driving limit) for:
 - a) Personnel who are rostered on-call, regardless of whether they are actually re-called to work or need to work remotely.
 - b) A BAC of less than 0.05g/100 mls for all other personnel. This is deemed by Council to ensure personnel are fit for work, regardless of whether they need to operate plant, machinery or drive a vehicle.

Personnel are not to store alcohol on Council premises, even if it will be consumed outside Council premises or after work.

4.3.3 Sale of Alcoholic Beverages on Council premises

The sale of alcoholic beverages is not allowed without prior approval of the Chief Executive Officer and possession of the appropriate liquor licence from the Office of Liquor and Gaming Regulation.

4.4 Drugs

The use, possession, distribution, purchase or sale of illegal drugs, during work or on Council premises, is prohibited. This conduct is grounds for disciplinary action and referral to the Crime and Corruption Commission. Additionally, the misuse, sale (other than by a pharmacy) or distribution of controlled drugs, during work or on Council premises is also prohibited and is grounds for disciplinary action.

If personnel are, or are suspected to be, supplying, selling or distributing illegal drugs, Council will refer the matter to the police.

Personnel who work at the airport, either airside or in sensitive areas, who are found to have a concentration of a testable drug that is specified in a legislative instrument made by Civil Aviation Safety Authority (CASA) will also be subject to disciplinary action.

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

4.5 External Support for Coping with Alcohol and Drug Use

If personnel would like professional assistance in dealing with alcohol or drug use, they can contact a member of the Human Resources team to arrange a referral to the Employee Assistance Program (MD-7-474).

Personnel can receive up to 5 sessions with a qualified counsellor, the cost is met by the People & Culture branch and the reason for the counselling sessions and the content of the discussions remain confidential between the counsellor and the individual.

A Supervisor may wish to offer the Employee Assistance Program (MD-7-474) to a team member in order to provide external, professional support. The Supervisor can contact a member of the Human Resources team to arrange for the referral.

4.6 Testing

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

a) Pre-Employment. Shortlisted candidates, including existing personnel for high risk roles. High risk roles include:

- Airside or airport operators;
- Plant & machinery operators;
- Fire arms operators.

This also includes roles where a Council vehicle is provided as part of the employment package.

Pre-employment tests can decrease the chance of hiring a substance abuser and are a strong deterrent to discourage current users from seeking employment at Council. The Human Resources team will arrange for the testing to be conducted at the testing provider's premises as part of the selection process.

Candidates will be asked to provide a urine sample for drug use and participate in a breath test for alcohol. If a candidate provides a positive sample above the blood alcohol limit for role they have applied for, or for an illegal drug, they will not be offered employment

b) Post Accident/Incident. (an incident in a Council vehicle or whilst operating plant or at a workplace). Personnel involved in accidents or injuries may be asked by either the Police, Workplace Health & Safety Queensland or the Bundaberg Regional Council Workplace Health & Safety team to undertake an alcohol and drug test directly after an incident to determine if alcohol or drug use was a factor. These tests may be necessary for legal or insurance purposes even if the accident does not appear to be drug or alcohol related. The Workplace Health & Safety team will arrange for the oral/saliva test for drug use and a breath test for alcohol to be conducted at an approved provider as soon as possible.

c) Reasonable Concern. Personnel will undertake an alcohol and drug test if there is a complaint of reasonable concern/suspicion lodged with the individual's Supervisor or their local Workplace Health & Safety representative. Oral/saliva testing will be used for drug use and a breath test for alcohol.

Reasonable concern would involve evidence as:

- Direct observation of use or possession,
- Physical symptoms of being impaired,
- Patterns of abnormal or erratic behavior or,
- Arrests or convictions for drug related offences.

d) Random testing. Personnel will be required to undertake an alcohol or drug test if random testing is carried out at their location. Random testing will be authorised by the Corporate Safety Committee to ensure the choice of roles and locations tested are completely random and seen to be random. Oral/saliva testing will be used for drug use and a breath test for alcohol.

e) The Civil Aviation Safety Authority (CASA) will from time to time require samples from personnel who work Airside or in Aviation Sensitive Areas. Samples could be oral fluids, breath, urine or blood.

Refer to Drug and Alcohol Management Plan - Airport (MP-7- 001).

4.6.1 Reasonable Concern

If an individual suspects a member of personnel is impaired by drugs or alcohol at work, the individual should contact the person's Supervisor. The Supervisor shall:

- a) Arrange for a Work Health and Safety Officer (WHSO) and themselves to meet with the individual who has raised the concerns and assess the the evidence. The Supervisor and the WHSO shall make an assessment if required, in a similar way to 2 individuals contributing to a risk assessment. The Supervisor may ask the local Work Health & Safety representative to participate in the assessment also. If they believe the concern may be valid, then the Supervisor is to arrange for the individual to cease work.
- b) Direct the individual to cease work immediately and remove the individual from the work area.
- c) Contact the Work Health & Safety Team Leader, who will arrange for the individual suspected of being impaired, to visit an approved testing provider to conduct a breath alcohol test and oral/saliva sample for drug testing as soon as possible.
- d) Take the individuals to an off site, approved, provider for testing.
- e) Arrange for the individual to be transported home until the test results are available. Employees can access Personal Leave until the test results are available and if they provide negative test results.

If an individual suspects their Supervisor is impaired by drugs or alcohol at work, the process is the same except that the individual should contact the Work Health & Safety team, who will follow the above steps.

4.6.2 Post Accident/Incident

Personnel will be personally liable for any costs or damage to Council equipment if they void insurances as a result of drug or alcohol use.

Personnel may be personally liable if they are involved in a motor vehicle accident (commuting to or from work, or during work) and if found to have consumed drugs or be over the legal alcohol driving limit.

4.6.3 Refusal to Test

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

4.6.4 Adulteration and/or Substitution of Specimens

Personnel attempting to adulterate or substitute specimens will be subject to disciplinary action.

Applicants for the roles who attempt to adulterate or substitute specimens will not be offered employment.

4.7 Testing Samples

Breath alcohol testing will be conducted by an approved provider.

Oral/saliva testing will be used in locations such as roadsides, construction sites, maintenance and work sites, remote locations and areas without toilet facilities. Oral testing for drugs will be used in situations of post accident/incident, random testing and reasonable concern. The collection for oral/saliva testing is to be in accordance with Australian Standards AS4760:2006. The advantage of saliva testing is the detection period for some drug classes are shorter compared to urine testing. Oral testing detects most drugs including:

- Cannabis, metabolites
- Amphetamines
- Metamphetamines
- Benzodiazepines
- Cocaine
- Opiates

Oral/Saliva drug tests take 10 to 15 minutes each, with negative results available immediately, similar to the urine test. If a saliva test returns a non-negative result, the individual will be required to provide a urine sample for a laboratory confirmation test.

Urine testing for drugs will be used in situations of pre-employment selection. It will be conducted by an approved provider in accordance with AS/NZ 4308:2008. This is the current Australian and New Zealand Standard for the collection and detection of drugs of abuse in urine and can withstand legal scrutiny.

Prior to testing, the employee should disclose any medications that may affect their results to the testing provider. The employee undergoing the testing will be provided with:

- Information explaining the drug screening procedure.
- The results at the same time they are provided to Council.
- A referral for external counseling through the Employee Assistance Program.
- Access to personal leave.

Unless medical evidence is tabled to support an employee's inability to provide an oral fluid, urine or breath sample, the failure to do so when requested will result in the individual being transported home. A refusal by an employee to participate in testing will be considered as a breach of this policy and could result in disciplinary action.

4.8 Test Results

The testing is divided into two stages, the:

- a) First stage, screening, identifies the classes of compounds that may include drugs of abuse.
- b) Second stage, confirmation, is required to provide definitive identification of the drug.

The first, screening results, will not be used as a basis for disciplinary action. Only a positive result for a confirmation test performed in a laboratory will be relied upon for any disciplinary action.

Following a screening test, all results that indicate that a drug is present above the cut off levels should be referred to as a non-negative and subject to confirmation.

A negative result, means that the test results were within the permitted level.

A non-negative result, means for:

- a) An initial test - a test result above the permitted level.
- b) A confirmatory test - a second test result above the permitted level.

Any personnel who provides a non-negative result on the confirmatory test, will be required to later pass a further test (urine based) in order to return to work. If the individual is an employee, their personal leave will be deducted for the period of time they are absent from work until they provide a negative result and can return to work.

4.9 Confidentiality

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

Provided the information is not needed for Police or insurance processes, Council shall maintain an individual's medical and personal information on a 'need to know' basis with the individual's Supervisor and the Work Health & Safety or Human Resources teams. This includes personnel who acknowledge they are having problems with alcohol or drug use and are seeking medical treatment or support.

Testing also will be conducted in a way that respects the privacy of the individual whilst meeting the standards required. Pre-employment, reasonable concern and post accident/incident testing will be conducted off-site at the approved provider's location.

4.10 Education

On behalf of Council, the approved provider will hold information sessions with personnel to explain this policy and raise awareness about the external support available to them to deal with alcohol or drug use.

The information sessions will be held at various locations across Council and will include the following:

- a) This Policy.
- b) The importance of being fit for work whilst at work and how to recognise not being fit for work.
- c) The effects of the misuse of alcohol and other drugs on health, safety and performance in the workplace.
- d) What constitutes unacceptable alcohol or drug use.

- e) Basic knowledge and understanding of the different types of drugs and their effects.
- f) Ways of dealing with the misuse of alcohol and other drugs and assisting personnel who are misusing to avoid developing further problems.
- g) Counselling, treatment and rehabilitation services available to externally enable personnel to seek solutions and treatment of their choosing.
- h) How personnel who have a problem can self-disclose.
- i) How to report a colleague they may suspect may not be fit for work due to drug or alcohol during working hours.
- j) Dealing with prescription drug use.

The approved provider will also hold education sessions for Supervisors which will include the following:

- a) Their role in implementing the Policy.
- b) How to identify and approach persons who may be affected by drugs or alcohol in the workplace.
- c) Observation of people suspected of being impaired by the use of a substance.
- d) Dealing with the longer term user or those intoxicated in one-off situations.
- e) Responsibilities in relation to privacy.
- f) How to sensitively refer personnel to specialist counselling and treatment and to avoid taking on the counselling role themselves.

4.11 Responsibilities

Personnel:

- a) Act professionally and responsibly at all times when representing Council.
- b) Prior to testing, advise their Supervisor if they have been prescribed medication that may impair their work performance or their participation in a drug or alcohol test.
- c) Contact their Supervisor or the Work Health and Safety team if they are concerned that a colleague is impaired at work due to alcohol or drug use.
- d) Contact the Human Resources team if they would like a referral for professional, external counseling through the Employee Assistance Program.
- e) Report any incident or accident if they believe it may involve alcohol or drugs.

Work Health and Safety Representatives:

- a) Treat any complaint of alleged impairment confidentially and contact the individual's Supervisor or the Work Health and Safety team to ask them to make an initial assessment.

Human Resources Team:

- a) Arrange for alcohol and drug testing for shortlisted applicants for specific roles at Council such as prescribed occupations, plant operators and roles which include a Council provided vehicle.

- b) Provide referrals to the Employee Assistance Program (MD-7-474) for any individuals seeking help with alcohol or drug use or those employees who produce a non-negative result on the confirmation test.
- c) Provide advice and support to Supervisors in the application of this policy.
- d) Select and manage approved providers for drug and alcohol testing for pre-employment testing, random testing, post incident and testing on the basis of reasonable concern.

Supervisors:

- a) Refer personnel who express concerns about their alcohol or drug use, to the Human Resources team so they can arrange a referral to the Employee Assistance Program (MD-7-474).
- b) Where possible provide 'safe duties' on a temporary basis if a member of personnel advises they are taking prescribed medication that may affect their ability to perform their role safely or work performance.
- c) Respond to any complaints about the potential impairment of a team member due to alcohol or drugs by meeting with the individual concerned. If they believe the concern may be valid, then contact the Work Health & Safety team to assess the team member.
- d) In the event a member of personnel is directed to leave the workplace, arrange suitable transportation for the individual to travel home safely or to the approved testing provider.

Work Health and Safety Team:

- a) Arrange for the testing of any individual, where there is a complaint of reasonable concern or after an accident or injury.
- b) Arrange for further testing of any individual found to have a non-negative, confirmatory test result before they can return to work.
- c) Provide the budget and process for random, post incident, reasonable concern and random testing across Council.
- d) Provide for information sessions to be conducted for personnel and leaders to explain the policy and raise awareness about the external support available to personnel dealing with alcohol or drug use.
- e) Provide advice to Supervisors about what may constitute safe duties for staff members taking prescribed medication.

5.0 CONTROLS

- *Crime and Corruption Act 2001*
- *Drugs Misuse Act 1986*
- *Drugs Misuse Regulation 1987*
- *Transport Operations (Road Use Management) Act 1995*
- *Weapons Act 1990*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*

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(Draft)

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- AS/NZ 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine
- AS4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid

6.0 EFFECTIVE FROM

The Alcohol & Drug Policy was adopted by Council on 27 September 2016.

This Policy is effective from 27 September 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

GP-3-018 Discipline and Termination Governance Policy

MP-7-001 Drug and Alcohol Management Plan - Airport

GP-3-025 Employee Assistance Governance Policy

GP-3-031 Employee Code of Conduct Governance Policy

GP-3-015 Workplace Harassment and Bullying Governance Policy

MD-3-001 Work Health & Safety Policy Statement

Crime and Corruption Act 2001

Drugs Misuse Act 1986

Drugs Misuse Regulation 1987

Transport Operations (Road Use Management) Act 1995

Weapons Act 1990

Work Health and Safety Act 2011

Work Health and Safety Regulation 2011

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Bundaberg Regional Council
Organisational Services
Issue Date:
Review Date: 29-04-2016

Code of Conduct for Councillors Policy

GP-3-041

Rev. 6 (Draft)

1.0 INTENT

The *Local Government Act 2009* contains provisions in relation to the conduct and performance of Councillors, and provides for misconduct by Councillors to be dealt with by the regional conduct review panel or tribunal, and for inappropriate conduct by Councillors be dealt with by the Mayor or the Department of Local Government Chief Executive.

The intent of this code is to provide Councillors with guidance and a frame of reference about their roles, obligations including statutory obligations and acceptable behavioural standards, in accordance with the *Local Government Act 2009* for elected officials and which the community can expect them to observe.

2.0 SCOPE

This policy applies to all Councillors of Bundaberg Regional Council in performing the duties of their office and sets out the standards of behaviour expected of Councillors.

3.0 POLICY OBJECTIVES

The objectives of this policy are to:

- Enhance Councillors' awareness of ethical issues;
- Generate public confidence in the way they operate; and
- Set a high standard for the culture and reputation of the Council as a whole.

4.0 POLICY

4.1 Key Ethical and Behavioural Obligations

Councillors must:

- Ensure their personal conduct does not reflect adversely on the reputation of the Council;
- Demonstrate respect for fellow Councillors, Council staff and other members of the public;
- Refrain from harassing, bullying or intimidating fellow Councillors, Council staff or other members of the public;
- Not communicate with the media on behalf of Council, unless expressly authorised by the Council to make that communication. Refer to Media Relations Policy (GP-3-049);
- When communicating with the public or the media, make it clear when they are expressing a personal opinion, and when they are speaking on behalf of Council;

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- When communicating with the public or the media to express a personal opinion about a Council resolution, respect the democratic process by first acknowledging that Council resolutions represent the majority view of Council; and
- Be aware of their obligation to both avoid conflicts of interest and disclose potential conflicts of interest and are required to carefully consider possible implications of social interaction with Lobbyists, Developers or Submitters.

4.2 Working in the Public Interest

Councillors are elected to work in the public interest and make decisions solely in terms of the public interest. Councillors must therefore:

- a) take steps to avoid, resolve or disclose conflicts of interest.
- b) make all decisions in the best interests of the community as a whole and not any discrete groups or individuals.
- c) not place themselves under any financial or any other obligation that may influence them in discharging their duties and responsibilities as Councillors.
- d) not disclose any confidential information and must abide by Council policies and legislation in relation to confidentiality.

4.3 Consequences of Failing to Comply with this Code

Failing to comply with this Code of Conduct may be deemed to be inappropriate conduct.

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

(4) Inappropriate conduct is conduct that is not appropriate conduct for a representative of a local government, but is not misconduct, including for example:

- (a) A Councillor failing to comply with the local government's procedures; or*
- (b) A Councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.*

A failure to comply with this code by a Councillor (other than by the Mayor or Deputy Mayor) will be inappropriate conduct (as defined in Section 176(4)(a) of the *Local Government Act 2009*) and render a Councillor liable to disciplinary action prescribed by Section 181 of that Act.

Section 181(2) provides:

(2) The mayor or department's chief executive may make either or both of the following orders that the mayor or department's chief executive considers appropriate in the circumstances:

- (a) an order reprimanding the councillor for the inappropriate conduct;*
- (b) an order that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct.*

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A failure to comply with this code by the Mayor or Deputy Mayor will be referred to the Chief Executive of the Department of Local Government (see section 177(5) (a) of the *Local Government Act 2009*).

5.0 CONTROLS

This policy is controlled by the *Local Government Act 2009*.

6.0 EFFECTIVE FROM

The Code of Conduct for Councillors Policy was adopted by Council on 27 September 2016.

This Policy is effective from 27 September 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Local Government Act 2009

GP-3-049 Bundaberg Regional Council Media Relations Governance Policy

GP-3-044 Conduct of Council Meetings Policy

GP-3-012 Councillor Access to Information Governance Policy

GP-3-014 Councillor's Confidentiality of Council Information Governance Policy

GP-3-084 Fraud and Corruption Management Policy

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Bundaberg Regional Council
Organisational Services
Issue Date:
Review Date: 04-04-2016

Councillor Access to Information Policy

GP-3-012

Rev. 3 (Draft)

1.0 INTENT

Councillors of Bundaberg Regional Council need appropriate access to information in order to carry out their role as described in Section 12 of the *Local Government Act 2009*. Their responsibilities include:

- Ensuring that the Council discharges its responsibilities under the *Act*, achieves its corporate and community plans and complies with all laws applicable to Council;
- Providing leadership to Council and the community;
- Participating in Council meetings, policy development and decision making for the benefit of the Council's area;
- Being accountable to the community for the Council's performance; and
- Complying with the Lobbyists Code of Conduct.

This policy establishes the protocols to be followed to enable Councillors to gain access to information through appropriate channels. The policy promotes communication between Councillors and staff, and is informed by the Employee Code of Conduct (GP-3-031) and the Code of Conduct for Councillors (GP-3-041).

2.0 SCOPE

From time to time Councillors seek access to Council information. Not all Council information is accessible to some or all Councillors for reasons of privacy, confidentiality, legal restraint or conflict of interest. A lack of a documented policy has the potential to cause inconsistencies in the way that requests for information are processed. This policy is to provide guidance to Councillors on the type of information that they can access and the formal process to follow.

3.0 POLICY OBJECTIVES

The objectives of this policy are to:

- Provide a standard approach by which Councillors can access Council information;
- Ensure timely access for Councillors to all documents required by them to undertake their statutory responsibilities pursuant to the *Local Government Act 2009* and regulations and other Acts and regulations;
- Complement the provisions of the *Local Government Act 2009* and regulation.
- Guide staff and Councillors in the protocol of dealing with Councillor enquiries.

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4.0 POLICY

Section 13(3)(e) and (f)(ii) of the *Local Government Act 2009* provides that the Chief Executive Officer has, inter alia, the following responsibilities:

(e) *the safe custody of:*

- (i) *all records about the proceedings, accounts or transactions of the local government or its committees; and*
- (ii) *all documents owned or held by the local government.*

(f) *complying with reasonable requests from councillors under section 170A -*

- (i) *for advice to assist the councillor carry out his or her role as a councillor; or*
- (ii) *for information, that the local government has access to, relating to the local government.*

Section 170A(2) and (3) of the *Local Government Act 2009* provides as follows:

(2) *A councillor may, subject to any limits prescribed under a regulation, ask the chief executive officer to provide information, that the local government has access to, relating to the local government.*

Example of a limit prescribed under a regulation—

A regulation may prescribe the maximum cost to a local government of providing information to a councillor.

(3) *Subsection (2) does not apply to information—*

- (a) *that is a record of the regional conduct review panel or the tribunal; or*
- (b) *if disclosure of the information to the councillor would be contrary to an order of a court or tribunal; or*
- (c) *that would be privileged from production in a legal proceeding on the ground of legal professional privilege.*

4.1 Accessing Information

In accessing the information, Councillors are reminded of their obligations under Section 171 of the *Local Government Act 2009*, and any confidentiality policy made by Council under Section 171(3).

Section 171, Use of information by Councillors, states:

(1) *A person who is, or has been, a Councillor must not use information that was acquired as a Councillor to:*

- (a) *gain, directly or indirectly, a financial advantage for the person or someone else; or*
- (b) *cause detriments to the local government. Maximum penalty - 100 penalty units or 2 years imprisonment.*

(2) Subsection (1) does not apply to information that is lawfully available to the public.

(3) A councillor must not release information that the councillor knows, or should reasonably know, is information that is confidential to the local government.

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

5.0 CONTROLS

The *Local Government Act 2009* provides that a local government Councillor may ask for help or advice from the Chief Executive Officer or, if the request is made under this policy, another employee of the local government.

If a Councillor asks for help or advice from an employee of the local government other than under this policy, the employee must tell the Chief Executive Officer (through their General Manager) about the request as soon as is practicable.

6.0 EFFECTIVE FROM

The Councillor Access to Information Policy was adopted by Council on 27 September 2016.

This policy is effective from 27 September 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Local Government Act 2009

Lobbyists Code of Conduct

GP-3-041 Code of Conduct for Councillors Governance Policy

GP-3-031 Employee Code of Conduct Governance Policy

FM-7-379 Councillor Access to / Request for Information Form

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Bundaberg Regional Council
Organisational Services
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Councillor's Confidentiality of Council Information Policy

GP-3-014

Rev. 2.2 (Draft)

1.0 INTENT

This policy provides guidance to Councillors in complying with Section 171(3) of the *Local Government Act 2009* regarding the proper handling of confidential information. The policy intent is to assist Council in determining what might be considered confidential information and how this information should be handled.

2.0 SCOPE

This policy applies to confidential information held by Council and Councillors. Section 171(3) of the *Local Government Act 2009* sets out provisions relating to the release of confidential information by Councillors, and states:

(3) A councillor must not release information that the councillor knows, or should reasonably know, is information that is confidential to the local government.

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

3.0 POLICY OBJECTIVES

It is accepted that Councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. Councillors must use Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.

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

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

GP-3-014 Rev. 2.2
(Draft)

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4.0 POLICY

Definitions:

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

Information Comes from any number of forms including letters, reports/ documents, facsimiles, attachments, tapes, emails, electronic media, and/or other forms of information including discussions during meetings.

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

At the same time, Council is conscious of the need to handle Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government. It is accepted that Councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. It is Council's responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation, or enable any individual or organisation to gain a financial advantage.

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

4.1 Responsibilities of Councillors

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

- Exercise due care when handling or using information acquired in their role as a Councillor.
- Acknowledge that there will be information that must be treated as confidential because to release it would reduce public trust and confidence in the integrity of the Council.
- Acknowledge that disclosure of confidential information constitutes a breach of *Local Government Act 2009*.
- If uncertain, presume information is confidential, and seek advice from the Chief Executive Officer prior to any release of it.

- Undertake not to disclose, and to use their best endeavours to prevent disclosure of, confidential information to any person or organisation, specifically:
 - Avoid discussing confidential Council information with family, friends and business associates; and
 - Ensure documents containing confidential information are properly safeguarded at all times – including materials stored at private or business residences.

4.2 Confidential Information

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

- Commercial in confidence information - including where the release of information would affect a third party's competitive advantage, this is particularly relevant in a competitive tender situation.
- Information derived from government departments or ministers that has been classified as confidential.
- Information of a personal nature or about personal affairs, for example the personal details of Councillors or Council staff.
- Information relating to a property disposal or acquisition process where release of the information may prejudice Council (see also Section 171(1) of *Local Government Act 2009*).
- Financial and legal analysis where the disclosure of that information may compromise Council or someone else.
- Information that could result in action being taken against Council for defamation.
- Information involving legal advice to Council or a legal issue or a matter before the courts.
- Information that is expressly given to Councillors in confidence;
- Information examined or discussed at Councillor briefing sessions, unless the Chief Executive Officer declares that such information (or part thereof) is not confidential.
- Information about:
 - The appointment, dismissal or discipline of employees;
 - Industrial matters affecting employees;
 - The Council's budget;
 - Rating concessions;
 - Contracts proposed to be made by Council;
 - Starting or defending legal proceedings involving Council; and
 - Any action to be taken by the local government under the *Sustainable Planning Act 2009*, including deciding applications made to it under that Act.

It is acknowledged that some of the above classes of information may need to be disclosed from time to time for legal proceedings or in accordance with the *Right to Information Act 2009*. Nevertheless, this procedure deems that as a minimum:

- The Chief Executive Officer may make a declaration that information concerning a specific matter is to be treated as confidential to Council, and the information will remain confidential unless or until Council resolves to the contrary.
- An item on a Council or committee meeting agenda – and the information contained in the documentation or supporting material – that is declared confidential by the Chief Executive Officer is to remain confidential unless or until Council or the committee resolves to the contrary.
- If the Mayor or a Councillor in a meeting asks that a matter be treated as confidential, Council will formally resolve as to whether all information concerning the matter is confidential.
- If a meeting of a committee resolves that an item and the information contained in the documentation or supporting material is to be confidential it remains confidential, unless or until Council resolves to the contrary.
- If Council exercises its powers under Section 275 of the *Local Government Regulation 2012* to close its meeting to members of the public, all information in relation to the matters discussed during that closed meeting or the closed portion of the meeting is confidential, unless and until the Council resolves to the contrary.
- Confidential information shall be clearly identified as confidential.
- Any information of a type deemed to be confidential is to be presumed by Councillors to be confidential to Council and must not be released without seeking advice from the Chief Executive Officer.
- If a Councillor has any doubt as to whether Council considers information to be confidential, the Councillor is to act on the assumption that Council does so intend until the doubt is resolved at a subsequent meeting of Council.

4.3 Consideration of Confidential Material – Council Meetings

The following procedures will apply to the preparation of an agenda and material for consideration at meetings of the Council:

- 1) If it is considered by the Chief Executive Officer that the Council should consider a matter in a closed meeting, the Chief Executive Officer will clearly indicate such recommendation on the agenda.
- 2) The Chief Executive Officer will make a declaration that all information contained in the documentation and associated material is information confidential to the Council.
- 3) The Chief Executive Officer will ensure that the documentation and material is clearly marked as confidential.
- 4) The reason for the recommendation will be set out in the material.

The following procedures will apply to a recommendation by the Chief Executive Officer that a matter be considered in a closed meeting:

- 1) Council will consider the recommendation in open session unless to do so would result in the public release of the information concerning the matter.
- 2) Council shall determine by resolution whether the matter is confidential or not for the purposes of declaring that a meeting should be a closed one.

- 3) Upon moving that an issue be dealt with in a closed meeting, the mover must clearly state the reason for the motion.
- 4) Council will resolve that:
 - The matter is to be considered in a closed meeting, and all information relating to that matter is confidential to Council; or
 - The matter will be considered in open session. Information considered at a closed meeting of Council shall remain confidential unless or until Council resolves otherwise.

4.4 Release of Confidential Information

Any release of confidential information for any purpose to any person or organisation (other than those who are entitled to the information, such as other Councillors or Council staff) is a breach of Section 171(3) of the *Local Government Act 2012*.

Release includes:

- Orally telling any person about the information or any part of the information.
- Providing the original or a copy of documentation or any part of the documentation that is marked confidential.
- Paraphrasing – putting into your own words - any confidential information and providing that in writing or orally.

4.5 Breach of this policy

A person may make a complaint about a breach by a Councillor of Section 171(3) by giving notice of the complaint to the Council's Chief Executive Officer. A breach of Section 171(3) is "misconduct" (see the definition of "misconduct" in Section 176(3)(c) of the *Local Government Act 2009*).

Allegations of misconduct must be referred by the Council's Chief Executive Officer to the Chief Executive of the Department of Local Government (see Section 177(6) of the *Local Government Act 2009*).

Thereafter the Chief Executive of the Department of Local Government must refer the complaint to the Local Government Remuneration and Discipline Tribunal (see Section 177(14) of the *Local Government Act 2009*). If the Local Government Remuneration and Discipline Tribunal decides that a Councillor has breached Section 171(3), Section 180(5) provides that the Local Government Remuneration and Discipline Tribunal may make any one or more of the following orders or recommendations:

- 1) An order that the Councillor be counselled about the misconduct, and how not to repeat the misconduct;
- 2) An order that the Councillor make an admission of error or an apology;
- 3) An order that the Councillor participate in mediation with another person;
- 4) A recommendation to the department's chief executive to monitor the Councillor or the local government for compliance with the Local Government Acts;

- 5) An order that the Councillor forfeit an allowance, benefit, payment or privilege;
- 6) An order that the Councillor reimburse the local government;
- 7) A recommendation to the Minister that the Councillor be suspended for a specified period, either wholly or from performing particular functions;

Examples of particular functions:

- *Attending council meetings or offices;* and
 - *Representing the council at public functions*
- 8) A recommendation to the Minister that the Councillor be dismissed; and
 - 9) A recommendation to the Crime and Corruption Commission or the Police Commissioner that the Councillor's conduct be further investigated.

5.0 CONTROLS

This policy is controlled by the *Local Government Act 2009*.

6.0 EFFECTIVE FROM

The Councillor's Confidentiality of Council Information Policy was adopted by Council on 27 September 2016.

This Policy is effective from 27 September 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Local Government Act 2009

Local Government Regulation 2012

Right to Information Act 2009

Sustainable Planning Act 2009

Bundaberg Regional Council
Organisational Services
Issue Date:
Review Date: 04-04-2016

Entertainment and Hospitality Expenditure Policy

GP-3-010

Rev. 4 (Draft)

1.0 INTENT

To provide guidelines governing appropriate expenditure on entertainment and hospitality, ensuring that the public monies are utilised prudently and properly.

2.0 SCOPE

Definition - Entertainment or hospitality

Section 196 of the *Local Government Regulation 2012* gives the following examples of entertainment or hospitality:

- *entertaining members of the public in order to promote a local government project.*
- *providing food or beverages to a person who is visiting the local government in an official capacity.*
- *providing food or beverages for a conference, course, meeting, seminar, workshop or another forum that is held by the local government for its councillors, local government employees or other persons.*
- *paying for a councillor or local government employee to attend a function as part of the councillor's or employee's official duties or obligations as a councillor or local government employee.*

For the purpose of this Policy, where the cost is borne by Council, entertainment will include:

- 1) The provision of food or drink other than as a commercial transaction for full payment;
- 2) The provision of a performance other than as a commercial transaction for full payment;
- 3) Attendance by a Councillor or employee of Council at a function as part of the Councillor's or employee's official duties or obligations as a Councillor or employee of Council.

3.0 POLICY OBJECTIVES

The objectives of this Policy are to ensure that expenditure on entertainment and hospitality is reasonable and appropriate, that it is incurred in the public interest, and that approval for such expenditure follows standard Council procedures.

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4.0 POLICY

4.1 Principles

- All entertainment and hospitality expenditure must be incurred in the public interest or be incurred as a means of promoting Council business. The person authorising the expenditure must also be able to demonstrate the benefits resulting from such expenditure;
- The amount spent on entertaining and hospitality must be reasonable and must be commensurate with the benefit received by Council or the public;
- The expenditure must be provided for in a Budget and be authorised in accordance with Council's normal accounting procedures and be in accordance with the requirements of this Policy;
- Expenditure incurred by Council which is not reasonable and appropriate (eg. private expenses) must be repaid to Council within 14 days of being paid;
- Entertainment and hospitality expenses may only be charged to a corporate credit card if prior authorisation has been obtained and such expenditure has been authorised within a specified limit, and the expenditure complies with this Policy.

4.2 Hospitality Provided to Council Employees

Council may meet the cost of food and non alcoholic drinks provided to Employees in the following circumstances:

- A light meal may be provided for Employees who are required to work during a mealtime and an alternative meal break is not available. This includes committee, working group meetings, conferences, seminars and training sessions where the Council meets the cost;
- If the employee is required to attend a meeting or other function attended by non-Employees and food and drink is provided for all attendees under this Policy; and
- If the Employee is working at premises remote from normal place of work so that normal arrangements for a particular meal are not available.

Council may contribute towards the cost of providing food and drink (including alcoholic drinks) to Employees in the following circumstances:

- Where the Employee attends a function at which alcoholic drinks are provided for non-Employees under this Policy. As representatives of the Council, Employees may drink in moderation only.
- At staff Christmas parties, as a means of recognising the dedication and commitment shown by Council staff in the provision of services.
- At Employees' farewell dinners.

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4.3 Hospitality and Entertainment for Councillors

Councillors reimbursement of hospitality and entertainment expenses will be in accordance with Reimbursement of Expenses and Provisions of Facilities for Councillors Policy (GP-3-047).

4.4 Training Courses and Other Functions

Where a training course, meeting or other function is arranged and Employees or visitors will be present during the normal meal period, Council may, if it facilitates the purpose of the event, arrange for refreshments to be made available. Such refreshments are to be reasonable in relation to the purpose and nature of the event and the expected attendees.

Alcohol may only be provided at a function if the Mayor or the Chief Executive Officer has approved it prior to the function. Alcohol will not be provided during meetings or training courses provided by the Council.

If an employee attends a training course, meeting or other function not provided by Council but at Council's cost, the Council may pay for meals (including alcoholic drinks) if they are included in an overall cost for the event, or are provided at meals which are an integral part of the event.

4.5 Reasonable & Appropriate Expenditure

4.5.1 Civic Functions:

Such as citizenship ceremonies that provide community recognition or a welcome by the Council. The decision as to reasonable and appropriate costs will take into consideration the number of attendees, the timing of the function, the venue and the location in the Council area.

4.5.2 Employer Reward and Recognition Presentations:

Recognition of Council Officers, to reward outstanding achievements in the provision of services to the Council. This may include official reward and recognition events, length of service presentations and Officer farewells. Such expenditure is to be approved by Chief Executive Officer or the relevant General Manager.

4.5.3 ANZAC Day Wreaths:

Recognition of the service of war veterans to the community.

4.5.4 Condolence Wreaths or Floral Presentations:

For the death of, or serious injury to, a Councillor or Council Officer or their immediate family. This is in recognition of service and a mark of respect to his/her family.

4.5.5 Visits by Overseas Delegates:

These visits occur for cultural or economic development reasons and have the potential to increase investment in the Council area.

4.5.6 Annual Christmas Celebration:

In order to recognise and appreciate Council Officers for their dedication and commitment to the provision of Council services to the public, a contribution will be provided for the annual Christmas function.

4.5.7 Meetings within Ordinary Hours:

Entertainment and hospitality for meetings held within ordinary working hours should be kept to a minimum. Where Councillors or Council Officers are required to work through a meal break or outside normal hours due to the impracticality of holding the meeting at any other time, the relevant meal allowance is to be used as a guide. Such entertainment and hospitality should not be substituted for business meetings that would ordinarily be conducted in the workplace. Examples may include Ordinary Meetings of Council, Committee Meetings and Management Team Meetings.

Where there are regular meetings that are similar in nature each time, there will be no need to justify the reasonableness and appropriateness of expenditure for each meeting; provided that the expenditure for the first meeting is reasonable and appropriate and has been incurred in the public interest.

4.5.8 Associate Persons Expenditure:

Only in exceptional circumstances, specifically approved by Council, Mayor, Chief Executive Officer or the relevant General Manager and where the attendance of an Associate is of demonstrated benefit to the Council, and the entertainment and hospitality costs for such a person to be met by the Council. In these instances, the Associate will be considered an official representative of the Council and will be expected to comply with Councils Employee Code of Conduct Policy (GP-3-031).

4.5.9 Other Hospitality Expenses:

Other types of expenditure considered reasonable as Official hospitality includes the provision of tea, coffee, sugar and milk, and morning or afternoon tea for official visitors and appropriate staff.

4.6 Inappropriate Expenditure

Examples of expenditure that is generally considered not to be reasonable and appropriate and is therefore to be treated as private expenditure:

- Tips or gratuities - tipping is not customary in Australia, however, when travelling overseas and tipping is the custom, these will be considered official expenditure.
- Drinks only costs - including hot and cold beverages.

- Morning/Afternoon Tea outside Council premises, where only Councillors or Council officers are attending.
- Mini bar expenses.
- Employees working on Council premises, where food and beverages are on sale, are not entitled to charge food and beverages to Council in the normal course of their duties.
- Inappropriate entertainment (e.g. a floor show).
- Excessive alcohol consumed in conjunction with a meal.

4.7 Fringe Benefits Tax (FBT)

The provision of entertainment by way of food, drink or recreation may have implications for fringe benefits tax. The following types of fringe benefits may arise from Council providing such entertainment as the Mayor's Charity Ball or farewell dinners for Senior Employees:

- An expense payment fringe benefit if, for example, the cost of tickets purchased by an Employee is reimbursed by Council;
- A property fringe benefit through the provision of food and drink; or
- A residual fringe benefit resulting from the provision of accommodation or transport in connection with such entertainment.

Council must keep sufficient records to enable the correct calculation of its FBT liability. With this objective in mind, a separate work order is required for each function funded wholly or in part by Council, detailing the following:-

- The number of Council Employees in attendance;
- The nature of the event and its purpose;
- The date and time of the event (e.g. whether it has been held during business hours);
- The location of the event; and
- Whether or not alcohol has been provided.

5.0 CONTROLS

- A person may not authorise his or her own expenditure.
- Expenditure by the Chief Executive Officer must be authorised by a General Manager or the Mayor.
- Expenditure by a Council Officer must be authorised by the officer's superior.
- Expenditure by a Councillor must be authorised by the Mayor, Chief Executive Officer, or the appropriate General Manager.
- Appropriate documentation must be supplied when claiming reimbursement for expenses incurred (eg. tax invoices, receipts etc).
- Where there is some doubt about the validity of claiming particular expenditure, the principles of these guidelines should be used to make the determination.

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6.0 EFFECTIVE FROM

The Entertainment and Hospitality Expenditure Policy was adopted by Council on 27 September 2016.

This Policy is effective from 27 September 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Local Government Regulation 2012

GP-3-031 Employee Code of Conduct Governance Policy

GP-3-047 Reimbursement of Expenses and Provision of Facilities for Councillors Governance Policy

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Bundaberg Regional Council
Organisational Services
Issue Date:
Review Date: 10-12-2016

Integrated Risk Management Policy

GP-3-002

Rev. 3.2 (Draft)

1.0 INTENT

Bundaberg Regional Council recognises that risk management is an integral part of good management practice and fully supports risk management as part of its governance processes. Therefore, all staff in all areas of Council will adopt systematic identification, management and review of risk in accordance with principles outlined in AS/NZS ISO 31000:2009 Risk Management - Principles and Guidelines.

2.0 SCOPE

This policy applies to Councillors and staff of the Council who are involved in the identification and management of all risks associated with the performance of Council functions and the delivery of Council services.

Contractors, committees and volunteers engaged in the provision of Council services, or the management of Council facilities and assets are also required to comply with this policy.

3.0 POLICY OBJECTIVES

The objective of the Council's Integrated Risk Management Policy is to ensure that sound Risk Management practices and procedures are fully integrated into the Council's strategic and operational planning processes. This policy will be supported by a complementary Risk Management Framework (MD-7-443). Together these documents will ensure that:

- All Council activities are clearly linked to and support one or more of the Strategic Objectives outlined in the Council's Corporate Plan.
- The threats and opportunities associated with achievement of the Strategic Objectives are identified, analysed, evaluated, treated, monitored and communicated, in accordance with the processes described in AS/NZS ISO 31000:2009 Risk Management - Principles and Guidelines.
- The equipment and facilities used for the provision of Council services are fit for their intended purpose.
- Safe and secure systems of work are implemented and maintained.
- Adequate information, training and supervision and provided to all staff, contractors, committees and volunteers.
- The Council's services are provided in compliance with all relevant Acts (particularly the *Work Health & Safety Act 2011*), Regulations, Codes and Standards.
- All incidents and hazards are reported and investigated.
- Remedial actions identified as a result of incident investigations are adopted and communicated to prevent recurrence.
- All Council staff members are aware of and effectively exercise their risk management responsibilities.

GP-3-002 Rev. 3.2
(Draft)

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- All Council staff members, committees, contractors, business partners, volunteers and the public co-operate to create a safe environment and preserve our assets for the future.
- Council has in place transparent and responsible risk management processes which align with best practice.

4.0 POLICY

4.1 Risk Management at Council will be practiced throughout the organisation in accordance with the principles outlined in AS/NZS ISO 31000:2009 Risk Management - Principles and Guidelines and overseen by the Audit and Risk Management Committee.

4.2 Council will identify and progressively address all threats and opportunities associated with:

- The provision of a safe and healthy operating environment for all employees, the general public and other stakeholders involved with the provision and use of Council services.
- The prudent management of Council property and resources on behalf of ratepayers.

4.3 Council will adopt an enterprise-wide approach to the management of risk, where:

- Significant projects, capital investment decisions and changes are subject to a risk assessment.
- All events and new initiatives conducted under the Council's auspices will be subject to a potential problem analysis.
- All staff members continuously assess and manage the risks associated with normal organisational activities, ensuring their immediate Supervisor is made aware of risks that they cannot manage.
- All Council's operating assets will be safeguarded by a business continuity plan.
- All project events and initiatives will be reviewed upon completion to update our strategies or procedures.
- There are periodic reviews of the risks that each department is exposed to, and the control systems required.
- There is a balance between the costs of managing a risk and the anticipated benefits.

5.0 CONTROLS

Council's Audit and Risk Committee is to review this Policy and the accompanying Risk Management Framework biennially.

The Governance Section will monitor the implementation of this policy and report risk management issues to the Executive Management Team and the Internal Audit and Risk Committee.

GP-3-002 Rev. 3.2
(Draft)

Approved By: General Manager Organisational Services

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6.0 EFFECTIVE FROM

The Integrated Risk Management Policy was adopted by Council on 27 September 2016.

This Policy is effective from 27 September 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

AS/NZS ISO 31000:2009 Risk Management - Principles and Guidelines

MD-7-443 Bundaberg Regional Council Risk Management Framework

**GP-3-002 Rev. 3.2
(Draft)**

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Bundaberg Regional Council
Organisational Services
Issue Date:
Review Date: 23-10-2017

Public Interest Disclosure Policy

GP-3-022

Rev. 3 (Draft)

1.0 INTENT

Council considers that the reporting and investigation of suspected misconduct within Council is fundamental to its ongoing integrity and health.

The most effective protection for a person making a Public Interest Disclosure (PID) is the right organisational culture. Council is committed to creating and sustaining a positive ethical climate with accountable behaviour. This comes from leadership that openly recognises the significant contribution staff make to our success and strongly encourages disclosure of unethical and fraudulent behaviour.

This policy aims to provide clear guidance on how Council will handle and deal with the complex issues associated with PID's.

Overall, the intent is to encourage all officers to be accountable for their actions and to maintain high standards of professional conduct and service.

2.0 SCOPE

As a public sector entity Council is subject to the requirements of the *Public Interest Disclosure Act 2010* and all Council Employees and Elected Members are public officers for the purposes of the legislation.

Council has obligations under the *Public Interest Disclosure Act 2010* in relation to the receiving of public interest disclosures and ensuring that persons making such disclosures are protected from reprisals.

This Policy complies with the *Public Interest Disclosure Act 2010* by providing a consistent and professional response to any PID made to Council in accordance with the *Public Interest Disclosure Act 2010*.

Section 7 of the *Public Interest Disclosure Act 2010* defines a "public officer" as "*an employee, member or officer of the entity*". So there can be no confusion, in this Policy the term public officer applies to Councillors and Officers of Council.

In addition, the Policy is intended to ensure all elected members and Council employees are aware of their responsibilities by reporting serious misconduct and other important matters adversely affecting the public interest or Council operations.

3.0 POLICY OBJECTIVES

This Policy will assist Council, Management and staff by clearly outlining Council's approach to addressing a PID and to provide direction to persons contemplating making a disclosure. This Policy is also intended to support other Council reporting mechanisms in relation to any alleged occurrences of wrongdoing or fraud.

The Policy provides Councillors and Officers protection in accordance with the *Public Interest Disclosure Act 2010*, by protecting persons who disclosure unlawful, negligent

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or improper Council conduct, or conduct which endangers public health or safety or the environment.

4.0 POLICY

4.1 Principles

4.1.1 The *Public Interest Disclosure Act 2010* promotes the public interest by protecting persons who disclose unlawful, negligent or improper public sector conduct or danger to public health or safety or the environment.

4.1.2 All persons have an ethical responsibility to report suspected misconduct, maladministration in relation to:-

- a) wasting of public funds;
- b) substantial and specific danger to public health and safety;
- c) the environment;
- d) a person with a disability;
- e) reprisal action.

4.1.3 Any person who suspects or is aware of any fraudulent behaviour or wrongdoing is encouraged, to report the matter to the Mayor, the Chief Executive Officer, General Manager, Manager, Supervisor or Team Leader.

4.1.4 The principle of natural justice (procedural fairness) will apply to all investigations of matters the subject of PID's. Council is committed to treating the PID appropriately and making the process fair for both the discloser and the person who is subject to the disclosure. Confidentiality is paramount.

4.1.5 The rights of any person who is subject to, or is in some way associated with a disclosure will be safeguarded.

4.1.6 Council will promote an environment in which the reporting of negligent or improper behaviour is encouraged. Managers and supervisors are to ensure employees are aware of their responsibilities in making a PID and are able to advise other persons of the appropriate reporting process.

4.2 Authorities and Responsibilities

4.2.1 Council as an organisation is responsible for ensuring that appropriate measures are in place to support persons who disclose unlawful, negligent or improper public sector conduct or danger to public health or safety or the environment.

4.2.2 The Chief Executive Officer, General Managers and Managers are responsible for the implementation and support for this Policy and associated procedures.

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4.2.3 Employees are responsible for the detection and reporting of fraud or wrongdoing both within their areas of responsibility or where they witness or observe activity they reasonably consider would constitute reportable behaviour under this policy.

4.3 What constitutes a PID?

What constitutes a PID depends on who is making the disclosure, with the *Public Interest Disclosure Act 2010* distinguishing between disclosures made by a public officer and those made by anyone else.

4.3.1 PIDs made by public officers

4.3.1.1 Official misconduct, as defined in the *Crime and Corruption Act 2001*.

4.3.1.2 Maladministration that adversely affects anyone's interest in a substantial and specific way.

4.3.1.3 Negligent or improper management by a public office, Council or a Council contractor resulting or likely to result in a substantial waste of public funds.

4.3.1.4 Conduct by another person causing a substantial and specific danger to public health or safety or to the environment.

4.3.2 PIDs made by any person

a) A substantial and specific danger to the health or safety of a person with a 'disability' as defined in the *Disability Services Act 2006*.

b) A substantial and specific danger to the environment as mentioned in Schedule 2 of the Act.

c) A reprisal taken against anybody as a result of a PID.

A person has information about the conduct of another person or another matter if the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter (subjective test) or the information tends to show the conduct or other matter regardless of whether the person honestly believes the information tends to show conduct or other matter (objective test). The disclosure is still a PID and covered by the *Public Interest Disclosure Act 2010* even if it proves not to contain this type of information.

Some disclosures are not protected by the *Public Interest Disclosure Act 2010*, including disclosures made to the media (except in special circumstances outlined in Part 4 Section 20) such as:

a) those made frivolously or vexatiously;

b) those which primarily question the relative merits of government or agency policy;

- c) those that are made substantially to avoid disciplinary action. Disclosures that are willfully false constitute an offence under the *Public Interest Disclosure Act 2010*.

The disclosure cannot be based on a mere disagreement over policy that may properly be adopted about amounts, purposes and priorities of expenditure.

4.4 Who to make the disclosure to

If you wish to make a PID, Councils preferred approach is that you contact the Chief Executive Officer immediately. Alternately, you can make your disclosure to a General Manager, Manager or your Supervisor, the CCC if it concerns misconduct, the Queensland Ombudsman if it concerns maladministration or a waste of public funds. If somebody makes a PID to you (as a public officer of Council), the preferred approach is to contact your Manager or General Manager immediately. If a Councillor, contact the Mayor or CEO.

You should disclose anything you think may be a PID. You do not need proof, as long as you have reasonable grounds to believe that it has occurred.

Where possible, be prepared to give information on:

- a) the name, job title and workplace address of the person the subject of your disclosure.
- b) details of relevant events, dates and places.
- c) the names of people who may be able to back up what you say.
- d) any other evidence that supports your view.

4.5 How to make disclosure

Your disclosure can be made in writing or orally and anonymously if you desire.

Where an employee receives an oral PID they should request the discloser to put the details in writing. If they are unable or unwilling to do so the employee receiving the PID should document it and ask the discloser to confirm the contents before signing it. If circumstances (e.g. telephone caller who remains anonymous) prevent this occurring, the officer receiving the PID should record the date, time and circumstances of the PID. It should then be forwarded to the CEO.

4.6 Where do to make disclosure

If you wish to make a disclosure to Council please use the following details:

By email: ceo@bundaberg.qld.gov.au

By letter: The Chief Executive Officer
Bundaberg Regional Council
P O Box 3130
BUNDABERG QLD 4670

By phone: 1300 883 699

If you wish to make a complaint in person, please phone first for an appointment.

If the PID concerns the CEO it should be made to the Mayor.

4.7 What support and protection is available to me if I make a public interest disclosure?

Council will treat all PID's appropriately, take your concerns seriously and ensure your privacy and confidentiality are maintained (as far as possible) throughout the appropriate process. You can also be confident of protection against reprisal and bullying and that you will be provided with assistance in contacting the Employee Assistance Program (MD-7-474) if you wish to do so.

For more information on how to make a public interest disclosure read *Thinking About Blowing the Whistle*: a guide for individuals working in the public sector, which is available from the CCC, Queensland Ombudsman and Public Service Commission websites.

For those making a PID, Section 36 of the *Public Interest Disclosure Act 2010* states that a person is not liable civilly, criminally or under an administrative process for making a PID or because of a belief that an employee has made or may make a PID in accordance with the *Public Interest Disclosure Act 2010*.

If you make a disclosure, you are reminded that the matters surrounding the investigation will be confidential and you are requested to maintain the integrity of the process by not discussing it with your work colleagues or others unconnected with this matter. All statements and correspondence in regard to the matter should be regarded as strictly confidential. Please note that the confidentiality provision will not preclude you from sharing this information with your Union representative/support person.

Where required, interpreters or other assistance will be provided to employees or other persons wanting to report misconduct, official misconduct or make a PID.

4.8 What support and protection is available to me if someone makes a public interest disclosure against me?

The department is determined to treat disclosures appropriately. The rights of any person who is the subject of, or is in some way associated with a disclosure are important, and as a person against whom a PID is made, you are entitled to confidentiality and the presumption of innocence.

Employees who are the subject of an allegation may seek assistance from their legal representative or union. Employees may also utilise the services of the Employee Assistance Program (MD-7-474) for advice and counselling. This service is a confidential counselling and support to staff through stressful times.

Protection exists for those against whom an intentionally false PID is made. It is an offence under Section 66 of the *Public Interest Disclosure Act 2010*, punishable by up to two years imprisonment, to intentionally make a false or misleading statement intending it to be acted upon as a PID.

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However, you are also reminded of your responsibilities under the Code of Conduct for Councillors Policy (GP-3-041) and the Employee Code of Conduct Policy (GP-3-031). You are requested to remember that staff will have performed their duty by participating in the investigation. They should not be treated adversely because of their involvement in this process and any substantiated allegations of adverse treatment on these grounds may result in disciplinary action being taken against you.

4.9 The assessment and investigation process

- 1) The PID review team will make an assessment as to whether it is to be referred to the CCC or another agency for review or investigation or whether the Council is able to investigate the matter or deal with it in some other manner.
- 2) If the matter is required to be investigated by Council, the Chief Executive Officer will be responsible for the investigation, which will usually be completed by a senior officer.
- 3) Once the investigation is completed and relevant agencies consulted, corrective or disciplinary action will be taken where necessary.
- 4) The person making the PID will be informed of progress and the outcome by the CEO.

4.10 Staff and management responsibilities

All staff, especially managers and supervisors should make themselves familiar with this policy and their obligations under the Employee Code of Conduct Policy (GP-3-031). They must provide clear guidance to staff on how to handle the complex issues and how to deal with an ethical dilemma when faced with potential wrongdoing.

Managers must ensure staff are provided with information about making a disclosure and are familiar with the process of making a public interest disclosure. All staff should also be able to identify potential situations where behaviour may be unethical or fraudulent. Council will facilitate an environment where it will be comfortable in discussing concerns with senior officers or reporting the matter where appropriate.

Council will provide training and assistance in managing the sometimes conflicting demands of disclosure and confidentiality through management and supervisors encouraging staff to denounce unethical and fraudulent behaviour.

4.11 Confidentiality

Strict confidentiality is to be maintained at all times in relation to reporting and investigation of PIDs. All Council records of PID's will be held and securely filed in a discrete area of Council's Corporate Record System.

4.12 Reprisal

If a person making a PID has concerns about reprisal being taken against them because of the disclosure, under the *Public Interest Disclosure Act 2010*, the person can be given special protection to prevent this occurring.

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If you feel as though you have been disadvantaged or subjected to a reprisal for making a disclosure, you should raise the issue with the Chief Executive Officer.

Section 40 of the *Public Interest Disclosure Act 2010* makes it an offence for an employee to take reprisal because of a belief that another person has made, or intends to make a PID.

5.0 CONTROLS

(HEADS OF POWER)

Public Interest Disclosure Act 2010

The main objectives of this Act are:

- 1) To promote the public interest by facilitating public interest disclosures of wrongdoing in the public sector; and
- 2) To ensure that public interest disclosures are properly assessed and, when appropriate, properly investigated and dealt with; and
- 3) To ensure that appropriate consideration is given to the interests of persons who are the subject of a public interest disclosure; and
- 4) To afford protection from reprisals to persons making public interest disclosures.

6.0 EFFECTIVE FROM

The Public Interest Disclosure Policy was adopted by Council on 27 September 2016.

This Policy is effective from 27 September 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

GP-3-109 Administrative Action Complaints Policy

GP-3-041 Code of Conduct for Councillors Governance Policy

GP-3-031 Employee Code of Conduct Governance Policy

Crime and Corruption Act 2001

Disability Services Standards

Integrity Act 2009

Local Government Act 2009

Public Interest Disclosure Act 2010

Public Sector Ethics Act 1994

Bundaberg Regional Council
Organisational Services
Issue Date:
Review Date: 06-07-2016

Reimbursement of Expenses and Provision of Facilities for Councillors Policy

GP-3-047

Rev. 6.1 (Draft)

1.0 INTENT

To ensure compliance with statutory requirements and community expectations relating to the payment or reimbursement of legitimate expenses and the provision of facilities for the Councillors while carrying out their duties and responsibilities.

To ensure that Councillors have the facilities and support necessary to perform their Council business as elected representatives of their local communities.

2.0 SCOPE

The policy applies to Councillors, including Mayor and Deputy Mayor.

3.0 POLICY OBJECTIVES

The purpose of the policy is to ensure that Councillors can receive reimbursement of reasonable expenses and be provided with necessary facilities in performance of their role.

4.0 POLICY

Background

This Policy is premised on the following:

- 1) The payment and/or reimbursement of expenses and the provision of facilities for Councillors must only be for the actual cost of legitimate business use and in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.
- 2) Councillors should not be financially disadvantaged when carrying out the requirements of the role of Councillor and should be fairly and reasonably compensated in accordance with statutory requirements and community expectations.
- 3) The payment and/or reimbursement of expenses and provision of facilities for Councillors is to be open and transparent, prudent, responsible, acceptable to the community and in accordance with statutory requirements; and is based on ensuring economy and efficiency.
- 4) Council's Annual Report must contain particulars about the expenses that were reimbursed, and the facilities that were provided to Councillors during the relevant financial year.
- 5) Facilities and resources provided to Councillors by Council are for the sole use of Councillors in undertaking their duties and must be used responsibly and

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appropriately. Spouses, partners and family members of Councillors are not entitled to reimbursement of expenses or to have access to facilities allocated to Councillors.

Failure to comply with this policy or misappropriation of expenses or facilities may be a breach of Code of Conduct for Councillors Policy (GP-3-041), *Local Government Act 2009* and/or an offence under the *Criminal Code Act 1899* and/or the *Crime and Corruption Act 2001*.

4.1 DEFINITIONS

Council business means official business conducted on behalf of, and/or approved by Council, Mayor or Chief Executive Officer, where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business continuity for the Council. Council business should result in a benefit being achieved either for Council, the local government area or the community.

It includes:

(1) Attendance at functions that are a statutory requirement of the Councillor's role or are officially recorded in minutes or other public records. This includes any other meeting, event or function described in Section 107 of the *Local Government Act 2009* under Insurance for example, attendance at:

- the meetings of the local government or its committees that the Councillor is entitled to or asked to attend;
- meetings for a resident of the local government area;
- conferences, deputations, inspections and meetings at which the Councillor is entitled or required to attend;
- official functions organised for the local government.

(2) Events and functions may also include:

- ceremonial openings of buildings or facilities;
- fetes and carnivals;
- annual or presentation dinners;
- public meetings;
- private meetings arranged through official Council channels (i.e. documented in official records or diary) for the purpose of conducting bona fide discussions of business of Council.

(3) Gathering of information by a Councillor necessary to inform him or her of an incident of interest to Council or which properly falls within the responsibility of Council.

(4) Travel between a Councillor's home and a Council Facility for Council business on a route that would not be considered a significant deviation from the most direct route.

(5) In the event a particular activity is not included in this list, the Mayor has discretion to determine if a particular activity of attendance is considered as Council business.

Councillors include Councillors, the Mayor and Deputy Mayor, unless the mayor and/or deputy mayor are identified separately within a clause.

Discretionary training is any training that is not determined by Mayor or Chief Executive Officer as "mandatory".

Mandatory training is any training that Mayor or Chief Executive Officer determines that Councillors must attend.

Meal allowance is the daily amount allowed for meals while travelling on Council business.

Official capacity refers to activities undertaken while on Council business.

Private use of Council vehicle - Use of a Council vehicle other than official Council business, as defined above.

Public record is any record created, received or kept that exists because of a Councillor undertaking their role as a Councillor in an official capacity.

Representing Council is when Council's Mayor or Chief Executive Officer determines that the Councillor is to attend an event or function as part of Council business.

4.2 EXPENSES

The following expenses refer to actual expenses deemed necessary for Council business. Councillors are only entitled to payment/reimbursement for the expenses contained in the categories listed below.

4.2.1 Council business

Where Councillors are attending to Council business, Council will pay for the approved expenses associated with that activity.

4.2.2 Representing Council at Events and Conferences

Councillors may be required to attend a range of events and functions as part of their role in attending to Council business. Councillors may, for example, be required to attend significant sporting and other community events in an official capacity.

Where the Mayor has approved that a Councillor is required to attend an event or conference either regionally, nationally or internationally as a delegate of Council, Council will pay for expenses associated with attending that event.

In the case of the Mayor, the Chief Executive Officer can approve the attendance to an event or conference either regionally, nationally or internationally as a delegate of Council. Council will pay for expenses associated with attending that event.

4.2.3 Professional Development

The payment of expenses for professional development requires approval by the Mayor or Chief Executive Officer.

4.2.3.1 Mandatory Training

Councillors must attend training where the Mayor determines and where the Mayor is attending, the Chief Executive Officer determines, that all Councillors or a class of Councillors (e.g. newly elected Councillors) are to attend training courses, workshops, seminars or conferences for skill development related to a Councillor's role. Council will meet costs in accordance with this policy.

Examples of this type of training may include Councillor Induction, code of conduct, meeting procedures and legislative obligations.

Attendance at conferences includes major industry events e.g. Australian Local Government Association, Local Government Association of Queensland, Australian Local Government Women's Association, Company Directorship training or specific events that are relevant to all Councillors or Committee members.

4.2.3.2 Discretionary Training

A Councillor can attend a conference, workshop or training that has been identified as relevant to their role (other than mandatory training as outlined above). The Mayor can approve and where the Mayor is attending, the Chief Executive Officer may approve such training.

The funding limit for discretionary training is \$8,000 for each Councillor during their four (4) year term in office.

4.2.4 Travel costs

Councillors may incur travel costs for a number of reasons including attendance at conferences, training or workshops.

In general, the most cost effective form of travel must be used.

4.2.5 Accommodation

When attending conferences, Councillors must take advantage of any package provided by conference organisers and therefore, stay in the recommended accommodation unless prior approval has been granted by the Mayor, and where the Mayor is attending the Chief Executive Officer. In all other cases, the Mayor must decide, and where the Mayor is attending the Chief Executive Officer must decide what are legitimate accommodation costs for the purpose of reimbursement.

4.2.6 Meals

Councillors may claim for reasonable reimbursement of the actual cost of meals when travelling outside of the region for Council Business. Reasonable reimbursement will be as per Australia Tax Office Determination TD 2015/14.

4.2.7 Hospitality Expenses

Where Councillors incur hospitality expenses, as determined in Council's Entertainment and Hospitality Expenditure Policy (GP-3-010), while conducting Council business, apart from official Council receptions, the maximum amount that may be reimbursed is:

- \$500 per annum for each Councillor; and
- \$6,000 per annum for the Mayor.

Where the Mayor has delegated the attendance at a function on the Mayor's behalf to another Councillor, any costs incurred by the Councillor for that function are to be charged against the Mayor's hospitality budget.

4.2.8 Cab Charge and Public Transport

Councillors may claim for cab charge facilities or reimbursement for public transport tickets (rail, bus, ferry) to attend official Council business only.

4.3 FACILITIES

Facilities provided for Councillors must be deemed necessary and required to assist Councillors in their official capacity. In accordance with the *Local Government Regulation 2012*, Council may only provide Councillors with the facilities listed in 4.3.1 of this Policy.

All facilities provided to Councillors remain the property of Council and must be accounted for during annual equipment audits. The facilities must be returned to Council when the Councillor's term expires, unless Council agrees to dispose of the facility in some other manner.

It is recommended that Councillors seek independent taxation advice for any provision of facilities they receive.

4.3.1 Administrative Tools and Council Office Amenities

4.3.1.1 Office Space and Access to Meeting Rooms

Council provides office accommodation and access to meeting rooms for Councillors.

The standard of Councillor office accommodation is as approved by the Chief Executive Officer. Furniture and fittings for Councillor Offices will be of a standard to allow Councillors to adequately undertake their roles as a Councillor. In general, rooms provided

for Councillor use will be located at Council owned or controlled premises such as Service Centres, libraries or community centres

4.3.1.2 Administrative Support

Council will provide administrative support for Councillors with Councillor Support Staff employed under Council's usual terms and conditions or employment. Relief staff will be provided where practical and shall be subject to budgetary and operational constraints.

The Mayor is entitled to a full time Executive Assistant under Council's usual terms of employment.

4.3.1.3 Computer for Business Use

Councillors are provided with a desktop, laptop and/or tablet for Council Business use at the Councillor's office and home.

Council will provide peripheral computer equipment that is associated with the choice of computer for the Councillor's office and the Councillor's home office as required. This may include a docking station, monitor and other computer equipment.

4.3.1.4 Telecommunication - Phone and Internet (Access)

Councillors are provided with a mobile telephone and mobile internet (dongle) access for Council business. Mobile phones are on a mobile phone plan. Incidental private use is allowed within the phone plan. Substantive private use may be subject to reimbursement to Council at the discretion of the Chief Executive Officer. Councillors are provided with a phone extension and internet access at the Councillor's Office.

Council will reimburse 50% of the monthly internet and/or telephone rental costs to the Councillor, where a Councillors home has no or unreliable mobile reception.

4.3.1.5 Printer, Photocopier, Paper Shredder, Scanner (Councillor Offices)

Councillors are entitled to a printer, paper shredder and shared photocopier for business use at the Councillor's office.

Councillors will be entitled to a standard printer at the Councillor's home if required.

4.3.1.6 Stationery

Councillors are provided with Council stationery for Council business. Council stationery (such as letterhead) is not to be converted or modified in any way and may only be used for carrying

out the functions of the role of Councillor. Stationery does not include any form of advertising or promotional material produced by Council.

4.3.1.7 Publication and Membership Fees

Councillors are provided with copies of relevant legislation, books and journals considered necessary for undertaking their duties. Where possible, these items will be provided in electronic format.

Councillors who hold membership of professional bodies such as Australian Institute of Company Directors and are related to Council business or functions will be eligible for reimbursement of membership fees by Council to a maximum amount of \$1,000 per annum.

Publications and Membership fees for Councillors that are approved by the Mayor, and where the Mayor is requesting a publication and membership fees will be approved by the Chief Executive Officer, Council will meet the costs of such publications and membership fees to the maximum as outlined above.

4.3.1.8 Other Administrative Necessities

Subject to Council approval, Councillors may be provided with any other administrative necessities to meet the business of Council.

4.3.1.9 Advertising

Council will not reimburse, provide funds, services or facilities for the purposes of advertising for Councillors.

4.3.1.10 Community Consultation

Councillors may use facilities provided to correspond with community representatives for the purpose of undertaking their role.

Where a Councillor chooses to undertake further community consultation on a particular matter, in addition to that approved by Council, the Councillor is responsible for those costs

4.3.2 Maintenance Costs of any Council Owned Equipment

Council will cover all ongoing maintenance costs associated with Council owned equipment to ensure it is operating for optimal professional use.

4.3.3 Name Badge, Uniform and Safety Equipment

Councillors are provided the opportunity to participate in wearing of the corporate wardrobe on the same basis as that provided to staff. Council's Uniform Policy (GP-3-081) applies.

4.3.4 Vehicles, Fuel and Parking

Councillors are provided with two vehicle arrangements for Council Business. Councillors may elect to be provided with a Council owned vehicle or to use their own private vehicle and be paid a monthly mileage allowance.

Based on a Council cost/benefit investigation, the following criteria is a guideline to determine which Councillor Vehicle option is the most cost effective for Council.

Kilometres per Annum	Mileage on Private Vehicle	Council Owned Vehicle
<5,000kms	✓	
>5,000kms – <12,500kms	✓	✓
>12,500kms		✓

Councillors are permitted use of Council approved SUV or Sedan. The private use contribution will be calculated by using the Deemed Value Method.

4.3.4.1 Council Owned Vehicle

Based on the above guidelines, Councillors may elect to be provided with a Council owned vehicle for Council business, with access to private use of that vehicle being subject to reimbursement to Council for expenses associated with the private use of the vehicle.

(1) The deemed value of the private use portion shall be calculated in the first year of the Council term by the Councillor providing a substantiated log book for a minimum 12 week continuous period. Private use percentage will be reviewed when a change of address or material change in driver habit occurs.

(2) Vehicles provided will be in accordance with Council's fleet management practices and GP-3-005 Use of Council Vehicles Governance Policy.

All vehicles are to be approved by the Chief Executive Officer or their delegate.

(3) All fuel and maintenance costs will be paid by Council.

(4) Council will provide parking facilities for Councillors at their office locations. Council will provide parking facilities for all Councillors at Council buildings for the purpose of Committee and Ordinary Council meetings.

(5) Councillor vehicles will be provided with a Vehicle Navigation System.

(6) Once a Councillor elects to be provided with a Council owned vehicle the option for the reimbursement of Private Vehicle will not be available for the remainder of the Council term.

(7) Annual value of deemed private use will be deducted from Councillors pay per fortnight.

4.3.4.2 Mileage on Private Vehicle

A Councillor who elects to use their private vehicle for Council business will be paid a monthly mileage allowance in accordance with the Australian Taxation Office business use of motor vehicle cents per kilometre method and kilometre rate applicable at time of travel. Council will advise Councillors and Councillor support staff of any Commissioner of Taxation determinations for cents per kilometre at the earliest possible convenience.

A Councillor who uses their private vehicle for Council Business will undertake a monthly reconciliation of Council business mileage for the private vehicle and seek reimbursement from Council for the actual mileage amount incurred for the month. All Council business will be recorded and substantiated by log book or equivalent.

The mileage allowance reimbursement will be paid up to a maximum of 12,500kms per annum as per the business use of motor vehicle cents per kilometre method. Any mileage above 5,000kms may have tax implications. Should the Councillor exceed the maximum 12,500km they may elect to be supplied with a Council provided vehicle for the remainder of the term. Once this election is made any private vehicle usage contribution will be in accordance with section 4.3.4.1 of this Policy.

Council will provide a Vehicle navigation system for use by the Councillor in private vehicle if required.

4.3.5 Legal Costs and Insurance Cover

Council may decide, pursuant to Section 107 of the *Local Government Act 2009*, to cover costs incurred through any inquiry, investigation, hearing or legal proceedings into the conduct of a Councillor, or arising out of, or in connection with the Councillor's performance of his/her Council business.

Councillors will be covered under Council insurance policies while undertaking Council business. Specifically, insurance cover will be provided for public liability, professional indemnity, Councillor's liability, personal accident and/or workers compensation, international and domestic travel insurance.

4.3.6 Corporate Purchase Card

A corporate purchase card may be made available to the Mayor and Deputy Mayor and will be issued with the approval of the Chief Executive Officer.

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The card should only be used for extraordinary business expenses directly related to the Mayor or Deputy Mayor attending to Council's business.

Personal expenses not related to the business of Council must not be charged to the card.

Cards must be used in accordance with Corporate Purchase Card Procedural Manual (GM-4-001).

4.3.7 Provision of Meals

Councillors will be provided with light meals, morning and afternoon teas if they are required to attend statutory or other prescribed Council meetings that extend over these meal periods.

4.3.8 Non Allowable Expenses

Requests for payment/reimbursement of expenses associated with the following will not be paid or reimbursed:

- excessive alcohol consumed in conjunction with a meal, Entertainment and Hospitality Expenditure Policy (GP-3-010);
- unreasonable personal telephone expenses, refer to section 4.3.1.4 of this Policy;
- toiletries;
- mini-bar purchases;
- traffic infringements;
- laundering or dry cleaning;
- airline membership;
- in-house movies;
- expenses incurred by, or on behalf of, others such as partners, family members and associates.

5.0 CONTROLS

- *Crime & Corruption Act 2001*
- *Criminal Code Act 1899*
- *Local Government Act 2009*
- *Local Government Regulation 2012*

6.0 EFFECTIVE FROM

The Reimbursement of Expenses and Provision of Facilities for Councillors Policy was adopted by Council on 27 September 2016.

This Policy is effective from 27 September 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Crime and Corruption Act 2001

Criminal Code Act 1899

Local Government Act 2009

Local Government Regulation 2012

Australia Taxation Office Taxation Determination TD 2015/14

GP-3-041 Code of Conduct for Councillors Governance Policy

GM-4-001 Corporate Purchase Card Procedural Manual

GP-3-010 Entertainment and Hospitality Expenditure Governance Policy

GP-3-081 Uniform Policy

GP-3-005 Use of Council Vehicles Governance Policy

**GP-3-047 Rev. 6.1
(Draft)**

Approved By: General Manager Organisational Services

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**Item****27 September 2016****Item Number:**

F2

File Number:

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Part:GOVERNANCE &
COMMUNICATIONS**Portfolio:**

Organisational Services

Subject:

21 Quay Street, Bundaberg Central - Request for a Trustee Lease - Bundaberg Bowls Club Inc - Lot 2 on CK3719

Report Author:

Nathan Powell, Property Leasing Officer

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

Governance - 4.4.6 A commonsense approach to planning, coordination and consultation

Background:

The Bundaberg Bowls Club Inc (the 'Club') currently holds a Term Lease direct with the Department of Natural Resources & Mines (DNRM) over Unallocated State Land (USL) described as Lot 11 on B158222, located at 21 Quay Street, Bundaberg Central.

At its Meeting held 8 April 2014, Council resolved "*Council offers no objection to the renewal of term lease over Lot 11 on B158222, County Cook, Parish Bundaberg, for recreational purposes for a term of five years*".

Council subsequently offered a 5 year lease due to the development of the Riverside Masterplan, and the level of uncertainty around the project however, DNRM proceeded to enter into a 20 year lease, as requested by the Club. The lease commenced on 18 May 2015, and expires 17 May 2035.

On 29 May 2016 Bundaberg Bowls Club Inc (the 'Club') sought Council's support on the erection of a retractable shade cover to one of their bowling greens known as the "Foundation Green". The installation of the shade cover requires an extension of the lease area. Should Council resolve to offer a lease to the Club, consideration needs to be given to the term of the lease.

The area of land required by the Club is part of "Anzac Park", which is under trusteeship of Council and described as Lot 2 on CK37119, 21 Quay Street, Bundaberg Central. The Club have requested approximately 4 to 5 metres of land parallel to the existing southern boundary of their lease area, extending from the clubhouse wall to the car park (attachment 1). Council's Plumbing Coordinator has advised a large sewer main is located approximately 2 metres from the south western boundary and raised

concerns surrounding the sewer line and the proximity of the proposed footings for the shade cover (attachment 3). The Club would be required to supply an engineer's report addressing this concern to the satisfaction of Council. Depending on the required distance from the sewer line, Council may lose 2 or possibly 3 all day public car parks as shown in attachment 1.

Council's Development Assessment Manager advised the development of a shade sail over the Club does not introduce a new land use to the land and as such it does not require a Material Change of Use development approval. This land use consideration applies to both the sport and recreation zone (the current Club lot zoning) and the open space zone (the area of encroachment proposed to locate part of the sail). Building approvals will be required.

In an email dated 26 June 2016, the Club advised of damage to a number of areas in the 'stone-pitched and mortared' retaining wall. This retaining wall extends the full length of the headland at the north western end of the lease area, adjacent to the parking bays and cul-de-sac approaching the Burnett River Bridge, through to Anzac Park (attachment 4). The Club have requested some direction and assistance in having this issue rectified. As the retaining wall is on the leased USL land, any rectification works and associated costs are to be borne by the Club.

Associated Person/Organization:

The Department of Natural Resources & Mines

Bundaberg Bowls Club Inc

Consultation:

Development Assessment Manager, Richard Jenner

Operational Supervisor – Parks & Open Spaces, Michael Johnston

Plumbing Co-ordinator, Tony Read

Division 4 Councillor, Cr Helen Blackburn has been advised of the proposal.

Portfolio Spokesperson, Cr David Batt has been advised of the proposal.

Legal Implications:

It is necessary for tenure to be determined to ensure the legitimate ongoing use of the facility. A lease is an appropriate measure for this.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

Should Council commence the Riverside Masterplan development in accordance with the draft plan, it would incur extra financial costs in relation to the relocation of the Bundaberg Bowls Club.

Risk Management Implications:

Entering into a Trustee Lease will transfer risk in relation to safety and public liability. There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

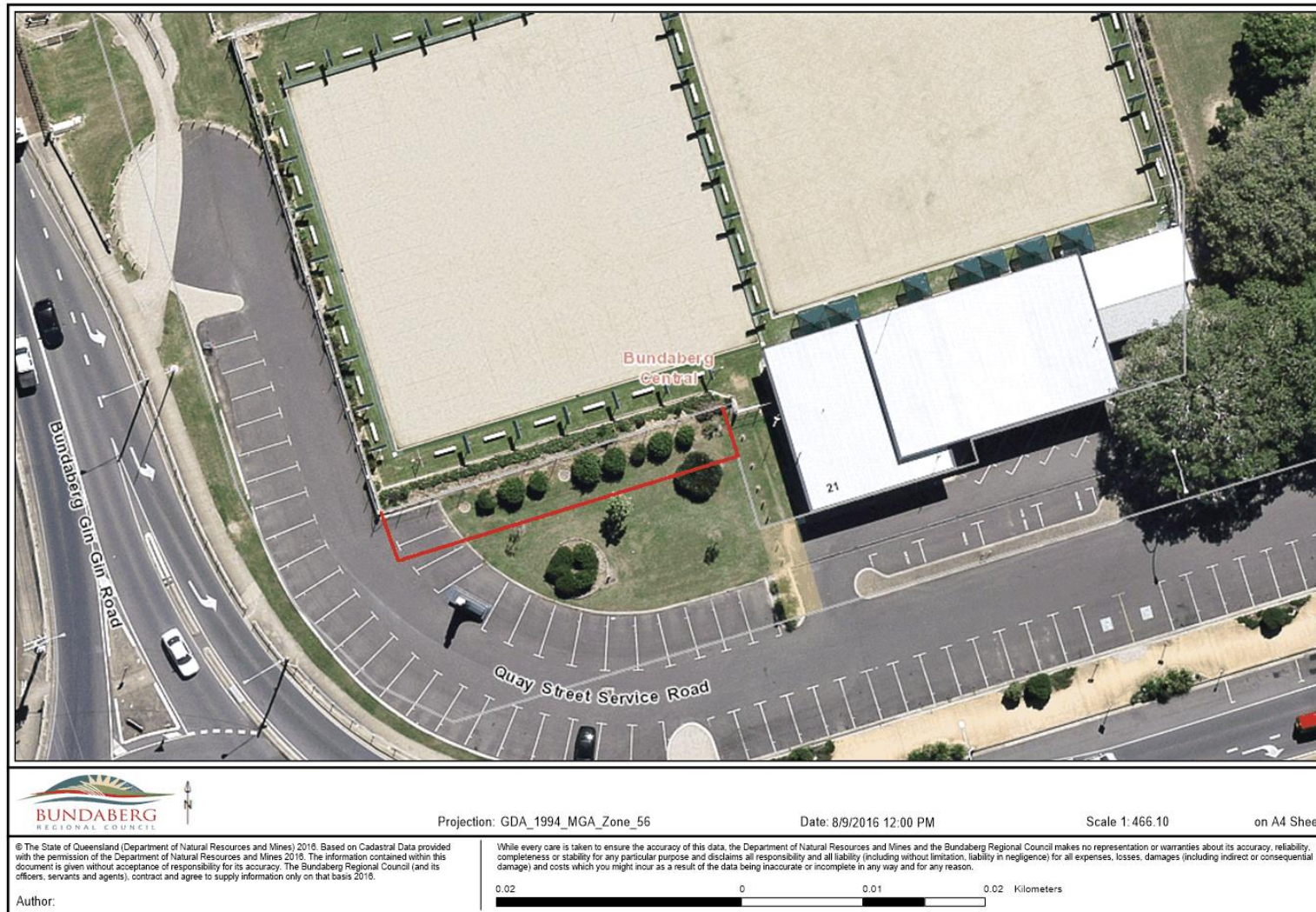
Attachments:

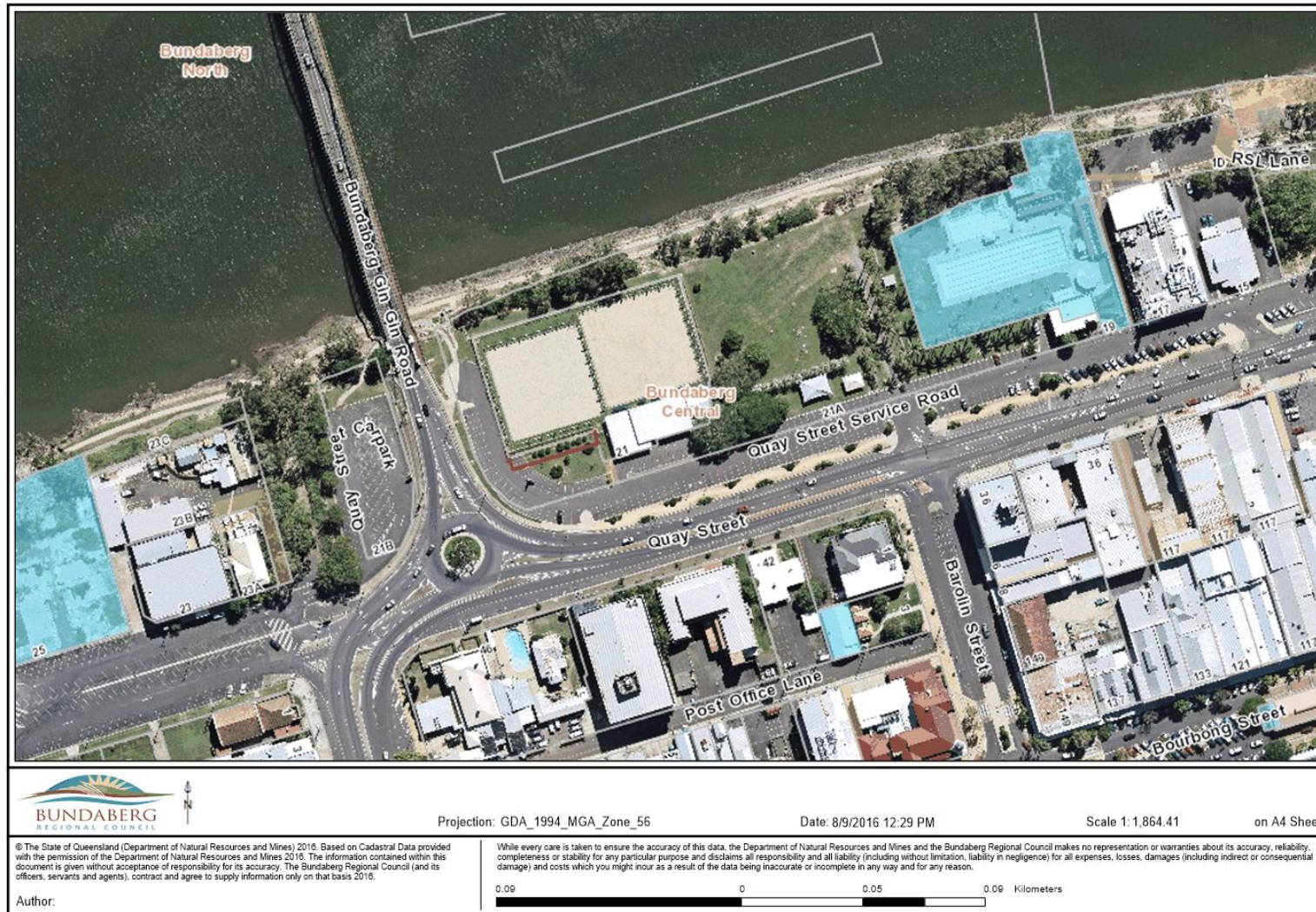
- 1 Aerial photo (close) - Bundaberg Bowls Club
- 2 Aerial photo (wide) - Bundaberg Bowls Club
- 3 Sewer line plan - Bundaberg Bowls Club
- 4 Retaining wall - Bundaberg Bowls Club
- 5 Bundaberg Bowls Club - Letter and Shade Photos

Recommendation:

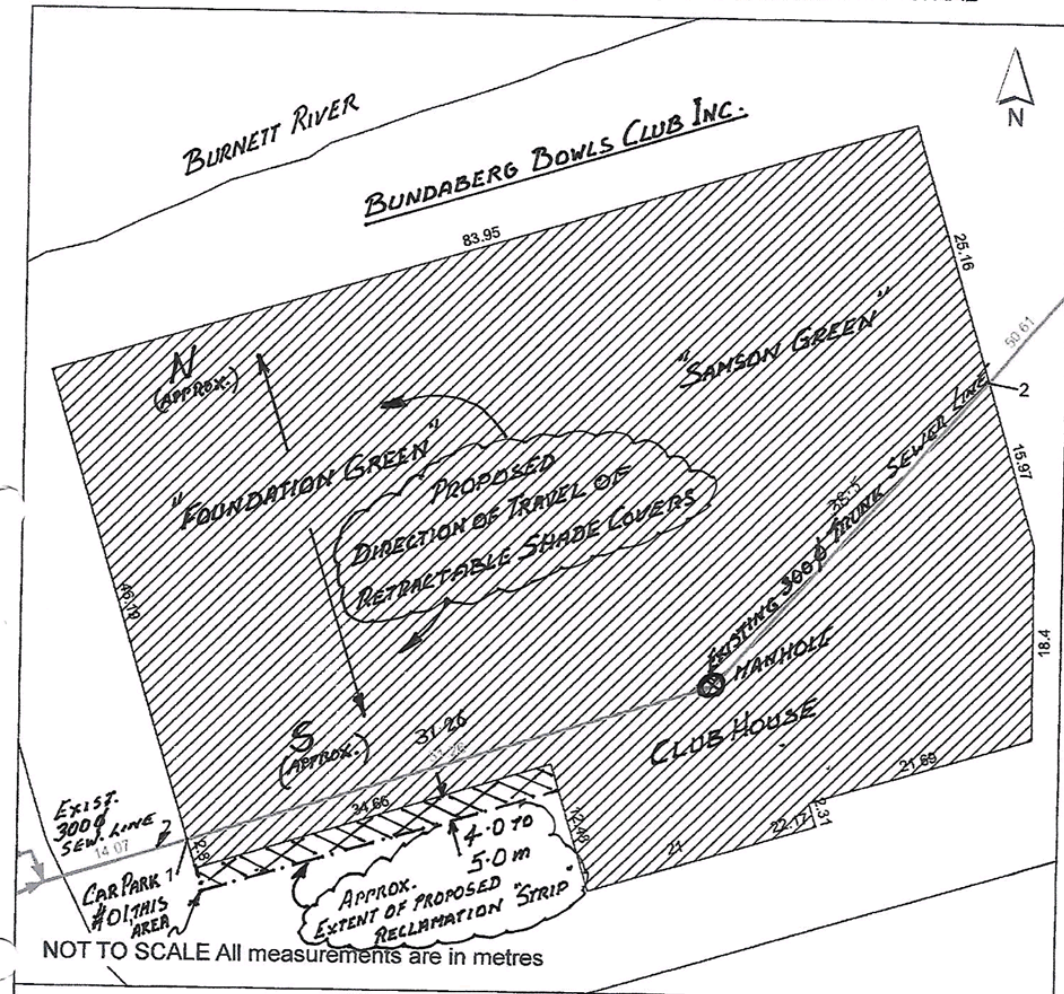
That the Chief Executive Officer be authorised to finalise a Trustee Lease for a term of 5 years to the Bundaberg Bowls Club Inc over an additional portion of land described as Lot 2 on CK3719, located at 21 Quay Street, Bundaberg Central, (being an area of 4 to 5 metres of land parallel to the existing southern boundary of the Club's existing lease area, extending from the clubhouse wall to the car park) for the purpose of constructing a retractable shade cover, subject to the Bundaberg Bowls Club:-

- 1) rectifying any damage to the retaining wall located on the northern side of the lease area to the satisfaction of Council;**
- 2) providing evidence, to the satisfaction of Council, that the construction of the retractable shade cover will not cause damage to the sewer line located approximately 2 metres in from the southern side of their lease area;**
- 3) obtaining all necessary building approvals and certifications; and**
- 4) ensuring that traffic flows in the area are not impeded by the shade cover supports.**





Sewer Depth and Distance for B158222/11, 21 Quay ST BUNDABERG CENTRAL



- 1 - Approximate depth to invert of 300mm diameter pipe at boundary is 4.9m and approximate ground level is 10.97m AHD
- 2 - Approximate depth to invert of 300mm diameter pipe at boundary is 4.37m and approximate ground level is 10.2m AHD

** NOT TO SCALE*

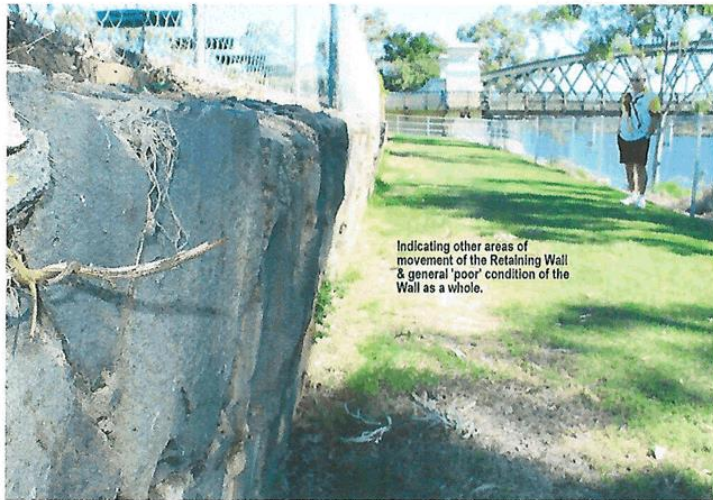
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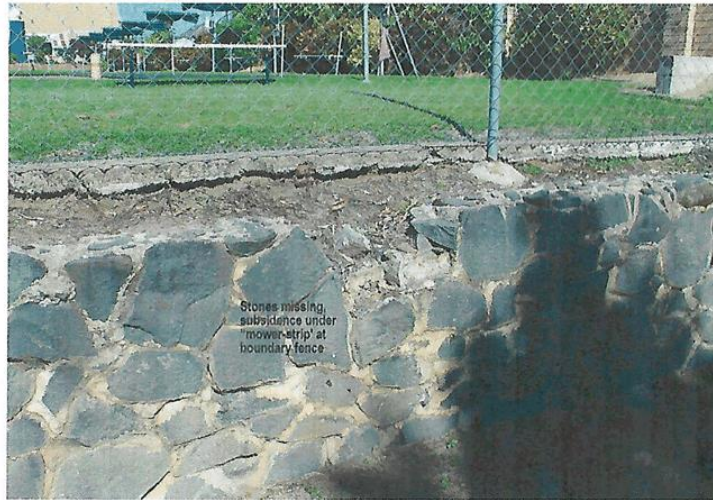


Please Note: You will be held liable for any loss or damage occurring from earthworks in close proximity to council mains and services. The onus is on the persons undertaking any works in the vicinity of this plan to have researched the underground services prior to commencement and exercise due care during all such activities. All distances are estimates only and physical locations should be conducted if high accuracy is required. Depths cannot be relied upon due to other earthworks (e.g. road works, natural erosion etc.) and are provided as a guide only. All care is taken in the preparation of location drawings but NO responsibility is accepted for errors or omissions.

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While every care is taken to ensure the accuracy of this data, DERM and Bundaberg Regional Council makes no representation or warranties about its accuracy, reliability, completeness or stability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way for any reason.





Memo To: Chief Executive Officer, (C.E.O.), Bundaberg Regional Council

From: Bundaberg Bowls Club, (B.B.C.), per Alan Edgerton, (Project Director)

Subject: Request for Property Boundary Extension for B.B.C's Asset Improvements.

Ref: Included/attached documentation. **Date:** 29 May 2016

Dear Peter,

With reference to the above and included, the Bundaberg Bowls Club has an opportunity, at minimum expense, to provide a Retractable Shade Cover to one of our Bowling Greens, viz. the "Foundation Green", (the original and first lawn bowling green established in Bundaberg, 1905). This opportunity is a direct result of a major infrastructure development by the "Sandhills Bowls Club", Bargara where the installation of permanent Shade Structures, to replace the existing Retractable Shades over two of their 'Greens', is scheduled to commence in the coming months. The B.B.Club will inherit the soon to be redundant 'Covers' from the "Sandhills Club" and in compliance with B.R.C's and other regulatory, planning and engineering authority's requirements and procedures, propose to re-install one of the 'Shades' over our "Foundation Green".

Currently the B.B.Club do not have 'Covers' over either of our 'Greens' and with the advent of noticeable increases and duration of Summer temperatures, coupled with the advanced average age of most Lawn Bowlers to include our lady bowlers, it is our fervent wish to provide shade over at least one of our 'Greens'. Additionally we cater for school children of various ages, handicapped and special-school folk and a number of charity social 'bowlers' and organisations as a community service to provide a 'lawn bowling' experience to some who may not otherwise have the opportunities. We as a Club are a 'not for profit organisation' relying on Membership for our being. We have had some success with past Grant applications, mostly non repayable, from various Government and/or Government related agencies and are currently pursuing others. Unfortunately it is a shrinking market with many contenders, very much lessening our chances of success.

The best available option for the B.B.Club's proposal is to install the 'Retractable Shade' over the "Foundation Green" with a North/South trajectory, i.e. from the Burnett River side towards Quay Street. However, an existing 300mm trunk sewer main, installed circa 1970, is located approximately 5.0m to 'top-of-pipe', parallel to and immediately adjacent the east/west perimeter of our 'Green', (please refer to the copy of included Plan). We have had recent discussions with Tony Read, (B.R.C. Plumbing Officer), which resulted in an on-site inspection and the location of this sewer main will apparently present a major problem to our infrastructure improvement proposals.

I have 'marked up' an included copy of B.R.C's Survey/Sewer Plan, 'B.158222/11, 21 Quay St, Bundaberg, (Parish of Bundaberg, & County of Cook), to indicate the approximate location of the sewer main and also to indicate the proposed 'new boundary alignment' as described by exorcising a portion of land, immediately south of the B.B.Club's existing property line, bordered by the Quay Street service road to parking and the Bert Hinkler Memorial'. The area currently consists of a grassed surface with sparse shrub-growth' and previous records indicate that this whole area plus more, was previously occupied by the B.B.Club and ceded to the B.R.Council in times past. The boundaries were then realigned to suit, (please reference the included email from the Dept. of Natural Resources & Mines, 05/05/2016, briefly describing the subject and currently offering no

objection to our proposal and advising our that Club defers to the B.R.C. for, hopefully, a favourable resolution.

The Bundabeg Bowls Club respectfully requests consideration of reclamation of a 'strip' of the previously mentioned 'grassed area', approximately 4.0 to 5.0m wide, parallel to the existing boundary, extending from our Clubhouse wall to the B.R.C's Carpark #01. The request includes reclamation of Carpark #01 as the existing roadway curves towards the B.B.Club's boundary fence-line in this location. The grassed/shrub area in question does not appear to be anything other than of aesthetic value and exorcising the small portion requested should not detract from that existing, but would permit our Bowls Club to install the 'Shade-cover' supports with associated in-ground foundations and necessary footings. Please note, we have been informed that each of the seven (7) support columns required will incorporate a lateral force of approximately seven (7) tonnes once erected. The footings/foundations for each are quite substantial hence this request to install them in compliance with B.R.Council's directives.

The B.B.Club has contacted the Contractor carrying out the proposed work and he has stated his intention of visiting our Club within the next two weeks for a meeting and 'on-site' discussions. Following this event we will be better informed to hopefully progress our proposals. The same Contractor is scheduled to supply and install the permanent shade covers at the 'Sandhills' Club, Bargara in the coming months.

At this time it would seem that the location of the trunk sewer line previously mentioned is a major impediment to our proposed project, but if the suggested 'boundary change' was implemented, we should be able to proceed with the planning for the installation of Retractable Shades over our "Foundation Green". This will enhance our Club's playing conditions and benefit many 'bowlers and potential bowlers' as previously described.

All members of the B.B.Club are eagerly anticipating this opportunity and hopefully a reality, to finally have at least one of our two playing Greens s Shade covered. Unfortunately our Club is not in a financial position to be able to afford the huge expenditure involved with the provision of new shade covers and structures; Alternately this is a 'once-in-a-lifetime' opportunity for us to secure the same result with a very much reduced outlay by re-installation of good, serviceable, second-hand equipment, ex the 'Sandhills' Club, Bargara. We earnestly seek co-operation from the Bundabeg Regional Council to assist in this venture and wish to advise that relevant members of our Committee would be available for further discussions to progress this project at your convenience. Should you require any further relative information please do not hesitate contact me to discuss.

Thanking you in anticipation,

Alan K Edgerton

Project Director, (Bundaberg Bowls Club)

Phs: (07) 4151 8118, mob: 0408 712 100

Email: edgertonae@gmail.com

Proposed location of shade when retracted – Burnett River End



Sandhill Bowls Club example of proposed shade – open and retracted





**Item****27 September 2016****Item Number:**

F3

File Number:

.

Part:GOVERNANCE &
COMMUNICATIONS**Portfolio:**

Organisational Services

Subject:

47 Powers Street, Buxton - New Lease - Buxton Rural Fire Brigade - Lot 273 on RP24483

Report Author:

Nathan Powell, Property Leasing Officer

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

Governance - 4.4.6 A commonsense approach to planning, coordination and consultation

Background:

The Public Safety Business Agency (PSBA) on behalf of the Queensland Fire and Emergency Services (QFES) for Buxton Rural Fire Brigade (the 'Brigade') currently occupy Council freehold land, zoned "community facilities", and described as Lot 273 on RP24483, located at 47 Powers Street, Buxton. The Brigade occupies the land under a License to Occupy Agreement. PSBA respectfully request to enter into a new lease arrangement for the Brigade, for a term of 10 years at the same 'peppercorn' rental as the current arrangement.

Associated Person/Organization:

Public Safety Business Agency and Buxton Rural Fire Brigade.

Consultation:

Development Assessment Manager, Richard Jenner advised that the site is zoned "community facilities" which is the appropriate zoning and reflects the rural fire brigade activity currently being undertaken on the site. It is noted that the site adjoins low density residential zoned land. However, this appears to be a historical use situation and is officers are not aware of any complaints or conflict between the two land uses.

In summary, there is no objection to the lease extension from the Development Assessment Team. However, the team notes for the future that the ongoing use of the land should not impact adversely on the adjoining residential area.

Matthew Dyer, Disaster Management Officer advised Council has a long history of supporting the Rural Fire Service Queensland by providing in-kind support and offers full support to the lease request.

Division 2 Councillor, Cr Bill Trevor has been advised of the matter.

Portfolio Spokesperson, Cr Helen Blackburn has been advised of the matter.

Legal Implications:

It is necessary for tenure to be determined to ensure the legitimate ongoing use of the facility. A lease is an appropriate measure for this.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appear to be no risk management implications.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

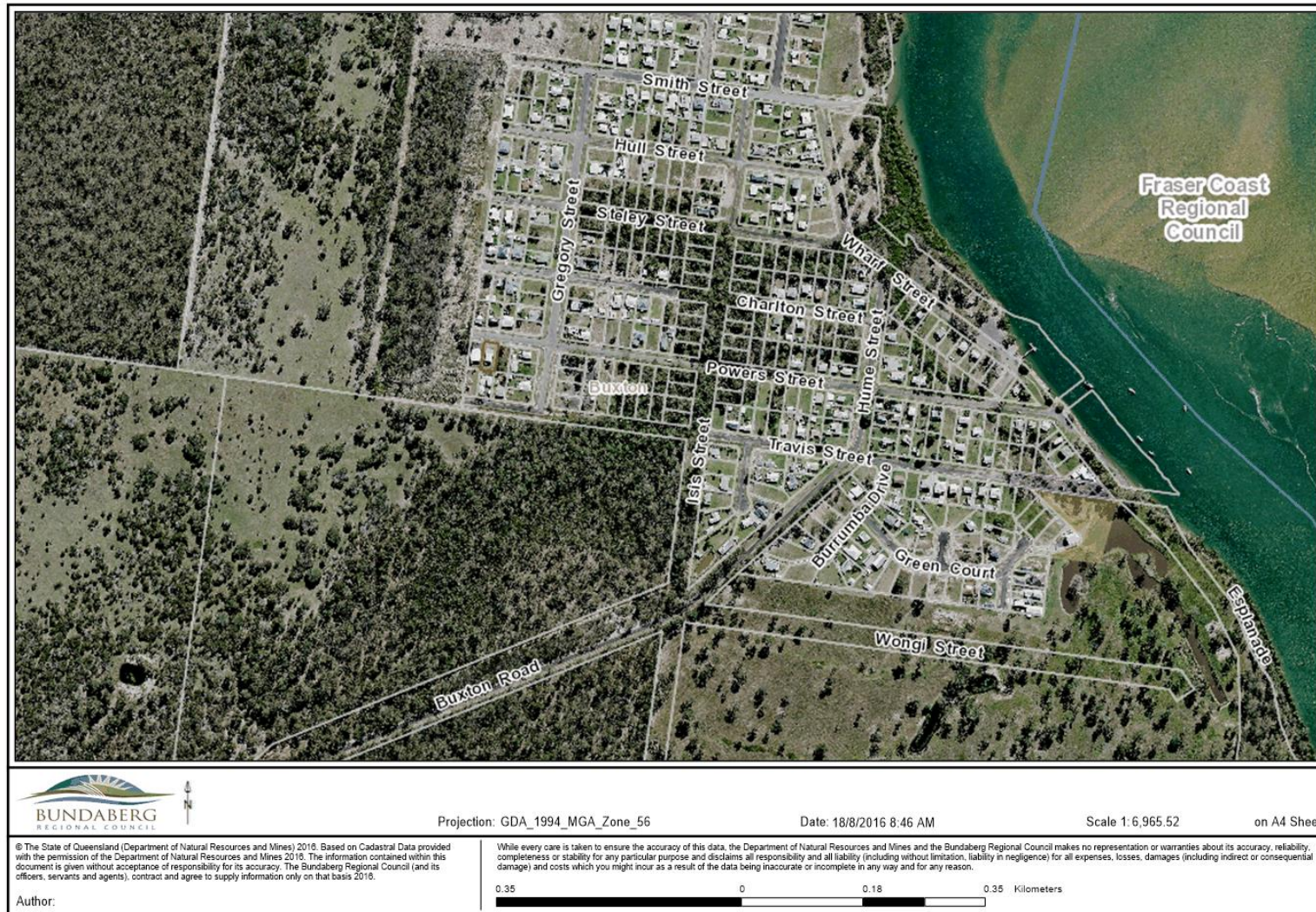
Attachments:

- 1 Aerial photo (close) - Buxton Rural Fire Brigade
- 2 Aerial photo (wide) - Buxton Rural Fire Brigade

Recommendation:

That the Chief Executive Officer be authorised to finalise a 10 year Lease to the Public Safety Business Agency on behalf of the Queensland Fire and Emergency Services, for Buxton Rural Fire Brigade, over land described as Lot 273 on RP24483, situated at 47 Powers Street, Buxton.





**Item****27 September 2016****Item Number:**

F4

File Number:

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Part:GOVERNANCE &
COMMUNICATIONS**Portfolio:**

Organisational Services

Subject:

10 Walla Street, Wallaville - Wallaville Kindy-Care Inc - Request for Lease - Lot 3 on SP227065

Report Author:

Nathan Powell, Property Leasing Officer

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

Governance - 4.4.6 A commonsense approach to planning, coordination and consultation

Background:

Wallaville Kindy-Care Inc (the 'Kindy') currently holds a lease from Council for the "Wallaville Kindergarten Building" on freehold land described as Lot 2 on SP157671, located at 8 Walla Street, Wallaville. The lease commenced 1 December 2013 and expires 30 November 2023.

The Kindy, by email dated 14 July, 2016, requested Council consider offering a ten (10) year lease over the adjoining block described as Lot 3 on SP227065, 10 Walla Street, Wallaville. The parcel is 981 m² in size and is Council freehold land zoned "low density residential". The purpose for the Kindy leasing the neighboring block is to construct a bike track to educate the children on road safety (attachment 4). The proposed location for the bike track is in the south western corner of the block approximately 15 metres x 15 metres (attachment 3). This leaves the car park area unchanged and still allows emergency access to the back gate of the Kindy through the south eastern corner of the block.

Should Council decide to offer the Kindy a lease it would be prudent to coincide the lease expiry date with the current lease, being 30 November 2023, which will reduce future resourcing and lease preparation costs to the Kindy.

It is noted that the subject land was purchased freehold by Council towards the end of 2008 to benefit the long term operation of the Kindergarten by providing an area for carparking and possible expansion of the facilities into the future.

Associated Person/Organization:

Wallaville Kindy-Care Inc

Consultation:

Planning & Development Senior Planner, Gail Downie advised as follows:

“The land is included in the ‘Low Density Residential’ zone. A ‘Child Care Centre’ – premises used for minding, education and care, but not residence, of children – examples include crèche, early childhood centre, kindergarten, outside hours school area – this is Impact Assessable in the Low Density Residential zone.

An Educational Establishment – premises used for training and instruction designed to impart knowledge and develop skills. The use may include outside hours school care for students or on-site student accommodation – an Educational establishment is also impact assessable in the Low Density Residential zone.

There is no benefit in applying for a superseded planning application, as a child care centre is included in the ‘Education or Health premises’ definition and represents Impact Assessable development under the Superseded Planning Scheme”.

Planning Services Engineer, Roads & Drainage Services, Hennie Roux advised Roads and Drainage have no objections in respect to the lease.

Division 3 Councillor, Cr Wayne Honor advised that the land was purchased by Council for car parking post amalgamation. This was to solve the lack of parking and the danger associated with children being dropped off on the street frontage. Cr Honor offers no objections to the lease being granted to Wallaville Kindy-Care, as long as all parking, safety, and alternative use issues are addressed.

Portfolio Spokesperson, Cr Helen Blackburn offers no objection to the proposal.

Legal Implications:

It is necessary for tenure to be determined to ensure the legitimate ongoing use of the facility. A lease is an appropriate measure for this.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

Entering into a Lease will transfer risk in relation to safety and public liability over the land. There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

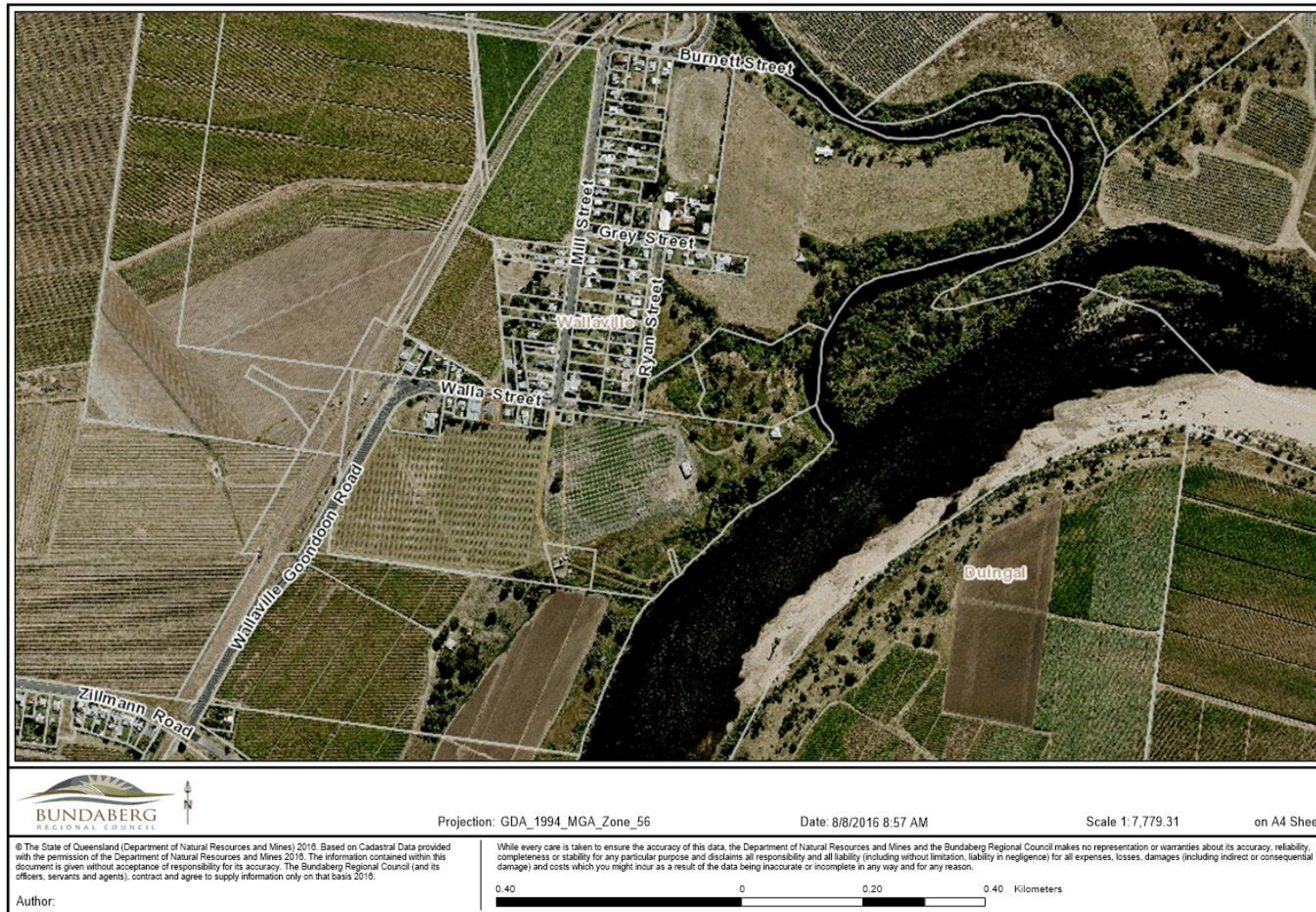
- 1 Aerial photo (close) - Wallaville Kindy-Care Inc
- 2 Aerial photo (wide) - Wallaville Kindy-Care Inc
- 3 Aerial photo - Bike track area - Wallaville Kindy-Care Inc
- 4 Plan of proposed bike track - Wallaville Kindy-Care Inc

Recommendation:

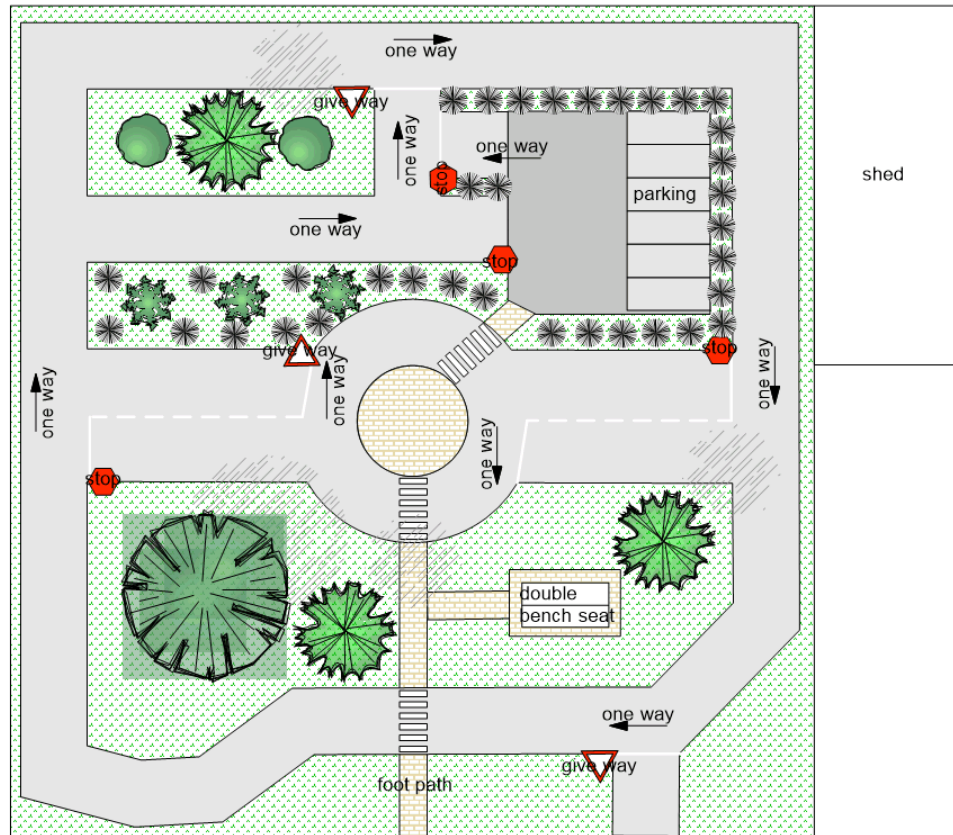
That the Chief Executive Officer be authorized to finalise a Lease with Wallaville Kindy-Care Inc., over Land described as Lot 3 on SP227065, located at 10 Walla Street, Wallaville, subject to:-

- 1. the Kindy meeting all Council planning (Material Change of Use) and building requirements and being responsible for all associated costs;**
- 2. the expiry date coinciding with the current lease, being 30 November 2023; and**
- 3. all parking and safety issues being addressed to the satisfaction of Council.**









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landscaping & pools

Client:	Date: 28.6.2016	Issue
Walaville Kindy	Drawn By: Peter Moller	V1
Project Address:	Scale: measurements To be confirmed on site	
8 Walla street	<u>Approve for Construction</u>	Project No:
	Sign..	2320

**Item****27 September 2016****Item Number:**

G1

File Number:

-

Part:

INFRASTRUCTURE

Portfolio:

Infrastructure & Planning Services

Subject:

Fleet Management Advisory Committee

Report Author:

Valerie Andrewartha, Executive Assistant

Authorised by:

Andrew Fulton, General Manager Infrastructure & Planning

Link to Corporate Plan:

Governance - 4.4.5 Responsible financial management and efficient operations

Background:

In accordance with Council's resolution, the Fleet Management Advisory Committee met on 16 August 2016. The Minutes and associated attachments from this meeting are submitted for Council's information.

The matter pertaining to the Use of Council Vehicles Governance Policy (GP-3-005) will be referred to Council for consideration along with other Governance Policies separately.

Associated Person/Organization:

Fleet Management Advisory Committee

Consultation:

Nil.

Legal Implications:

There appear to be no legal implications.

Policy Implications:

The Use of Council Vehicles Governance Policy (GP-3-005) was discussed at this meeting however, will be referred to Council in a future report.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 Minutes of Meeting - 16082016
- 2 Attachments - 16082016 - Confidential

Recommendation:

That the minutes (and associated attachments) of the Fleet Management Advisory Committee meeting held of 16 August 2016, be received and noted by Council.



MINUTES
FLEET MANAGEMENT ADVISORY COMMITTEE
16 August 2016

Where	Burnett Meeting Room, Bargara
When	Tuesday, 16 August 2016 – 9.30am
Attendees	Cr. Bill Trevor – Councillor Cr. Wayne Honor – Councillor Andrew Fulton – General Manager Infrastructure & Planning Andrew Railz – Manager Fleet Services
By Invitation	Barry White – Procurement Co-Ordinator Gavin Crawford – Manager Waste & Health Services Geordie Lascelles – Branch Mgr Parks, Sport & Natural Areas Wayne Hobden – Technical Officer Landfill Operations Karl Zimmerlie – Assistant Treatment & Reticulation Coordinator
Apologies	Anthony Keleher – Manager Financial Accounting Michael Egan – Group Manager Support Services John Kelly – Manager Strategic Finance
Chair	TBA
Minute Taker	Valerie Andrewartha – Executive Assistant
Next Meeting	October 2016

1. Welcome

Cr. Wayne Honor welcomed everyone to the meeting and apologies noted.

Minutes of the previous meeting of 6 May 2016 were accepted as read.

Moved: Andrew Railz

Seconded: Cr. Bill Trevor

2. Business

(a) Matters Arising from Previous Minutes

• Business Case – Airside Mowing Machine

Andrew Fulton advised that this was an outstanding issue of the previous Council. The issue pertains to the mowing of the airport in the most cost effective way to undertake this, ie. Council Vs Contractor along with the range of plant at the airport and utilisation of same.

Fleet Management Advisory Committee**16 August 2016**

Geordie Lascelles advised that there are some issues with respect to utilising a Contractor due to CASA legislation which provides instructions on who can access airport land.

Andrew Fulton suggested that, at this point in time, the matter be considered closed however could be re-assessed in the future.

Action/s:- Item to be closed (*Valerie Andrewartha*)

(b) New Business

- **Vehicle Usage Policy (GP-3-005)**

The Policy GP-3-005 has been revised. Andrew Fulton provided an overview of Council's current policy and the changes made which now form the new policy. The following changes are highlighted:-

- All future provision of private use will be through novated leases;
- Policy limits the use of Council's fuel card to 600km from Bundaberg Post Office when vehicle is being utilised for private use;
- Vehicle replacement schedule is the same for Councillor and operational vehicles;
- Policy wording has been rationalised.

Andrew also advised that the provision of "On Call" usage may however trigger issues with FBT and this requires further investigation.

Action/s:- Amend to new Policy where required (*Andrew Fulton/Valerie Andrewartha*)
Submit to Council for approval (*Andrew Fulton/Valerie Andrewartha*)

- **Plant Hire Rates**

Andrew Railz presented a PowerPoint presentation on Plant Hire Rates (for discussion) which provided an overview on the calculation of plant hire rates, plant usage (hours used Vs hours booked) and alternatives available for plant hire charging.

Andrew Fulton advised the Committee that before decisions with regard to plant hire rates can be made, the Committee needs to consider and determine how fleet is to be strategically provided in the most cost effective way to meet the organisation's needs.

It was determined that Andrew Fulton & Andrew Railz would provide to the next meeting a comparative analysis of the provision of specific fleet classes via various procurement mechanisms.

Fleet Management Advisory Committee**16 August 2016**Damage to Plant

Andrew Railz also raised the issue of damage caused to plant as a result of operator misuse and whether the cost for repair should be on-forwarded to the relevant Section, noting that no Service Level Agreement currently exists.

The Committee agreed that in cases where abuse was obvious, the cost of repairs should be borne by the Section responsible for the damage. This would provide greater transparency of the costs of misuse and facilitate its management.

Minor Plant

Andrew Railz also presented a PowerPoint presentation on Minor Plant.

Some discussions were had regarding repair cost Vs replacement cost and the quality of the plant purchased.

Action/s:- Discussions on Plant Hire Rates (*Andrew Fulton & Andrew Railz*)

- Roads & Drainage Haul Trucks

Deferred.

Action/s:- Next Meeting (*Valerie Andrewartha*)

- Business Case – Purchase by Waste of Water Truck (from Roads & Drainage)

Gavin Crawford provided an overview of why a water truck is required including dust control issues and assisting with compaction. Gavin advised that such plant would also help in such instances such as spot fires. A water truck is proposed to be disposed of from Roads & Drainage, however, it is considered suitable for use in a landfill given the low kilometres and off-road nature of usage. Given this environment, the Committee considered that the retention of the truck would not cause unnecessarily financial risks. The Committee agreed to remove the Water Truck from its current disposal schedule and reallocate to Waste for a period of five (5) years.

Action/s:- Fleet Services to arrange delivery of Plant to Waste (*Andrew Railz*)

- Business Case – New Trailer (Water & Wastewater)

Karl Zimmerlie presented the Business Case (attached) to purchase a new trailer from unallocated funds in the current Plant Replacement Program. The trailer is estimated to cost \$15,350 and will be utilised to transport numerous items, in particular, a bobcat within the Hinterland area.

Fleet Management Advisory Committee**16 August 2016**

The Committee agreed that the Business Case identifies efficiency improvement resulting from the purchase and as such, the Committee agreed to this purchase.

Moved: Cr. Trevor

Seconded: Andrew Railz

Action/s:- Fleet Services to undertake procurement of requested trailer from unallocated funds (*Andrew Railz*)

- FBT of Residual Vehicles

Noted.

Action/s:- None.

- 2016/2017 Plant Replacement Program UPDATE

Barry White provided an overview on the current status of the 2016/2017 Plant Replacement Program/procurement. Barry advised that the program is significantly advanced and satisfactorily progressing.

Action/s:- None.

3. Reports

- (a) **Monthly Report/s** (attached)

Monthly Reports for May, June and July 2016 were distributed for information. Discussion to be carried over to next meeting.

5. Next Meeting – October 2016

Thanks & Close

Close – 11.30am

**Item****27 September 2016****Item Number:**

I1

File Number:

.

Part:

WATER & WASTEWATER

Portfolio:

Infrastructure & Planning Services

Subject:

Fees & Charges Schedule for Plumbing Approvals - "Fast Track Pipeline".

Report Author:

Harry Ballinger, Manager Water & Wastewater Support Group

Authorised by:

Andrew Fulton, General Manager Infrastructure & Planning

Link to Corporate Plan:

Environment - 4.2.3 The provision of quality infrastructure that meets the region's current and future needs

Background:

In recent times there have been a number of requests for Council to undertake plumbing inspections within shorter timeframes than required by the regulatory/normal processing timeframes. Under the principle of full cost recovery, it is considered that the most appropriate way to provide expedited customer service is to reflect the cost of accelerated approval times to five (5) working days or less and provide a two level Fees and Charges structure:

- Normal processing timeframes (Fees & Charges as per adopted Fees and Charges Schedule) – to remain as currently adopted; and
- Fast Track Pipeline Applications (Fees & Charges as per adopted Fees and Charges Schedule plus 30%)

Associated Person/Organisation:

Revenue Manager, Financial Services.

Consultation:

Cr Jason Bartels, Portfolio Spokesperson.

Media Releases will be undertaken prior to the implementation of the updated Fees & Charges Schedule.

Council's revenue section have been consulted on this measure.

Legal Implications:

There appears to be no legal issues associated with these charges.

Policy Implications:

There appears to be no policy implications.

Financial and Resource Implications:

Higher fees and charges are required to offset overtime required to be undertaken by Officers to meet the expedited timeframe requirement.

Risk Management Implications:

A risk management workshop shall be held to identify potential risks and mitigation measures.

Communications Strategy:

A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 'Fast Track Pipeline' - Fees & Charges Schedule

Recommendation:

That the Fees & Charges Schedule (adopted by Council at its meeting of 28 June 2016) be amended to reflect the 'Fast Track Pipeline' Fees & Charges as detailed on the Schedule (2 pages) appended to this report.



'Fast Track Pipeline' Fees & Charges Schedule

Reference Number	Description	Unit	Normal Priority	Fast Track Pipeline (5 days)
4.3.1.1	Application for Assessment of Plans for Compliance Permit, Inspections for different Stages or work and Compliance Certificate for Regulated work for premises connected to sewerage			
	Class 1 or 1a Dwellings (including Water Saving Targets) - Maximum 10 fixtures	each	\$794.00	\$1032.00
	Each additional fixture	each	\$39.00	\$50.00
	Class 1 & 1a dwellings, sheds, ensuites, application for the installation of 1 fixture only or applications for one stage of work only (e.g. under slab drainage only, sink, basin)	each	\$397.00	\$516.00
4.3.1.2	Minor installations (more than 1 fixture maximum 3 fixtures) e.g. ensuites, shed with shower, toilet, basin) or Class 1a Alterations/Additions			
		each	\$585.00	\$760.00
4.3.1.3	Application for assessment of amended plans for amended Compliance Permit			
		each	\$221.00	\$287.00
4.3.1.4	Application for assessment of amended plans for amended Compliance Permit (class 2 to 9)			
		each	\$277.00	\$360.00
4.3.2.1	Application for Assessment of Plans for Compliance Permit, Inspections for different stages of work and Compliance Certificate for regulated plumbing, drainage and on-site sewerage facility work for premises in unsewered areas.			
	Class 1 or 1a dwellings (maximum 10 fixtures)	each	\$1,181.00	\$1535.00
	Each additional fixture	each	\$39.00	\$50.00

Reference Number	Description	Unit	Normal Priority	Fast Track Pipeline (5 days)
	Class 1 & 1a dwellings, sheds, ensuites, application for the installation of 1 fixture only or application for one stage of work only (e.g. under slab drainage only, sink, basin)	each	\$497.00	\$646.00
	Small installations (more than 1 fixture) (e.g. ensuites, sheds with shower, toilet, basin) or Class 1a Alterations/Additions and a new or amended on site sewerage facility installation	each	\$1,115.00	\$1449.00
	Installation (more than 1 fixture) e.g. (ensuites, shed with shower, toilet, basin) or Class 1a Alterations, Additions to the existing on site sewerage facility of Class 1a new dwelling	each	\$882.00	\$1146.00
	Application to build, amend, alter or change an on-site sewerage facility and includes any alterations to drainage to the on-site sewerage facility	each	\$674.00	\$876.00
	Assessment of amended design for the plumbing, drainage and/or on site sewerage facility for amended compliance permit (note: new installation)	each	\$221.00	\$287.00
	Application for assessment for a compliance permit to disconnect and remove an on-site sewerage facility	each	\$441.00	\$573.00
	Additional inspection for work associated with plumbing and drainage and on-site sewerage facility installations	each	\$233.00	\$302.00
4.3.2.1.1.1	Application for assessment for compliance permit for plumbing and drainage and the on-site sewerage facility for premises other than a sole occupancy dwelling (including up to 10 fixtures) Class 2 to 9 buildings (e.g. units, amenity buildings, industrial, commercial buildings, processing plants/factories etc.)			
	Up to 10 fixtures per building or two units	each	\$1,103.00	\$1433.00
	Over 10 fixtures per building or two units (per each additional fixture)	each	\$56.00	\$72.00
	Minor installations (Maximum 3 fixtures)	each	\$640.00	\$832.00



Item

27 September 2016

Item Number:	File Number:	Part:
K1	322.2016.45920.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

195 Esplanade & First Avenue Woodgate - Material Change of Use for Tourist Park (Caravan Park over 5 stages)

Report Author:

Merinda Honor, Planning Officer

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

Governance - 4.4.6 A commonsense approach to planning, coordination and consultation

Summary:

APPLICATION NO	322.2016.45920.1
PROPOSAL	Material Change of Use for Tourist Park (Caravan Park over 5 stages)
APPLICANT	Mills Carter Properties Pty Ltd, c/- Insite SJC
OWNER	Mills Carter Properties Pty Ltd
PROPERTY DESCRIPTION	Lot 5 on RP226324
ADDRESS	195 Esplanade, Woodgate
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Part Neighbourhood Centre Part Limited Development (Constrained Land)
OVERLAYS	<ul style="list-style-type: none"> • Acid Sulfate Soils: Area 1 – land at or below 5 metres AHD • Coastal Protection: Sea Turtle Sensitive Area • SPP Coastal Protection: Erosion Prone Areas & Coastal Management District • SPP Agricultural Land – part Class A • SPP Biodiversity: MSES Wetlands buffer • Flood Hazard: Storm Tide Inundation Area
LEVEL OF ASSESSMENT	Impact
SITE AREA	1.113 hectares
CURRENT USE	Hotel/Motel
PROPERLY MADE DATE	23 June 2016
STATUS	The 40 business day decision period ends 27 September 2016
REFERRAL AGENCIES	Nil
NO. OF SUBMITTERS	Nine (9) properly made submissions
PREVIOUS APPROVALS	Nil

SITE INSPECTION CONDUCTED	30 June 2016
LEVEL OF DELEGATION	Level 3

1. INTRODUCTION

1.1 *Proposal*

The Applicant seeks approval for a Development Permit for a Material Change of Use for a Tourist Park (Caravan Park) in five stages. The proposal involves the following:

- A Caravan Park consisting of 27 sites (20 caravan/camping sites and seven RV sites);
- A camp kitchen consisting of sinks and bench tops, barbecues, tables and chairs and an undercover dining area;
- An ablution facility;
- A laundry; and
- A Storage Shed.

The proposal will be located on the southern side of the existing Hotel/Motel (Woodgate Beach Hotel). The caravan/camping sites will vary in size, and will all remain grassed (no concrete slabs) and will be large enough to accommodate a caravan, tent or similar camping configuration. Six (6) sites will be powered, and all will be conveniently located close to the camp kitchen ablution facilities and laundry. Seven (7) larger unpowered RV sites are proposed along the north-west boundary to accommodate larger self-contained vehicles.

The development is proposed to be staged as follows:

- Stage 1: Development of six (6) powered sites and a temporary/relocatable ablution facility;
- Stage 2: Replace the temporary/relocatable ablution facility with a permanent ablution facility; a camp kitchen, build the laundry and create four (4) unpowered sites (10 sites in total for Stages 1 and 2);
- Stage 3: Development of a further nine (9) unpowered sites (19 sites in total for Stages 1, 2 and 3)
- Stage 4: Development of four (4) RV sites (23 sites in total for Stages 1, 2, 3 and 4);
- Stage 5: Development of a further three (3) RV sites, one (1) large tent site, and the storage shed (approximately 12 metres by 12 metres – 144m²) (27 sites in total for all five stages)

Vehicles will enter the site via the Esplanade and exit the site via First Avenue – vehicle circulation through the site would be one way. The exit at First Avenue will be left turn only to ensure vehicles limit movements through the surrounding residential area. There is an existing sealed driveway through the site (marked “6 metres wide road on the site plan”). It is proposed that the internal four (4) metre wide driveway servicing Stages 1, 2 and 3 is not sealed until the end of Stage 3.

An informal driveway would provide access to the powered sites in Stage 1 and unpowered sites in Stage 2, which would be upgraded as part of Stage 3.

The proposal will employ two (2) full-time equivalent employees, being an on-site caretaker and a site manager.

The proposal incorporates a two (2) metre wide landscaped strip along the First Avenue frontage (excluding exit driveway) and two (2) metres wide landscaping to half of the southern property boundary adjoining the proposed camping sites.

The camping kitchen and ablution facilities are proposed immediately adjacent to the southern side property boundary, with no landscaping proposed between these buildings and the residential lot and the site.

The Applicant proposes a maximum stay of 14 days for visitors with no permanent accommodation permitted.

1.2 Site Description

The site comprises a large single parcel of land containing an area of 1.113 hectares and with frontage to both the Esplanade (40 metres) and First Avenue (88 metres). The site is currently occupied by the Woodgate Beach Hotel Motel which addresses the Esplanade.

The site falls from approximately RL 4.5 metres at the Esplanade frontage to RL 2.5 metres at the First Avenue frontage.

The whole of the site is located within the storm tide inundation area. The front proportion of the site addressing the Esplanade is located within the Neighbourhood Centre zone, with the balance of the site located within Limited development (constrained land) zone.

Surrounding land uses include single dwelling houses to the north-east, south and south-west, with the Woodgate Wetlands to the north-west.

2. ASSESSMENT PROVISIONS

2.1. Applicable Planning Scheme, Codes and Policies

The applicable local planning instruments for this application are:

Planning Scheme: Bundaberg Regional Council Planning Scheme 2015

Applicable Codes:

- Neighbourhood centre zone
- Limited development (constrained land) zone
- Acid sulfate soils overlay code
- Biodiversity areas overlay code
- Coastal protection overlay code

- Flood hazard overlay code
- Infrastructure overlay code
- Relocatable home park and tourist park code
- Landscaping code
- Nuisance code
- Transport and parking code
- Works, services and infrastructure code

Applicable Planning Scheme Policies:

- Planning scheme policy for development works
- Planning scheme policy for waste management

2.2 State Planning Instruments

The Bundaberg Regional Council Planning Scheme 2015 has been endorsed to reflect the state planning instruments.

3. ISSUES RELEVANT TO THE APPLICATION

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

Services and Infrastructure

Water

The site has an existing 50mm service connection. Internal hydraulics analysis is necessary to subsequently undertake external supply network analysis to determine if sufficient flows are available to service the proposal. Any upgrade to existing water reticulation provisions will require an Operational Works permit.

Sewerage

The site has existing reticulated sewerage service connections including two (2) vacuum chambers. A site inspection confirms that the existing motel and hotel are connected to one (1) chamber each. One (1) chamber has a spare connection including an above ground marker. A full site hydraulics analysis to determine EP's is likely to be required to determine capacity to service the proposal with existing provisions. Any upgrades to existing reticulation provisions will require an Operational Works permit.

Stormwater

The sandy soil composition of the site tends to considerably reduce the likelihood of problematic ponding issues. Existing site contours and underground stormwater infrastructure generally appear to drain the site in a satisfactory manner with internal surface sheet flows and underground system discharging to the external reticulation network that traverses the First Avenue site frontage.

External field gully pits overlaid with a surface swale drain are available within the First Avenue frontage for connection of any further necessary upgrades of internal drainage provisions. Council's external system discharges onto the adjoining tidal wetland area through an outlet headwall and open channel terminating within the road reserve at the embankment marking the common boundary between First Avenue, the subject development lot and the adjoining tidal wetland. Upgrade/expansion of the internal underground drainage system will require an Operational Works permit.

Roadworks and Access

The proposal report states that one-way circulation through the development site is intended with left out only onto First Avenue. It is considered reasonable to require sufficient driveway provisions to permit the appropriate design vehicle (ie caravan combinations and motorhomes) to exit the site without encroaching across the First Avenue road centreline. For safety, road centrelines will need to be marked for at least the length of site frontage and directional arrows and signage positioned to indicate appropriate traffic flow and entry restrictions.

Table SC6.3.3.4.4.1 of the *Planning scheme policy for development works* states that access streets should have 8m road width, 3.5 metre lane width and M1 kerbing. In the vicinity of the subject development site, First Avenue has about eight (8) metre road width with M1 kerbing only on the opposite side. The unkerbed grass shoulder in the development site frontage grades to the table-drain swale where grated pits (mentioned above) receive stormwater flows from that section of roadway. The existing surface profile grades evenly from the bitumen seal to the table-drain invert. Maintaining the existing drainage characteristics of First Avenue is considered the most viable solution therefore the installation of edge beam kerbing flush with seal surface is appropriate rather than any invert type kerb which would require significant reshaping of surrounding finished surface levels and result in reduced efficiency of the existing stormwater drainage provisions. This solution will allow for future transition to the mountable kerb recently constructed on narrower alignment three lots further east at rear of 191 Esplanade.

Provision of at least a minimal level of underground drainage of new internal roadway construction is considered relevant and reasonable for controlling discharge from minor storm events, as is sealing the surfaces of internal roads, hard stand and manoeuvring areas in a progressive manner as development stages progress.

Determination of specific details regarding external road and access provisions requires an application for Operational Works approval, however internal provisions can be self assessable.

Flooding/Storm Tide Inundation

As detailed earlier this report, the site is subject to storm-tide inundation however is not in a high hazard area. The Flood hazard overlay code aims to ensure that development protects people and avoids or mitigates the potential adverse impact of flood and storm tide inundation on property, economic activity and the environment.

It is noted that the introduction of a tourist park with 27 camp sites would increase the number of people residing in an area of storm tide inundation. It is considered that as the visitors to the tourist park are transient with no permanent residential occupation, with the following recommendations, the development can be adequately conditioned to achieve the outcomes of the Flood hazard code:

- The development will be required to provide a Flood/Storm tide Evacuation Plan for the whole site to ensure that the potential risk to people and damage to property on the site is avoided or minimised; and
- The proposed development is to be restricted to a maximum occupancy of 27 camp sites.

Use/Amenity

The intent of the Relocatable home park and tourist park code is to ensure that tourist parks are appropriately located and are designed in a manner which meets the needs of residents and visitors and protects the amenity of surrounding premises. The proposed development does not achieve a number of acceptable outcomes of the Code. The following commentary is provided:

Lot Size

The proposed tourist park is located on a site which is less than the two (2) hectares (1.113 hectares) recommended in the code. Despite this non-compliance with site area, it is considered that the tourist park is located on a site of an appropriate size given that the residential density does not exceed 30 sites per 1 ha (refer to AO6.1) and the site adjoins a large wetland area.

Amenity

The planning scheme details that a tourist park should:

- Be provided with a 1.8 metre high fence of the full length of any property boundary adjoining an existing residential use; and
- A three (3) metre wide landscaping strip to the front and side and rear property boundaries.

The Applicant details that landscaping buffers and 1.8 metres high solid screen fences are to be provided. The submitted site plan identifies two (2) metre landscaping strips along the First Avenue frontage and southern side property boundary only. There is no mention/identification of the location of fencing. The subject site is bound on two (2) sides by residential dwellings and it is therefore considered that the proposed landscaping and fencing is insufficient. Additionally, the Applicant proposes to construct the camp kitchen/ablution facility on the boundary with no setbacks. Given the concerns raised by the submitters during the public notification period, it is recommended that a minimum of three (3) metre wide landscaping strip be provided to the site as follows prior to the commencement of Stage 1; as detailed below:

- Along the full length of First Avenue; and
- Along the south-eastern (side) property boundary for a minimum distance of 87 metres measured from the First Avenue frontage.

Additionally, fencing has be conditioned to be provided as follows:

- Provide prior to the commencement of Stage 1, a 1.8 metre high solid no-gap screen fence to the following boundaries of Lot 5 on RP226324, where such fencing does not currently exist:
 - a. Along the north-western (side) property boundary for a minimum distance of 52 metres commencing from the rear of the Hotel as identified on the approved plans; and
 - b. Along the full length of the south-eastern (side) property boundary.

It is anticipated that these measures will reduce impacts of the use on the amenity of adjoining and nearby residential areas.

The relocatable home park and tourist park code also details requirements for privacy and separation of camp sites to provide a reasonable level of privacy and separation to all residential within the tourist park. This requirements relates to separation of sites, setbacks from boundaries and internal road, dimensions of sites etc. The proposed tourist park is for temporary stays only (up to 14 consecutive nights). Furthermore, the size of the camp sites (10 metres by 8 metres) and RV sites (6 metres by 20 metre) are appropriate when considered in conjunction with the requirement of landscaping and fencing as detailed above.

Public Notification

The following matters were raised by submitters:

Grounds of Submissions		Considerations
Amenity		
1.	The area is in suburbia. The ablution block and communal recreation area is too close to adjoining properties.	Noted. The development has been conditioned to ensure that the temporary and permanent ablution block and communal recreation area is a minimum of three (3) metres from any property boundary.
Roadways & Traffic		
2.	The roadway should be one-way, the entrance on the Esplanade and exit at First Avenue. This would slow down the drunks and stop of noise as they do burnouts at high speeds down the Esplanade.	Access to the tourist park is via a one (1) way internal road, with access from the Esplanade and exit via First Avenue only.
3.	Increased traffic has damaged grass areas, gutters, driveways, and bitumen. This damage remains. In addition increased traffic will impact on the safety of pedestrians and bike riders, many of whom are families.	Noted. This development will be conditioned to upgrade First Avenue with road widening, kerb and channel etc. prior to the first staging occurring.
Amenities		
4.	The construction of temporary amenities is not in line with current local laws and requirements and heavily relies on temporary installations. Caravan Park operations have the potential to attract high numbers of visitors and a temporary solution is not satisfactory and irresponsible. It also raises concerns in respect to the environmentally sensitive nature of a caravan park operation and	Noted. The Applicant proposes that the temporary amenities facilities are to be provided for Stage 1 only. To allow the use to be established, the development has been conditioned to require that the temporary ablution facilities are to only be used for Stage 1. The

	there is a real need to ensure appropriate facilities are in place to protect, conserve and minimise risk and damage.	temporary ablution facilities must be replaced with a permanent ablution facility and camp kitchen in Stage 2 or within 18 months of the use commencing whichever occurs first.
Amenity		
5.	During the peak periods, the grass onsite will turn to dust due to the high volumes of traffic and of course the length of time vans will be shielding the grass from natural sunlight. The grass will die and dust will replace. The current solution regarding dust emissions is not appropriate.	Noted. Conditions regarding dust or airborne nuisance have been included.
6.	The installation of appropriate lighting to limit trip hazards and personal safety is a requirement under the Workplace Health & Safety Act. The current solution in respect to light spillage is not appropriate.	Agreed. Conditions regarding lighting have been included so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.
7.	The proposal that a resident manager would supervise the site at “ <i>all responsible times</i> ” is deliberately non-descriptive and not appropriate for a caravan park operation. A full-time manager is a necessary element of a caravan park operation.	Noted. The development has been conditioned to ensure the Tourist Park is at all times operating under the supervision and management of a Tourist Park manager.
8.	<p>The Caravan and Camping development has already been operating for nearly 6 months unlawfully prior to the currently submitted development application. This period gave the local residents a very clear picture as to how the development would be operated and the lack of consideration the owners of the Hotel have for local residents, Council and Government regulations as follows:</p> <ul style="list-style-type: none"> • Holding special events externally without any permits,; • Drunken revellers/ campers with no regard for neighbouring properties,; • I note that there is a so-called existing shed on the property located directly behind the Hotel, however this is actually two separated shipping containers with a roof over which I believe no permits in place, foundation or tie down as required under legislation, but has been ignored to date by all parties. • Having observed the previous caravan and camping ground which “<i>popped up</i>” at the back of the Woodgate Hotel, we have witnessed the negative impact. 	The alleged unlawful camping activities at the site ceased following Council’s compliance action and the current material change of use application submitted to Council for assessment. Past unlawful operations were undertaken without formalised camping area, fencing, land signage and condition aimed at limited amenity impacts to the surrounding locality.
9.	<p>“Woodgate Beach already has a large, dedicated, well-established, expertly run caravan park and many holiday rentals, along with Hotel accommodation to cater for the accommodation needs of those seeking a holiday at Woodgate Beach.”</p> <p>“We already have a large and existing dedicated commercial car, caravan, camping Park in Woodgate Beach that more than caters for the</p>	Noted.

	<p>influx of visitors and tourists to the township for approximately 44 of the 52 weeks in a year. This current operator should not have his commercial business threatened by a competitor for these 44 weeks. I am more than happy to the Hotel owners to provide a temporary car and camping service <u>when and only when</u> (as I would hate the local Bundaberg regional economy miss out on tourist dollars) when the current car/ caravan/ camping park commercial operator in Woodgate Beach is at capacity – which generally only for about 40 days in a year.</p>	
<p>Fencing and Landscaping</p>		
10.	<p>Trees and shrubs should be planted along the northern boundary to block some of the inevitable noise.</p>	<p>Landscaping and fencing can be conditioned in any approval.</p>
11.	<p>How will the interfaces between land uses be effectively managed to protect residential uses?</p>	<p>The site is adjoined to the south by two (2) Medium Density Residential zoned lots, each containing a single dwelling house, and to the north by a single “Low Density Residential” zoned lot, also containing a dwelling. In accordance with the planning scheme a 1.8 metre high (minimum) solid fence will be conditioned. Furthermore, three (3) metre wide landscaped strip will be conditioned to be provided to the First Avenue, and along a portion of both side boundaries. This landscaped strip will further site the proposed “camp kitchen and ablution facilities” at least three (3) metres from the side property boundary and thereby separating potentially noisy activities or mechanical plant uses adjoining an existing residential use.</p>
12.	<p>The Applicant has advised that the plans do not allow for a divider fence between the site and adjoining lots. Any fence to be constructed would need to provide privacy and reduce noise to nearby properties.</p>	
<p>Other</p>		
13.	<p>Lack of information supplied and clarity of application. The submitter is unable to get a clear picture of both specific proposals for infrastructure and also intent within time-frames. It is difficult to comment on the suitability and compliance with the scant details provided.</p>	<p>Noted. It is considered that the level of information provided is sufficient to determine the application.</p>
14.	<p>The Applicant has tried to address all the applicable development and overlay codes with lots of flowery (mostly meaningless) words but they have failed to elaborate with any relevant factual details of actually how address-ment of some of these codes is to be achieved.</p>	<p>Noted. It is considered that the level of information provided is sufficient to determine the application.</p>
15.	<p>Possible devaluation of property values.</p>	<p>There is no evidence to support a devaluation of property values in response to the proposed development.</p>

16.	There is no consideration indicated as to how the development meets any sort of compliance for persons with disabilities. Any temporary facilities do not usually have any sort of requirements for persons with disability and none is provided at the existing Hotel.	The approved development will be required to meet relevant building standards detailed in the Building Code of Australia.
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4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment - Engineering	18 July 2016

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

4.2 Referral Agency

Not Applicable

5. PUBLIC NOTIFICATION

Pursuant to the *Sustainable Planning Act 2009*, this application was advertised for 15 business days from 05 July 2016 until 29 July 2016. The Applicant submitted documentation on 1 August 2016 advising that public notification had been carried out in accordance with the *Sustainable Planning Act 2009*. Council received ten (10) submissions in relation to this development application during this period of which nine (9) are considered properly made. Any significant issues raised have been included in section 3 of this report.

Communication Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 Locality Plan
- 2 Site Plan
- 3 Approval Plans
- 4 AICN

Recommendation:

That Development Application 322.2016.45920.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use for Tourist Park (Caravan Park) in Five (5) Stages

SUBJECT SITE

195 Esplanade & First Avenue, Woodgate; described as Lot 5 on RP226324

DECISION

Approved in full subject to conditions

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

1. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

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

- All Building Work
- All Plumbing and Drainage Work
- All Operational Work

4. CODES FOR SELF ASSESSABLE DEVELOPMENT

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

The relevant codes identified in the:

- Bundaberg Regional Council Planning Scheme 2015 and Associated Planning Scheme Policies

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

Not Applicable

6. SUBMISSIONS

There were nine (9) submissions received for the application. The name and address of the principal submitter for each properly made submission are as follows:

Name of principal submitter	Address
1. Michael Cross	34 First Avenue, Woodgate
2. Tim and Lee White	Lot 4 White Road, Roma QLD 4455
3. Lyn Maree Bentley	PO Box 413, Woodgate QLD 4660
4. Tom Gordon	21 Darling Street, Sandgate QLD 4017
5. Paul and Carley Ackinlose	PO Box 357, Murgon QLD 4605
6. Philip J Hobbs & Janice M Hobbs	23 Lorikeet Avenue, Woodgate QLD 4660
7. Rob James	165 Esplanade, Woodgate QLD 4660
8. Pam Blessing	192 Esplanade, Woodgate QLD 4660
9. Kristy Ponting, Manager - Caravan Park Association of Queensland	PO Box 5542, Stafford Heights QLD 4053

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

The assessment manager does consider that the assessment manager’s decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
Limited development (constrained land) zone code	<p>Visitors to the tourist park are transient with no permanent residential occupation permitted. The development can be adequately conditioned to achieve the outcomes of the Limited development (constrained land) zone code as follows:</p> <ul style="list-style-type: none"> • The development will be required to provide a Flood/Storm tide Evacuation Plan for the whole site to ensure that the potential risk to people and damage to property on the site is avoided or minimised; and • The proposed development is to be restricted to a maximum occupancy of 27 camp sites.

8. REFERRAL AGENCY

Not Applicable

9. APPROVED PLANS

The approved plans for this development approval are listed in the following table:

Plan number	Plan name	Date
GC16-153-T01-2	Plan of Proposed Tourist Park	June 2016
GC16-153-T01-3	Staging Plan	June 2016
GC16-153-T01-4	Ablution Facilities	June 2016
GC16-153-T01-5	Storage Shed	June 2016

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

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

11. REFUSAL DETAILS

Not Applicable

12. CONDITIONS ABOUT INFRASTRUCTURE

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

Condition/s	Provision under which the Condition was imposed
34, 35, 41, 42 and 44	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development Permit prior to the commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.

Construction Management

4. Unless otherwise approved in writing by the Assessment Manager, do not undertake building work in a way that makes audible noise:

- a. On a business day or Saturday, before 6.30am or after 6.30pm; or
 - b. On any other day, at any time.
5. Contain all litter, building waste and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or roads.
 6. Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

Development in Stages

7. Develop the site in accordance with the stages identified on the Approved Plans with the stages to be developed in the consecutive numeric or alphabetic order of each stage as identified on the plan. The Applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.

Flood Management

8. Position all new electrical and data equipment, including switchboards, power points and light switches, above the Defined Flood Level (DFL) where practical.
9. A Flood Evacuation Plan must be submitted to and approved by the Assessment Manager prior to the commencement of the use. The plan must demonstrate how people may be evacuated from the site to a safe gathering point above the defined flood level and must include, but not be limited to, the following features:
 - a. The defined flood level for the site;
 - b. The height at which the property floods;
 - c. The evacuation route from the property to an evacuation centre/point and the method by which staff and patrons will be transported;
 - d. The estimated time required to reach an evacuation centre;
 - e. Information availability/where flood warnings will be acquired from;
 - f. The appointment of a site flood coordinator who will disseminate information to staff and patrons;
 - g. Procedures for assisting those with a disability or who do not speak English;
 - h. A contact information collection process for all current staff.
10. The manager/operator of the facility is to have access to, and a detailed understanding of, their obligations/requirements under the Approved Flood Evacuation Plan.
11. Ensure materials stored on-site, where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood or are readily able to be moved in a flood event.
12. No bulk storage of hazardous material below the defined flood level is permitted.

Extent of Approved Use

13. The camp kitchen and ablution facilities must be re-located to ensure that the structure is not closer than three (3) metres from any property boundary, measured from the outermost projection of the structure.
14. The temporary ablution facilities are to only be used for Stage 1. The temporary ablution facilities must be replaced with a permanent ablution facility and camp kitchen prior to the commencement of Stage 2 or within 18 months of the use commencing whichever occurs first.
15. The storage shed is to be exclusively used in association with the Tourist Park only.
16. Prior to the commencement of each stage, delineate on-site the boundaries of each caravan/camping site.
17. The use is to accommodate a maximum of 27 caravan/camping sites on-site.
18. Guest stays are permitted to a maximum of 14 consecutive nights.
19. The Tourist Park must at all times operate under the supervision and management of a Tourist Park manager. The Tourist Park manager is to be familiar with the relevant development permit conditions relating to the site and ensure compliance with conditions at all times.

Fences

20. Provide prior to the commencement of Stage 1 a 1.8 metre high solid no-gap screen fence to the following boundaries of Lot 5 on RP226324, where such fencing does not currently exist:
 - a. Along the north-western (side) property boundary for a minimum distance of 52 metres commencing from the rear of the Hotel as identified on the approved plans; and
 - b. Along the full length of the south-eastern (side) property boundary.
21. The erection of a second boundary line fence parallel to any existing boundary fence is prohibited.

Landscaping

22. A landscape plan must be submitted to and approved by the Assessment Manager prior to the commencement of any landscaping works. The plan must be generally in accordance with the Approved Plan, have regard to the conditions of this approval and include, but not be limited to, the following features:
 - a. landscaped garden beds/strips a minimum width of three (3) metres must be provided along the following property boundaries of Lot 5 on RP226324:
 - i. Along the full length of First Avenue;
 - ii. Along the south-eastern (side) property boundary for a minimum distance of 87 metres measured from the First Avenue frontage.
 - b. The area or areas set aside for landscaping;
 - c. Location and name of existing trees;

- d. A plan and schedule of all proposed trees, shrubs and ground covers which identifies:
 - i. The location and sizes at planting and at maturity of all plants;
 - ii. The utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided.). No exotic plants are to be specified;
 - e. The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;
 - f. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
 - g. Details of any landscaping structures, including entrance statements;
 - h. Details of cutting and filling and all retaining structures and fences and associated finishes;
 - i. Contours or spot levels if appropriate;
 - j. Fence size and materials;
 - k. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device;
 - l. Location of any drainage, sewerage and other underground services and any overhead power lines;
23. Complete landscaping shown on the endorsed plans prior to the commencement of Stage 1 and maintain all landscape works in accordance with the Approved Plan whilst the use continues.

Lighting

24. External lighting used to illuminate the premises must be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.
25. A Lighting Plan must be submitted to and approved by the Assessment Manager prior to the commencement of the use. The plan must demonstrate how lighting from the development will avoid or minimise impacts on turtle nesting areas. The plan must include, but not be limited to, the following features:
- a. The location, purpose, footprint, intensity and spectral composition of each light source;
 - b. Measures to avoid, mitigate or manage the impacts of each light source; and
 - c. Procedures to reduce the use of lighting during turtle season (October to March). There must be no use of decorative lighting during this period.

When approved, the Lighting Plan will form part of the Approved Plans for this development.

26. All lighting for the development must be designed, installed and maintained in accordance with the approved Lighting Plan, to the satisfaction of the Assessment Manager.

Noise

27. Noise produced by the use must not exceed the background noise level plus 5db(A) (6 am – 6 pm) or background noise level plus 3db(A) (6 pm – 10 pm) or background noise level (10 pm – 6 am) (measured as LAeq at any noise sensitive place).
28. In the event of a complaint about noise, if it is determined by the Assessment Manager that such noise levels exceed the minimum background noise levels, the land owner must at the request of the Assessment Manager prepare a Noise Management Plan which prescribes actions to be taken to reduce noise levels below the minimum background noise levels prescribed. The noise management plan must address at least, but not be limited to, the following matters:-
 - a. identification of component noise sources and activities at noise sensitive place/s which impact on noise sensitive areas;
 - b. the control or abatement measures that can be undertaken to reduce unreasonable noise levels; and
 - c. the handling of noise complaints, community liaison and consultation and the training of staff in noise management practices.

Dust Control

29. In the event of a complaint about dust or airborne nuisance emanating from the site, if it is determined by the Assessment Manager that the complaint is substantiated, the proprietor must submit to the Assessment Manager and have approved an Airborne Nuisance Management Plan which prescribes actions to be taken to immediately suppress dust/airborne nuisance and to also provide a long term preventative solution. An Airborne Nuisance Management Plan must address at least, but not be limited to, the following matters:-
 - a. identification of potential sources and activities which cause, or have potential to cause, dust and/or airborne nuisance;
 - b. the control or abatement measures that will be undertaken to immediately reduce airborne dust/pollution to acceptable levels; and
 - c. the longer term measures and strategies that will be implemented to alleviate sources of dust and/or airborne nuisance.

Waste Management

30. An on-site Waste Management Plan must be submitted to and approved by the Assessment Manager. The plan must have regard to the conditions of this approval and include, but not be limited to, the following details:
 - a. the waste management process, including the type and size of receptacle/s to be utilised (1 m³ bulk bins) for general waste and recycling;
 - b. the location of waste receptacle storage areas and collection points; and

- c. how waste collection vehicles will be able to safely and effectively access bins.
31. An impervious bin storage area (Bin Enclosure) for waste receptacles, must be provided in accordance with the following:
 - a. the bin storage area must be sufficient to accommodate all refuse containers required by the Assessment Manager for the scale of the development;
 - b. the bin storage area must be aesthetically screened from the road frontage and adjoining properties by landscaping or constructed screening;
 - c. a suitable hose cock (with backflow prevention) and hoses must be provided at the refuse container area, and wash down to be drained to sewer and fitted with an approved stormwater diversion valve arrangement.
32. The bin storage enclosure must be maintained in a clean and sanitary manner at all times.
33. Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.

Water

34. Provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the development.

Sewerage

35. Make provision for sewerage connection suitable to meet the requirements of the development. All live sewer work, including installation of any new point of connection, must be undertaken by Council.
36. All sewerage infrastructure must be clear of all proposed and existing buildings. If new sewerage infrastructure is required, detailed design must be determined as part of an application for Operational Works.
37. Release of any form of waste water is not permissible other than to a discharge point approved in accordance with plumbing and wastewater regulations.

Stormwater

38. Submit a Site Based Stormwater Management Plan (SBSMP) for the development to the Assessment Manager for approval prior to commencement of works. The SBSMP must be prepared by a suitably qualified person and include, but is not limited to:
 - a. a summary of stormwater quality, quantity and waterway corridor management objectives. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, i.e., a piped system with a capacity to cater for Q5 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;

- b. a description of those Stormwater Quality Best Management Practices (SQBMPs), stormwater quantity management measures, and waterway corridor protection measures that have been selected for the site for the operational phase;
- c. SQBMPs that have been selected for the site during the construction and operational phases (focusing on erosion and sediment controls and including an Erosion and Sediment Control Plan);
- d. site plans showing key features (eg drainage pathways) as well as the location of the items identified for the development in (b) and (c);
- e. identifies proposed lawful points of discharge, easements and any land dedications for drainage reserves;
- f. a program indicating the timing and sequence of installation of the items identified in (c);
- g. responsibilities for installation, inspection, maintenance and decommissioning of the items identified in (b) and (c);
- h. an inspection and maintenance program for the abovementioned measures;
- i. Maintenance Plans for large structural Stormwater Quality Improvement Devices whether on private or Council land;
- j. a simple audit program to check the installation and maintenance of SQBMPs that have been selected for the site during the construction phase ;
- k. a description of how records are to be kept on site performance (including incidents, complaints, etc);
- l. emergency procedures to protect stormwater quality (eg how to manage the collapse of a sediment basin or burst hydraulic hose); and
- m. training requirements for construction and maintenance personnel (including an onsite induction program).

When approved, the Site Based Stormwater Management Plan will form part of the Approved Plans for this development.

- 39. Undertake the stormwater management on site in accordance with the approved SBSMP, including the construction of any necessary works.
- 40. Provide certification from a Registered Professional Engineer Queensland (RPEQ) that stormwater management has been undertaken on site in accordance with the conditions of this approval, the approved SBSMP, and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the stormwater management where the works are certified by a RPEQ.

Roadworks

- 41. Provide pavement widening and asphaltic concrete (AC) sealing prior to the commencement of Stage 1 and in accordance with an Operational Works permit, that:

- a. extends along the First Avenue site frontage from the subject lot's eastern-most side boundary alignment to the western-most tangent point of the bend located west of the site exit driveway;
- b. provides the specified nominal kerb line width of eight (8) metres for an urban local access street as stated in *Table SC6.3.3.4.4.1 of Council's Planning Scheme Policy for Development Works*;
- c. is designed in accordance with *Austrroads Pavement Design for Light Traffic: A supplement to Austrroads Pavement Design Guide (AP-T36/06)*;
- d. has Edge Restraint Kerb Type ER2 along the road seal edge at the nominal kerb line width for the extent of widening;
- e. has double unbroken road centre-line marking of First Avenue for a length coincident and equal to the extent of the widening within the lot frontage.

Property access & internal roads

42. Provide an upgrade of the driveway to First Avenue prior to commencement of Stage 1 and in accordance with an Operational Works permit that complies generally with Council's standard drawing R1013 in accordance with the standards specified in the *planning scheme policy for development works – driveways and access to developments*, with the additional particulars that:
 - a. all vehicles must be able to make a left turn exit without encroaching over the First Avenue road centre-line; and
 - b. suitable signage is appropriately displayed to indicate the proposed one-way circulation through the site (eg: adequate display of "exit only" and/or "no entry" signage at the property boundary).
43. Provide certification from a Registered Professional Engineer Queensland (RPEQ) that internal roads has been undertaken on site in accordance with the conditions of this approval and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the internal roads where the works are certified by a RPEQ.

Car Parking

44. Provide access and vehicle manoeuvring areas generally as stated in Section 4.2.1. 7 of the submitted Planning Report and shown on proposal plans GC16-153-T01-1-4. Such access and manoeuvring areas must be generally in accordance with the Approved Plans and be:-
 - a. constructed and sealed with bitumen, asphalt, concrete or approved pavers;
 - b. line-marked into parking bays where appropriate;
 - c. designed to allow all vehicles to leave the site in a forward gear;
 - d. designed to allow for the containment and management of site stormwater drainage as required;
 - e. sign posted to indicate entry/exit points, in addition to line marking, to indicate the traffic flow through the site;
 - f. drained to the relevant site discharge point; and

- g. designed in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.

PART 1B – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Register No: Ref No: 331.2016.835.1) applicable to the approved development.

Environmental Harm

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

Fencing

- C. Should any existing fence not comply with the requirements of this approval, the existing fence must be replaced in accordance with the requirements of this approval.
- D. Fencing should be undertaken in accordance with the provisions of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*. This includes appropriate mediation practices and agreements regarding the type of materials, location and retrieval of any materials for any fence removed.

Nature and Extent of Approved Development

- E. This Decision Notice does not represent an approval to commence Building Works.

Operational Works

- F. This Decision Notice does not represent an approval to commence Operational Works. Any Operational Works associated with this Material Change of Use or other engineering work proposed on the lot is subject to relevant assessment under the Bundaberg Regional Council Planning Scheme 2015 or the instrument in effect at the time of assessment. This can include works for on-site landscaping, internal vehicle circulation, manoeuvring and car parking areas, on-site stormwater management and access driveways.

Other Development Permits

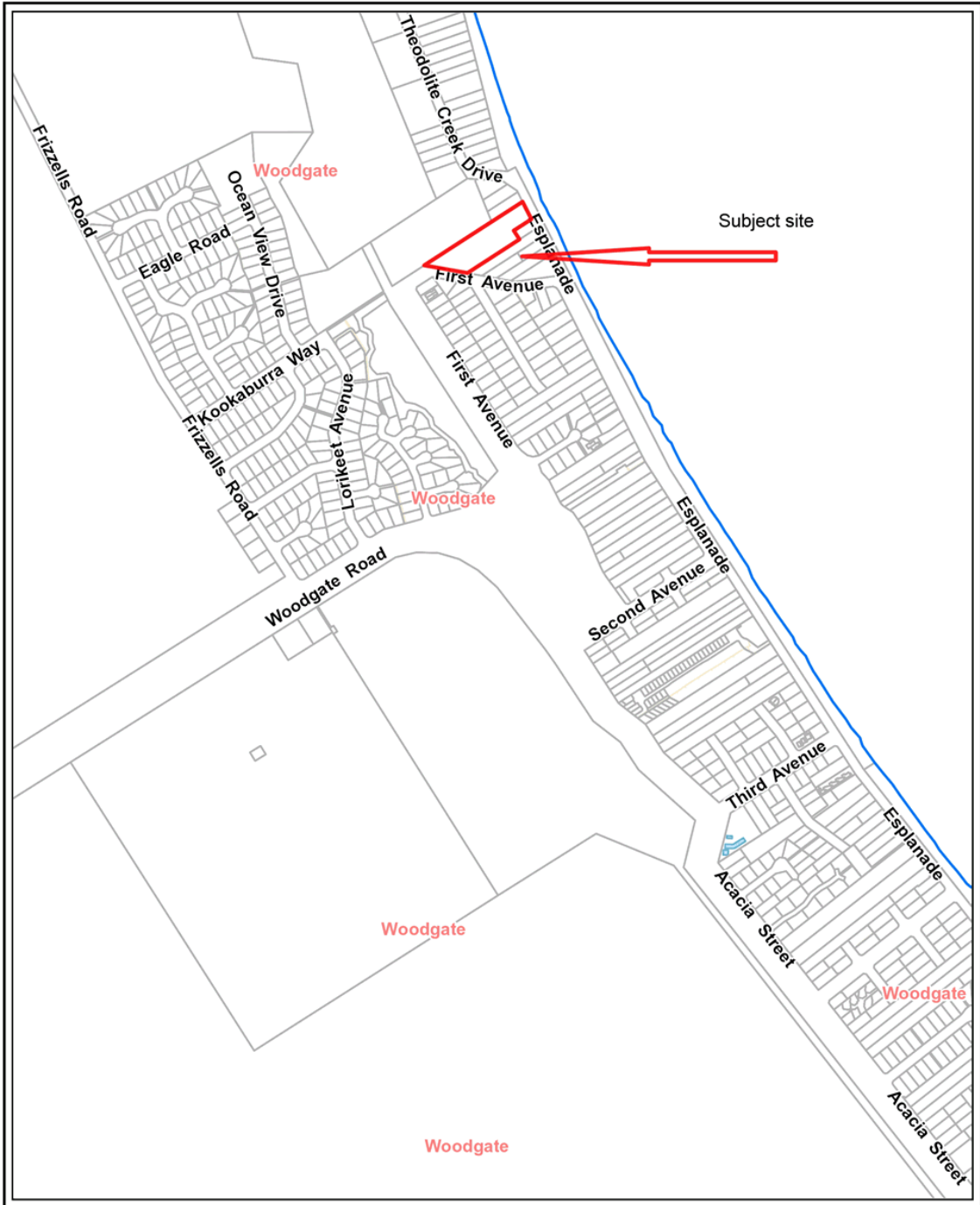
- G. This approval provides for some works to be undertaken on a self-assessable basis. Conditions specify where Council requires the submission of an operational works application for specific works. To be clear, development permits for Operational Work for only the following works are necessary to allow the development to be carried out:
- a. External road widening, kerbing and line marking of First Avenue; and
 - b. Exit driveway to First Avenue.



Water and Sewer

- H. The Developer should engage an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting requirements in accordance with AS2419.
- I. Arrangements for the installation of any new metered service and sub-meters, or removal of an existing service, must be made with Council's Water and Wastewater Infrastructure Planning Technical Support Section.
- J. Connection to Council's water and sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.
- K. Council permits only one (1) water service for each property. This means only one (1) connection to the water main although there may be a potable and fire service feeding from that connection.

Flood Evacuation Plan

- L. In order to protect and/or minimise the damage to property and aid in business continuity post-flood, a flood preparation checklist may be included in the Flood Evacuation Plan.



  **Locality Plan**
195 Esplanade, Woodgate
Lot 5 on RP226324

Projection: GDA_1994_MGA_Zone_56 Date: 13/9/2016 11:02 AM Scale 1 : 10,000.00 on A4 Sheet



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While every care is taken to ensure the accuracy of this data, the Department of Natural Resources and Mines and the Bundaberg Regional Council makes no representation or warranties about its accuracy, reliability, completeness or stability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

0.20 0 0.10 0.20 Kilometers Author:



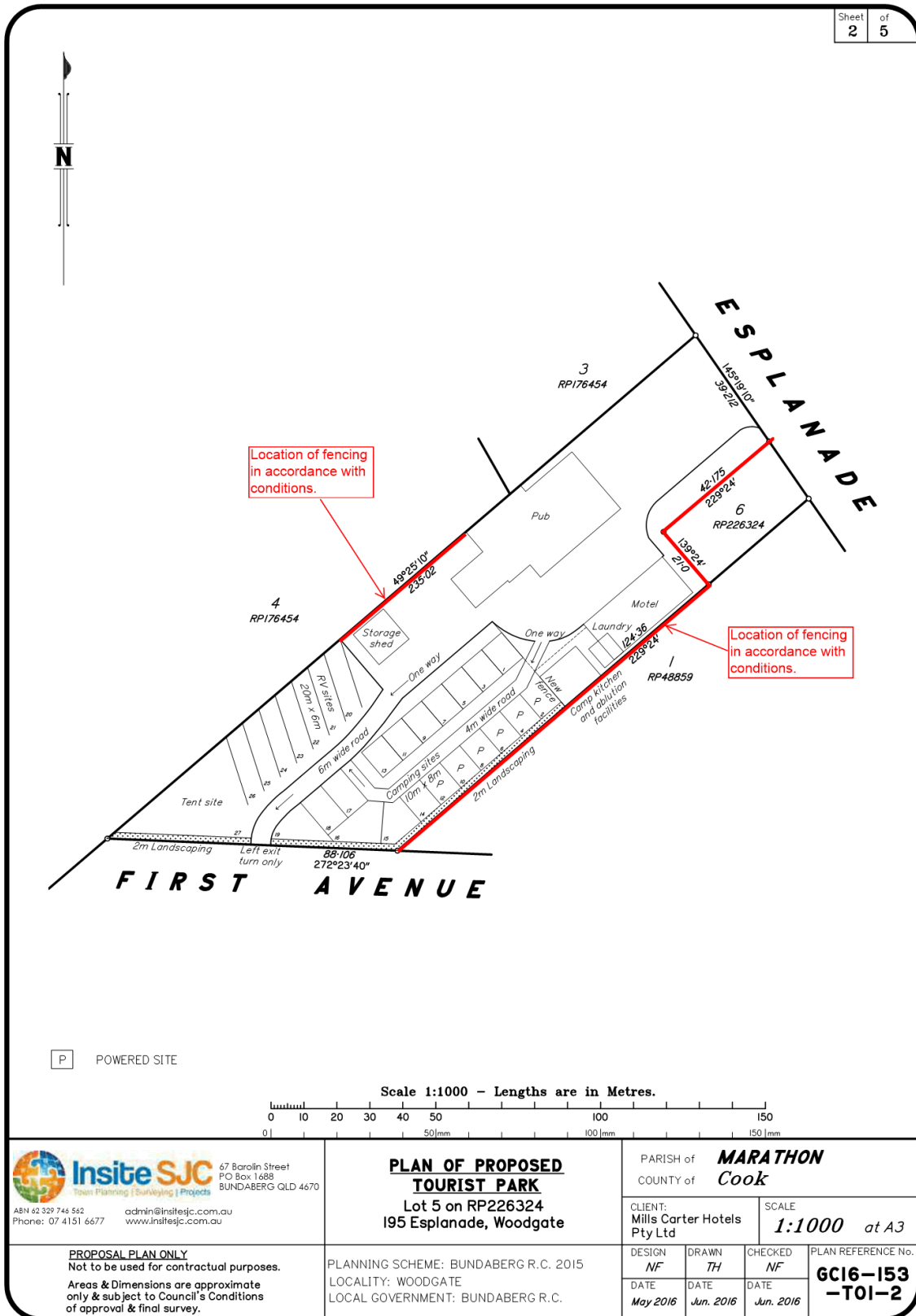
Site Plan
195 Esplanade, Woodgate
Lot 5 on RP226324

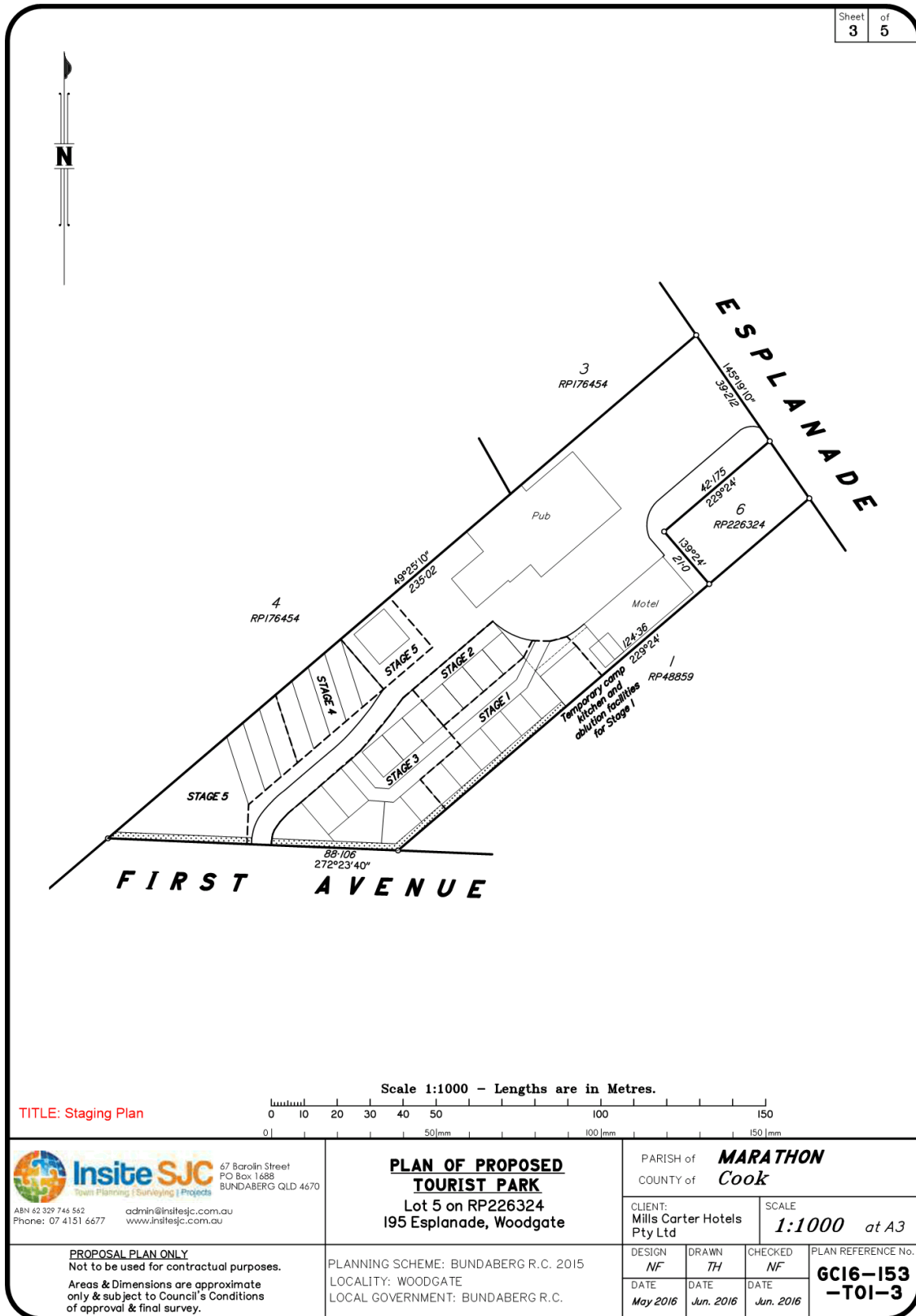
  Projection: GDA_1994_MGA_Zone_56 Date: 13/9/2016 10:57 AM Scale 1 : 1,500.00 on A4 Sheet

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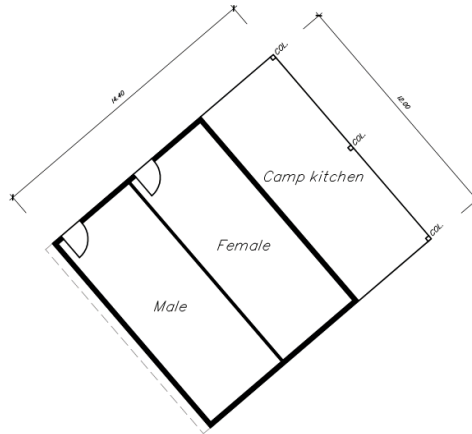
While every care is taken to ensure the accuracy of this data, the Department of Natural Resources and Mines and the Bundaberg Regional Council makes no representation or warranties about its accuracy, reliability, completeness or stability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

0.03 0 0.01 0.03 Kilometers Author:



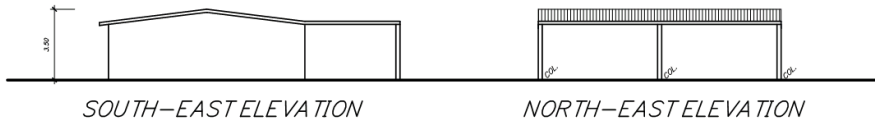


Sheet 4 of 5



FLOOR PLAN

NB: FACILITIES TO BE DETERMINED AT BUILDING WORKS APPLICATION



TEMPORARY ABLUTION FACILITY

Scale 1:200 - Lengths are in Metres.



TITLE: Ablution Facilities

Insite SJC
Town Planning | Surveying | Projects
67 Barolin Street
PO Box 1688
BUNDABERG QLD 4670
ABN 42 329 746 552
Phone: 07 4151 6677
admin@insitejc.com.au
www.insitejc.com.au

**PLAN OF PROPOSED
TOURIST PARK**
Lot 5 on RP226324
195 Esplanade, Woodgate

PARISH of **MARATHON**
COUNTY of **Cook**

CLIENT:
Mills Carter Hotels
Pty Ltd

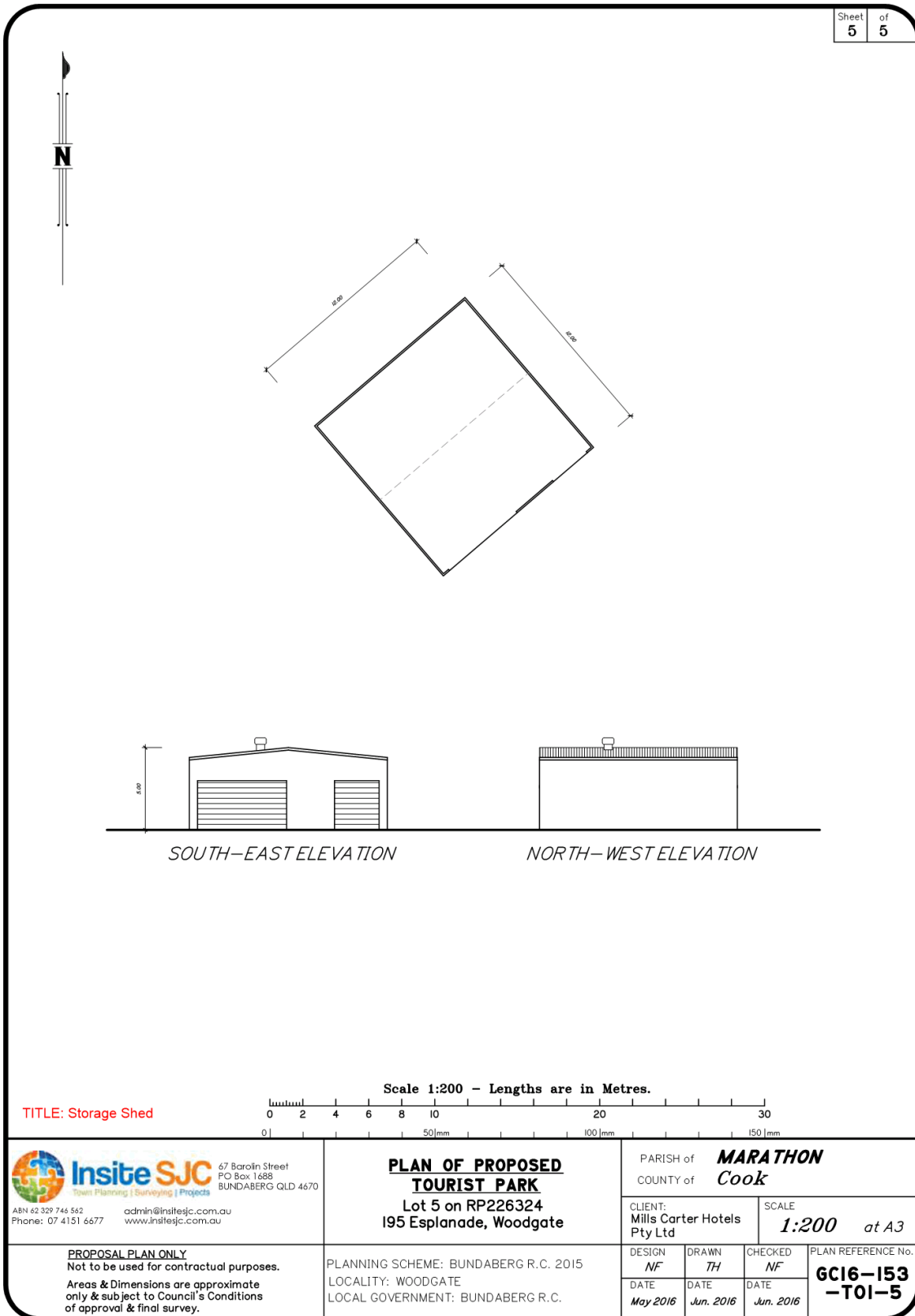
SCALE
1:200 at A3

PROPOSAL PLAN ONLY
Not to be used for contractual purposes.
Areas & Dimensions are approximate
only & subject to Council's Conditions
of approval & final survey.

PLANNING SCHEME: BUNDABERG R.C. 2015
LOCALITY: WOODGATE
LOCAL GOVERNMENT: BUNDABERG R.C.

DESIGN NF	DRAWN TH	CHECKED NF
DATE May 2016	DATE Jun. 2016	DATE Jun. 2016

PLAN REFERENCE No.
**GCI6-153
-T01-4**





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

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Resolution (No. 1) 2015

To: Mills Carter Properties Pty Ltd
 C/- InsiteSJC Po Box 1688 Bundaberg 4670

Date of Issue: 18 July 2016
Register No.: 331.2016.835.1

Land to which the Charge Applies

Address: 195 Esplanade WOODGATE
 Property Description: RP:226324/5

Development to which the Adopted Infrastructure Charge Applies

The adopted infrastructure charge applies to the following development type: Material Change of Use
 Development Approval No.: 322.2016.45920.1

Current Amount of the Adopted Infrastructure Charge

The adopted infrastructure charge has been calculated in accordance with the method outlined in the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015 and Chapter 8 of the Sustainable Planning Act 2009. Please see Schedule 1 of this notice for the detailed calculation of the current amount.

Current Amount of Adopted Infrastructure Charge = \$113,400.00
 (as at date of issue)

Offsets

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

Total offsets applicable to this development = n/a

Refunds

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

Total refunds applicable to this development = n/a

Automatic Increase

The charges are subject to an automatic increase in accordance with Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015. Council's adopted infrastructure charge is to automatically increase from the time the charge is levied to the time the charge is paid. As per section 631 of SPA this automatic increase provision is calculated as follows:

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

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

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



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 Local Call **1300 883 699** | Fax **(07) 4150 5410**
 ABN 72 427 835 198

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

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

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

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

Payment of the Adopted Infrastructure Charge

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

Other Important Information

1. PAYMENT

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

2. GOODS AND SERVICES TAX

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

3. INFRASTRUCTURE CHARGES ENQUIRIES

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

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

Richard Jenner
 Development Assessment Manager



ADOPTED INFRASTRUCTURE CHARGES NOTICE
 SCHEDULE 1 – Calculation of Current Charges, Offsets and Refunds

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

Applicant: Mills Carter Properties Pty Ltd
Applicant address: C/- InsiteSIC Po Box 1688 Bundaberg 4670
Site address: 195 Esplanade WOODGATE
Lot/Plan: RP:226324/5

Development Type: Material Change of Use
Due date for payment: before the change of use happens for each stage
Dev Approval No.: 322.2016.45920.1
Register No.: 331.2016.835.1

Prepared by: Ross Hunter
Date of issue: 18/07/2016
Authorising Officer: Richard Jenner
Inside PIA: Yes

Adopted Infrastructure Charges: \$ 113,400.00
Offset: n/a
Refund: n/a
AICN - Amount Payable: \$ 113,400.00

Summary of the Adopted Infrastructure Charges

Stage	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
All	MCU	New	Fully Serviced	Accommodation (short term)	Tourist park - caravan or tent	\$ per 1 caravan or tent site	\$ 4,200.00	n/a	n/a	27			n/a	0%	\$ 113,400.00
Adopted infrastructure Charges Total: \$ 113,400.00															

Stage Breakdown of Adopted Infrastructure Charges

Stage	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
1	MCU	New	Fully Serviced	Accommodation (short term)	Tourist park - caravan or tent	\$ per 1 caravan or tent site	\$ 4,200.00	n/a	n/a	6			n/a	0%	\$ 25,200.00
2	MCU	New	Fully Serviced	Accommodation (short term)	Tourist park - caravan or tent	\$ per 1 caravan or tent site	\$ 4,200.00	n/a	n/a	4			n/a	0%	\$ 16,800.00
3	MCU	New	Fully Serviced	Accommodation (short term)	Tourist park - caravan or tent	\$ per 1 caravan or tent site	\$ 4,200.00	n/a	n/a	9			n/a	0%	\$ 37,800.00
4	MCU	New	Fully Serviced	Accommodation (short term)	Tourist park - caravan or tent	\$ per 1 caravan or tent site	\$ 4,200.00	n/a	n/a	4			n/a	0%	\$ 16,800.00
5	MCU	New	Fully Serviced	Accommodation (short term)	Tourist park - caravan or tent	\$ per 1 caravan or tent site	\$ 4,200.00	n/a	n/a	4			n/a	0%	\$ 16,800.00
Stage Breakdown Total: \$ 113,400.00															



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

ADOPTED INFRASTRUCTURE CHARGES NOTICE INFORMATION NOTICE

1. REASON FOR DECISION

This notice has been issued pursuant to the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No. 1) 2015 and Chapter 8 of the Sustainable Planning Act 2009.

2. APPEAL RIGHTS

The recipient of the infrastructure charge may appeal to the Planning and Environment Court in accordance with section 478 of the Sustainable Planning Act 2009.

478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development.
 - (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

The recipient of the infrastructure charge may appeal to a building and development committee in accordance with section 535 of the Sustainable Planning Act 2009.



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

535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;
Examples of possible errors in applying an adopted charge—
 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development;
 - (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

535A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

**Item****27 September 2016**

Item Number:	File Number:	Part:
K2	321.2015.44748.2	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

10 Low Street, Kensington - Request to Change Development Approval for Reconfiguring a Lot for Subdivision (1 Lot into 9 Lots) - Lot 9 on RP13529

Report Author:

Merinda Honor, Planning Officer

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

Governance - 4.4.6 A commonsense approach to planning, coordination and consultation

Summary:

APPLICATION NO	321.2015.44748.2
PROPOSAL	Request to Change Development Approval for Reconfiguring a Lot for Subdivision (1 lot into 9 lots)
APPLICANT	Ron McCullough
OWNER	R J McCullough
PROPERTY DESCRIPTION	Lot 9 on RP13529
ADDRESS	10 Low Street, Kensington
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
DATE OF ORIGINAL DECISION	19 April 2016
DATE REQUEST RECEIVED	5 September 2016
STATUS	The 30 business day decision period ends on 14 October 2016
LEVEL OF DELEGATION	Level 3

1. NATURE/DESCRIPTION OF REQUESTED CHANGES

The Applicant seeks approval to change the Development Approval for Reconfiguring a Lot for Subdivision (1 lot into 9 lots) approved on 19 April, 2016. The Applicant seeks to:

- change the staging of the development such that the development can occur over eight (8) stages;
- remove reference to all stormwater drainage requirements (conditions and easements);
- amend the plan of development to reflect reduced widths of the access handles to Lot 8 and 9 and slight variation of the land areas of Lot 8 and 9; and

- introduce a new property note.

As a result of the above-mentioned request items, the applicant seeks to amend/delete the following:

- Section 10 (Approved Plans);
- Section 13 (Conditions about Infrastructure);
- Condition 5 (Staging);
- Condition 8 (Stormwater);
- Condition 14 (Access);
- Condition 21 (Easements and Land Dedications);
- Condition 23 (Easements and Land Dedications); and
- Advice Note C (Other).

2. ASSESSMENT

2.1 *Request to Change Development Approval*

Schedule 1 of this report details the relevant matters related to the above request.

The following is a summary of the Assessment Manager's comments:

- The request to amend Condition 5 (Staging) is agreed to and is proposed to read as follows

The development may be staged in accordance with the stage boundaries shown on the Approved Plans or on an individual lot basis. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage or lot are constructed with that stage/lot.

- The request to delete Condition 8 (Stormwater) is not agreed to.
- The request to amend Condition 14 (Access) is agreed to and is proposed to read as follows:

Provide a sealed access driveway to Lots 8 and 9 which is:

- a. Constructed and sealed with asphalt, concrete, bitumen or approved pavers for their full length and to a minimum width of 5.5 metres for the first 40 metres, tapering to 3.5 metres for the remaining 74.887 metres, centrally located within a minimum six (6) metre wide (3 x 2) access 'handle'; and
 - b. provided with conduits and/or services for water supply, underground power, stormwater and telecommunications.
- The request to delete Condition 21 (Easements and Land Dedications) is not agreed to;
 - The request to delete Condition 23 (Easements and Land Dedications) is not agreed to.
 - The request to delete Advice Note C (Other) is not agreed to.

- The request to amend Section 10 (Approved Plans) is agreed to and is proposed to read as follows.

The approved plans for this development approval are listed in the following table:

Plan number	Plan/Document name	Date
Z13-604 P2	Plan of Proposed Lot Reconfiguration Lots 1 to 9	7 April 2016
Z13-604 P3	Plan of Proposed Lot Reconfiguration Lots 1 to 9	5 September 2016

- The request to amend 13 (Conditions about Infrastructure) is not agreed.
- The request to amend the Adopted Infrastructure Charges Notice is agreed to, to reflect the changes to the staging of the development.

3 REFERRALS

3.1 Referral Agency

Not Applicable

3.2 Internal Referral Agencies

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment – Engineering	6 September 2016

Any significant issue raised in the internal referrals have been addressed in Schedule 1.

Communication Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
 Required

Attachments:

- 1 Locality Plan
- 2 Site Plan
- 3 Proposed Plans
- 4 Attachment 1: Section/Condition/Advices
- 5 AICN

Recommendation:

That the request to Change a Development Approval made on 5 September 2016 for Development Application 321.2015.44748.2 being a Request to Change Development Approval for Request for Permissible Change for land located at 10 Low Street, Kensington, described as Lot 9 on RP13529 be determined as follows:-

DECISION

Approved in part subject to conditions

The approved changes are set out as follows:

- Amend Section 10 (Approved Plans);
- Amend Condition 5 (Staging);
- Amend Condition 14 (Access); and
- Amend Adopted Infrastructure Charges Notice.

A copy of the decision notice for the original application is included within Schedule 1, showing the changes in ***bold italics***.

AND

Refused in part

The refused changes are set out as follows:

- The request to delete Condition 8 (Stormwater);
- The request to delete Condition 21 (Easements and Land Dedications);
- The request to delete Condition 23 (Easements and Land Dedications) ;
- The request to delete Advice Note C (Other);
- The request to introduce Property Note.
- The request to amend 13 (Conditions about Infrastructure).

Reasons for Refusal

The removal of requirements for stormwater drainage conditioning is in direct conflict with the Works, Service and Infrastructure Code, specifically performance outcome 4 and Overall Outcome (2)(b), (2)(d) and (2)(f) in that it:

1. Does not meet community expectations to create allotments that may be subject to future drainage issues due to the topography of the land;
2. Does not provide the approved development with an appropriate standard of infrastructure;
3. Does not provide a basic level of infrastructure to connect to adjoining drainage networks and/or permit Council to access land to undertake maintenance work into the future; and
4. Lack of stormwater drainage infrastructure has the potential to disrupt the residential amenity of occupants, the function of sewerage disposal area until the stormwater infiltrates into the ground, damage infrastructure on adjoining land and cause a nuisance.

SCHEDULE 1

R McCullough
 C/- InsiteSCJ
 C/- Smarte-DA

This Decision Notice includes changes approved on **{insert date of permissible change decision}**. Changes are in ***bold italics***.

Negotiated Decision Notice**Sustainable Planning Act 2009 s.363**

Thank you for your Development Application for Request for Negotiated Decision for Reconfiguring a Lot for Subdivision (1 into 9 lots over 3 stages) at 10 Low Street, Kensington; land described as Lot 9 on RP13529 lodged with Council on 17 February 2016. I wish to advise that on 19 April 2016, a decision was made to issue a negotiated decision notice. This negotiated decision notice replaces the decision notice previously issued and dated 1 February 2016.

DESCRIPTION OF PROPOSAL

Reconfiguring a Lot for Subdivision (1 into 9 Lots over 3 stages)

DECISION

Approved in full subject to conditions

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

1. NATURE OF THE CHANGES

The nature of the changes are:

- Condition 8 (Stormwater) – Amended
- Condition 9 (Stormwater) – Deleted
- Condition 10 (Stormwater) – Deleted
- Condition 12 (Roadwork) – Deleted
- Condition 13 (Roadwork) – Deleted
- Condition 21 (Easements and land Dedications) – Amended
- Condition 23 (Easements and land Dedications) – Amended
- Section 10 – Approved Plans (Section 9 of original decision notice) – Amended
- Section 13 – Conditions about Infrastructure Charges (Section 12 of original decision notice) – Amended.

Changes are in ***bold italics***.

2. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Regulation schedule 3 reference	Planning 2009, Permit	Development Permit	Preliminary Approval
Reconfiguring a lot	Part 1, table 3, item 1		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

3. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

4. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

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

- All Operational Work

5. CODES FOR SELF ASSESSABLE DEVELOPMENT

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

The relevant codes identified in the:

- Bundaberg Regional Council Planning Scheme 2015 and associated Planning Scheme Policies

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

Compliance assessment is required under chapter 6, part 10 of SPA for the following documents or works in relation to the development

Documents or works requiring compliance assessment	Matters or things against which the document or work must be assessed	Compliance assessor	When the request for compliance assessment must be made
Subdivision Plan	The matters or things listed in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>	Bundaberg Regional Council	In the time stated in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>

7. SUBMISSIONS

Not Applicable

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

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

9. REFERRAL AGENCY

Not Applicable

10. APPROVED PLANS

The approved plans for this development approval are listed in the following table:

<i>Plan number</i>	<i>Plan/Document name</i>	<i>Date</i>
<i>Z13-604 P2</i>	<i>Plan of Proposed Lot Reconfiguration Lots 1 to 9</i>	<i>7 April 2016</i>
<i>Z13-604 P3</i>	<i>Plan of Proposed Lot Reconfiguration Lots 1 to 9</i>	<i>5 September 2016</i>

11. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

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

12. REFUSAL DETAILS

Not Applicable

13. CONDITIONS ABOUT INFRASTRUCTURE

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

Condition/s	Provision under which the Condition was imposed
7, 8, 14, 15, 21 and 24	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

If you wish to discuss this matter further, please contact Merinda Honor on the above telephone number.

Yours sincerely

Richard Jenner
Manager Development Assessment

Schedule 1 – Conditions and Advice

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

Date Development Must be Completed By (Lapsing Date)

4. In accordance with section 342 of the *Sustainable Planning Act 2009*, this Development Approval to the extent it relates to development not completed will lapse four (4) years from the date of this approval.

Staging

5. ***The development may be staged in accordance with the stage boundaries shown on the Approved Plans or on an individual lot basis. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage or lot are constructed with that stage/lot.***
6. Comply with the conditions of each respective stage of this Development Permit prior to the endorsement of a Plan of Subdivision for that stage unless otherwise stated within this notice.

Water

7. Provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. The works must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of the development. Works must be finalised as part of an application for Operational Works.

Stormwater

8. ***Install a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval, and must include in particular:***
 - a. ***collection and discharge of stormwater to a lawful point of discharge, including the provision of inter-allotment drainage swales, such swales are to be generally in accordance with Drawing Not. Z13-604 P2 Sheet 2 of 2 Plan of Proposed Lot Reconfiguration Lot 1 to 9 dated 7 April 2016;***

- b. ***Design and construct inter-allotment swale drainage, inclusive of cut off drains, with inlet capacity from each upstream allotment, of sufficient capacity to convey up to Q100 ARI flows from upstream allotments, or lesser ARI as directed by the Assessment Manager, in accordance with the Queensland Urban Drainage Manual. The drainage specifics must be determined as part of an application for Operational Works; and***
- c. ***Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, i.e., with overland flowpaths to be provided for a capacity of Q100ARI.***

9. Deleted.

Roadwork

- 10. ***Deleted.***
- 11. Provide truncations to all street intersection types to a minimum of six (6) metre three (3) chord configuration. The truncation must be dedicated as road reserve.
- 12. ***Deleted.***
- 13. ***Deleted.***

Access

- 14. ***Provide a sealed access driveway to Lots 8 and 9 which is:***
 - a. ***Constructed and sealed with asphalt, concrete, bitumen or approved pavers for their full length and to a minimum width of 5.5 metres for the first 40 metres, tapering to 3.5 metres for the remaining 74.887 metres, centrally located within a minimum six (6) metre wide (3 x 2) access 'handle'; and***
 - b. ***provided with conduits and/or services for water supply, underground power, stormwater and telecommunications.***
- 15. Construct a new access to proposed Lots 8 and 9 generally in accordance with Development Works Planning Scheme Policy Standard Drawing R1013-2 (Rural and Urban Accesses No Kerb and Channel).
The specific requirements of the crossing must be determined as part of the Operational Works application.

Electricity, Street lighting and Telecommunications

- 16. Enter into an agreement with an approved electricity provider, to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions.
Provide evidence of such an agreement, along with associated bonding arrangements, to the Assessment Manager prior to the approval of the Plan of Subdivision.

17. Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.

Existing Services and Structures

18. Ensure all existing and proposed utility services and connections (eg. electricity, telecommunications, water and sewerage) are wholly located within the lot they serve.
19. All existing effluent disposal areas must be wholly located within the lot they serve and comply with the boundary setback requirements of the *Plumbing and Drainage Act 2002* and associated codes and requirements.
20. Certification must be submitted to the Assessment Manager from an appropriately qualified person which certifies that:
 - a. the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice;
 - b. all existing and proposed utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible;
 - c. all existing effluent disposal areas are wholly located within the lot they serve and comply with the boundary setback requirements of the *Plumbing and Drainage Act 2002* and associated codes and requirements;
 - d. all dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot;
 - e. all retaining walls and structures are fully contained within the lot they retain; and
 - f. any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.

Easements & Land Dedications

21. ***Lodge for registration at the office of the Land Registry the following easements:***
 - a. ***Minimum five (5) metre wide easement in gross using Council's standard terms for 'open cut drainage' over proposed Lots 1, 2, 3, 5, 7, 8 and 9;***
 - b. ***In the event all of Lot 8 and Lot 9 cannot drain to Low Street, a minimum five (5) metre wide easement in gross using Council's standard terms for 'open cut drainage' over Lot 14 on SP213319 or other lots connecting through to Von Deest Street for the purpose of lawful point of discharge; and***
 - c. ***Reciprocal access easements over the handles for proposed Lots 8 and 9.***

22. Draft easement documentation must be submitted to the Assessment Manager for review prior to submitting the survey plan for endorsement.
- 23. The easement over:**
- a. ***proposed Lots 1, 2, 3 and 5 must be included with the first survey plan lodged for sealing under this decision notice;***
 - b. ***proposed Lots 8 and 9 must be included in the stage creating proposed Lots 6 and 7 or the stage creating Lots 8 and 9 whichever is sooner; and***
 - c. ***Lot 14 on SP213319 must be included with the stage creating proposed Lots 8 and 9 (Stage 3), in the event all of the aforesaid lots do not directly fall to Low Street.***
24. All truncations must be dedicated as New Road as part of the first survey plan lodged under this decision notice.

PART 1B – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Ref No.: 331.2015.777.1) applicable to the approved development.

Rates and Charges

- B. In accordance with the *Sustainable Planning Act 2009*, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.

Other

- C. The conditions 8 and 9 are based on anticipated level-of-service outcomes for the proposed allotments. A copy of these outcomes is available from Council's Development Assessment team and may assist in the operational works design process.

PART 1C – PROPERTY NOTES

- A. Development Approval 321.2015.44787.1 – Sewerage

The following notation applies to approved Lots 1, 2, 3, 4, 5, 6, 8, and 9:

This property is not serviced by the Council's reticulated sewerage network. Any future residential dwelling on the lot must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use.

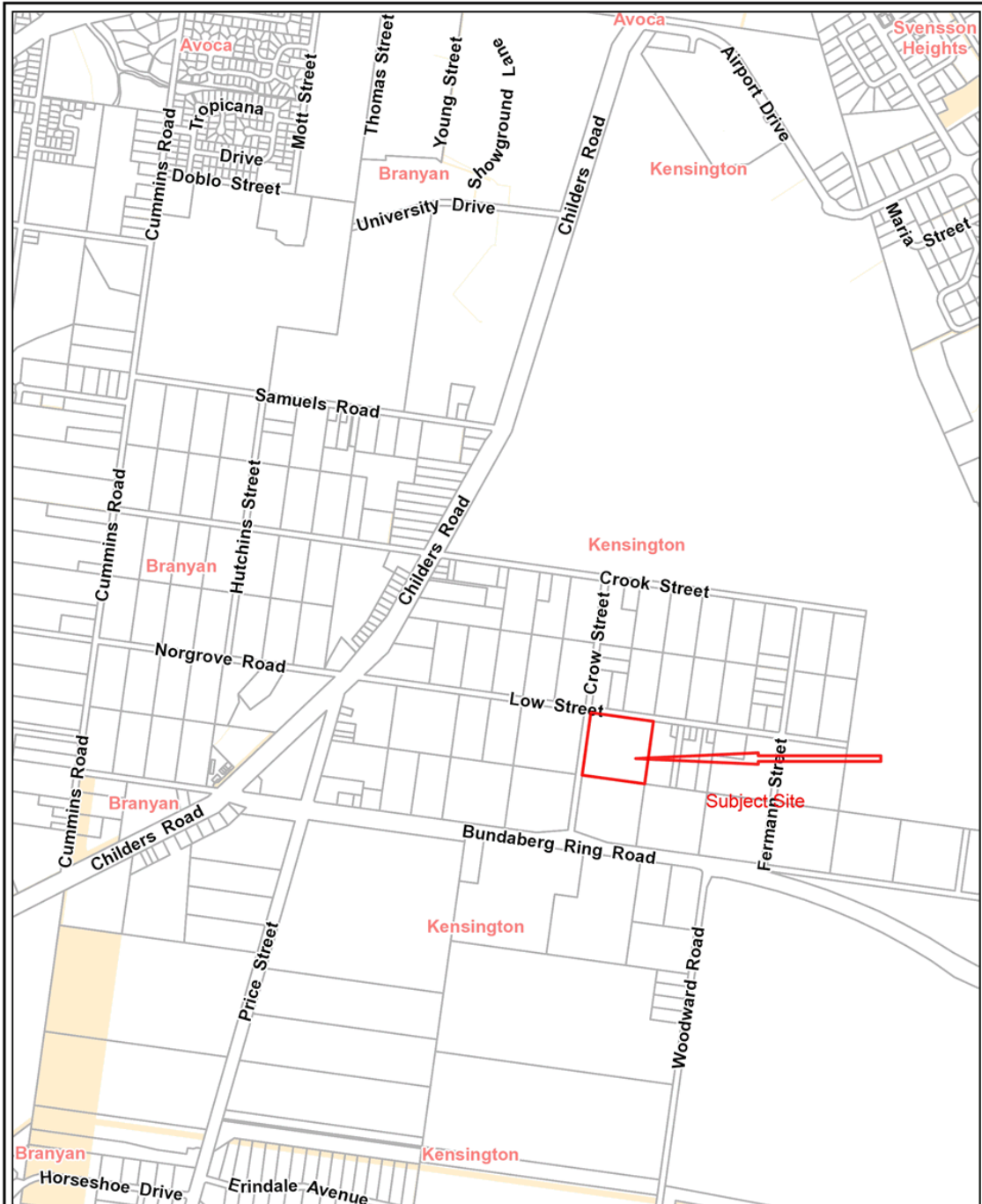
The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*.

The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 "*On-site Domestic Wastewater Management*".



B. Development Approval 321.2015.44787.1 – Access

The following notation applies to approved Lot 4:

Vehicular access is not recommended within ten (10) metres of the intersection of Low and Crow Streets.



Locality Plan
10 Low Street, Kensington

Projection: GDA_1994_MGA_Zone_56 Date: 15/9/2016 2:39 PM Scale 1 : 16,000.00 on A4 Sheet



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Site Plan
10 Low Street, Kensington

Projection: GDA_1994_MGA_Zone_56 Date: 15/9/2016 2:34 PM Scale 1 :2,000.00 on A4 Sheet

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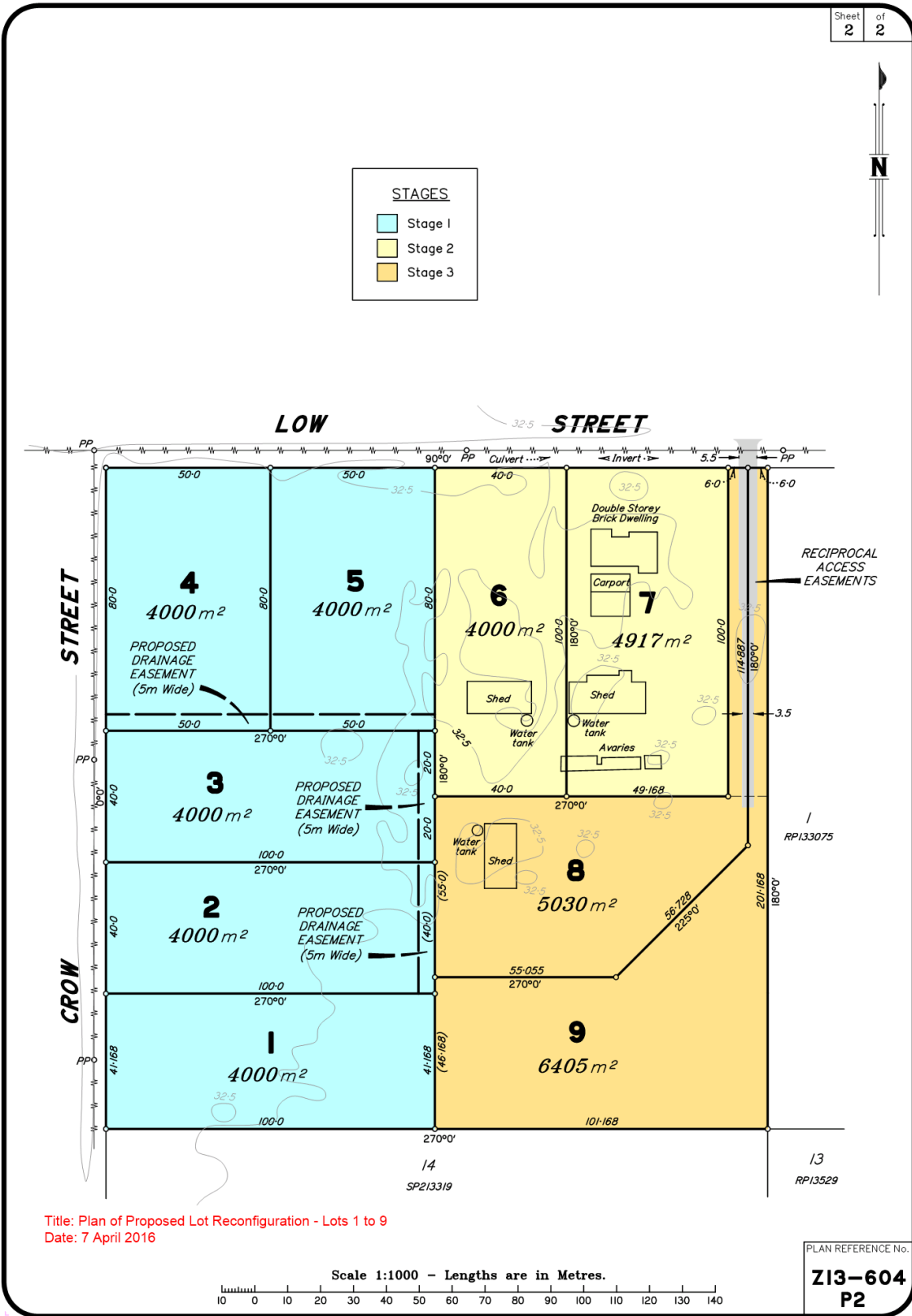
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Sheet 2 of 2

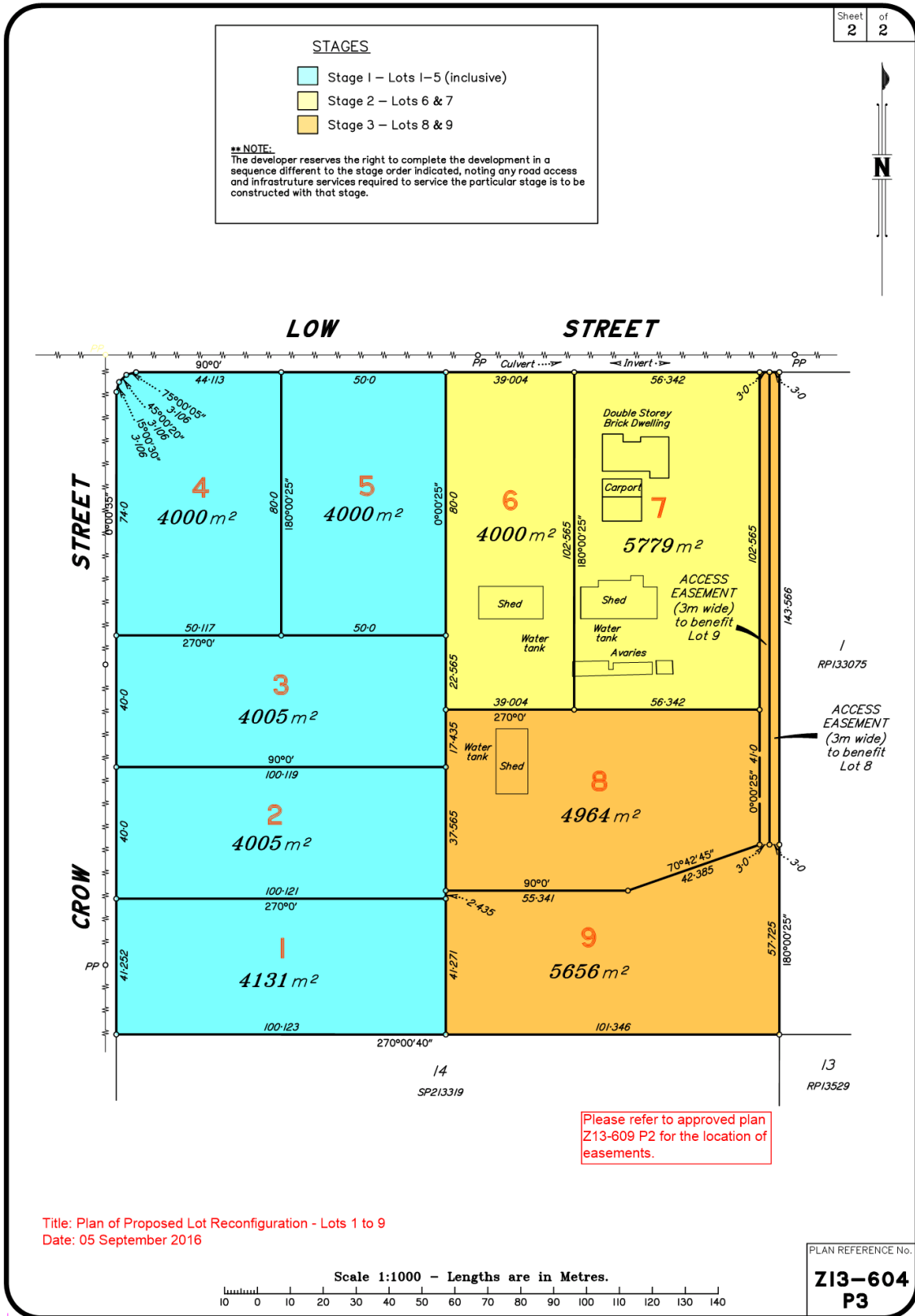


STAGES

- Stage 1
- Stage 2
- Stage 3



Title: Plan of Proposed Lot Reconfiguration - Lots 1 to 9
Date: 7 April 2016



ATTACHMENT 1

Section/Condition/Advice	Applicant's Representations	Considerations
<p>Condition 5 (Staging)</p> <p>The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.</p>	<p>The Applicant requests that condition 5 be amended to allow staging of individual lots.</p>	<p>The change in the number of stages will not impact the delivery of the proposed development. The Adopted Infrastructure Changes Notice (AICN) will be required to be amended to reflect a maximum of eight (8) stages. It is recommended that condition 5 be amended to read as follows:</p> <p><i>The development may be staged in accordance with the stage boundaries shown on the Approved Plans or on an individual lot basis. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage or lot are constructed with that stage/lot.</i></p>
<p>Condition 8 (Stormwater)</p> <p>Install a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval, and must include in particular:</p> <ol style="list-style-type: none"> collection and discharge of stormwater to a lawful point of discharge, including the provision of inter-allotment drainage swales, such swales are to be generally in accordance with Drawing Not. Z13-604 P2 Sheet 2 of 2 Plan of Proposed Lot Reconfiguration Lot 1 to 9 dated 7 April 2016; Design and construct inter-allotment swale drainage, inclusive of cut off drains, with inlet capacity from each upstream allotment, of sufficient capacity to convey up to Q100 ARI flows from upstream allotments, or lesser ARI as directed by the Assessment Manager, in accordance with the Queensland Urban Drainage Manual. The drainage specifics must be determined as part of an application for Operational Works; and Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and 	<p>The Applicant request that Council delete all imposts on open stormwater drainage. The Applicant did not provide any reasons for this request.</p>	<p>Disagree. The removal of the conditions is in direct conflict with the planning scheme and cannot be supported. The removal of this condition will create potential amenity issues in the future for any and possibly all the approved allotments as detailed below:</p> <p>The Works, services and infrastructure code performance outcome 4 requires a development to be planned in a manner that each lot has the capacity to meet current and planned future needs of the development. Noting in the acceptable outcome that stormwater drainage systems are designed so that overflows do not enter adjacent lower land and perhaps residences. There are two ways to ensure this performance outcome is met; the first is to shape the lots to drain to the street and the second is to provide inter-allotment drainage. Shaping the allotments was estimated to cost in the vicinity of \$30,000. The second option, the subject of this condition, provide easements that would in the future be able to fully drain the lots that do not drain to the street now and that would connect to the drainage that Council will provide to this area in the future.</p> <p>A review of a detailed survey for the site shows that lots 1 to 3 have up to 200 mm fall to the rear of the allotments with the overall fall of the site from northwest to south east of up to 300 mm. Investigation of the ground conditions show that the site is a sandy clay with low permeability. Observation of similar</p>

<p>Bundaberg Regional Council, i.e., with overland flowpaths to be provided for a capacity of Q100ARI.</p>		<p>type allotments to the south in the Kentucky Blue grass and early areas of Parklands reveals that drainage issues will likely be experienced by residents after rainfall events. The lot flooding disrupts amenity and the function of sewerage disposal areas until the stormwater infiltrates into the ground. Moreover, it should be noted that common law supports actions by a lower land owner where they block the flow from an upper land, if the blockage is associated with the lower land owner's right to quiet enjoyment of their land. In this case that action includes construction of garden beds in the lower land where associated with quiet enjoyment and, undertaking this lawful right, the owners will block the south westerly flow of water across the lots causing flooding in upstream lots.</p> <p>It is recommended that condition 8 (stormwater) remain unchanged.</p>
<p>Condition 14 (Access) Provide a sealed access driveway to Lots 8 and 9 which is:</p> <ul style="list-style-type: none"> b. Constructed and sealed with asphalt, concrete, bitumen or approved pavers for their full length and to a minimum width of 5.5 metres for the first 40 metres, tapering to 3.5 metres for the remaining 74.887 metres, centrally located within the 12 metre wide (6 x 2) access 'handle'; and c. provided with conduits and/or services for water supply, underground power, stormwater and telecommunications. 	<p>The Applicant requests that condition 14 be amended to reduce the width of the access driveway to Lots 8 and 9 to six (6) metres (3m x 2) in accordance with the amended plan.</p>	<p>Agreed. There requested widths are in accordance with Table 9.4.4.3.3 (Access strip requirements for rear lots) contained within the Reconfiguring a Lot Code. It is recommended that condition 14 be amended to read as follows:</p> <p><i>Provide a sealed access driveway to Lots 8 and 9 which is:</i></p> <ul style="list-style-type: none"> a. <i>Constructed and sealed with asphalt, concrete, bitumen or approved pavers for their full length and to a minimum width of 5.5 metres for the first 40 metres, tapering to 3.5 metres for the remaining 74.887 metres, centrally located within a minimum six (6) metre wide (3 x 2) access 'handle'; and</i> b. <i>provided with conduits and/or services for water supply, underground power, stormwater and telecommunications.</i>
<p>Condition 21 (Easements & Land Dedications) Lodge for registration at the office of the Land Registry the following easements:</p> <ul style="list-style-type: none"> a. Minimum five (5) metre wide easement in gross using Council's standard terms for 'open cut drainage' over proposed Lots 1, 2, 3, 5, 7, 8 and 9; b. In the event all of Lot 8 and Lot 9 cannot drain to Low Street, a minimum five (5) metre wide easement in gross using Council's standard terms for 'open cut drainage' over Lot 14 on SP213319 or 	<p>The Applicant request that Council delete all imposts on open stormwater drainage. The Applicant did not provide any reasons for this request.</p>	<p>Disagree. Please refer to commentary for condition 8. It is recommended that condition 21 (Easements & Land Dedications) remain unchanged.</p>

<p>other lots connecting through to Von Deest Street for the purpose of lawful point of discharge; and</p> <p>c. Reciprocal access easements over the handles for proposed Lots 8 and 9.</p>		
<p>Condition 23 (Easements & Land Dedications)</p> <p>The easement over:</p> <p>a. proposed Lots 1, 2, 3 and 5 must be included with the first survey plan lodged for sealing under this decision notice;</p> <p>b. proposed Lots 8 and 9 must be included in the stage creating proposed Lots 6 and 7 or the stage creating Lots 8 and 9 whichever is sooner; and</p> <p>c. Lot 14 on SP213319 must be included with the stage creating proposed Lots 8 and 9 (Stage 3), in the event all of the aforesaid lots do not directly fall to Low Street.</p>	<p>The Applicant request that Council delete all imposts on open stormwater drainage. The Applicant did not provide any reasons for this request.</p>	<p>Disagree. Please refer to commentary for condition 8. It is recommended that condition 23 (Easements & Land Dedications) remain unchanged.</p>
<p>Advice Note C (Other)</p> <p>The conditions 8 and 9 are based on anticipated level-of-service outcomes for the proposed allotments. A copy of these outcomes is available from Council's Development Assessment team and may assist in the operational works design process.</p>	<p>The Applicant request that Council delete all imposts on open stormwater drainage. The Applicant did not provide any reasons for this request.</p>	<p>Disagree. Please refer to commentary for condition 8. It is recommended that Advice Note C (Other) remain unchanged.</p>
<p>New Property Note</p>	<p>The Applicant requests that a new property note be included as a result of removing the requirements for stormwater and stormwater easements. The Applicant suggests the following wording:</p> <p>Owners of Lots 1 to 9 are to be made aware that the subject lot does not have the benefit of internal drainage systems. Land owners are not to block via filling/structure/gardens, the flow of stormwater coming to the property. Landowners are not to discharge a concentrated flow from the property. Matters/issues/disputes</p>	<p>Disagree. This property note is not required due to the retention of conditions relating to stormwater drainage (see commentary for condition 8 above). Additionally, the matters that the proposed property notes seeks to mandate on future landowners are not legally enforceable by the Council.</p>

	relating to stormwater drainage/overland flows on the subject lots are a matter to be dealt with as a civil issue.																
<p>Section 10 (Approved Plans) The approved plans for this development approval are listed in the following table:</p> <table border="1" data-bbox="405 491 875 603"> <thead> <tr> <th>Plan number</th> <th>Plan/Document name</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Z13-604 P2</td> <td>Plan of Proposed Lot Reconfiguration Lots 1 to 9</td> <td>7 April 2016</td> </tr> </tbody> </table>	Plan number	Plan/Document name	Date	Z13-604 P2	Plan of Proposed Lot Reconfiguration Lots 1 to 9	7 April 2016	<p>The Applicant requests that drawing number Z13-604 P2 be replaced with new plan Z13-604 P3. The amended plan:</p> <ul style="list-style-type: none"> Removes stormwater easements; and Reduces the widths of the access handles to Lot 8 and 9 and slight variation of the areas of Lot 8 and 9. 	<p>Agreed in part. As detailed in commentary above against condition 8 (stormwater) the stormwater easements are recommended to remain. It is therefore recommended that Z13-604 P2 be retained and new plan Z13-604 P3 be included and amended to include notation relating to the location of easements on drawing no. Z13-604 P2 be included. It is therefore recommended that Section 10 (Approved Plans) be amended to read as follows:</p> <p><i>The approved plans for this development approval are listed in the following table:</i></p> <table border="1" data-bbox="1249 651 1787 794"> <thead> <tr> <th>Plan number</th> <th>Plan/Document name</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Z13-604 P2</td> <td>Plan of Proposed Lot Reconfiguration Lots 1 to 9</td> <td>7 April 2016</td> </tr> <tr> <td>Z13-604 P3</td> <td>Plan of Proposed Lot Reconfiguration Lots 1 to 9</td> <td>5 September 2016</td> </tr> </tbody> </table>	Plan number	Plan/Document name	Date	Z13-604 P2	Plan of Proposed Lot Reconfiguration Lots 1 to 9	7 April 2016	Z13-604 P3	Plan of Proposed Lot Reconfiguration Lots 1 to 9	5 September 2016
Plan number	Plan/Document name	Date															
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<p>Section 13 (Conditions about Infrastructure)</p> <table border="1" data-bbox="405 842 875 1059"> <thead> <tr> <th>Condition/s</th> <th>Provision under which the Condition was imposed</th> </tr> </thead> <tbody> <tr> <td>7, 8, 14, 15, 21 and 24</td> <td>Section 665 – Non-trunk Infrastructure</td> </tr> <tr> <td>N/A</td> <td>Section 646 – Identified Trunk Infrastructure</td> </tr> <tr> <td>N/A</td> <td>Section 647 – Other Trunk Infrastructure</td> </tr> </tbody> </table>	Condition/s	Provision under which the Condition was imposed	7, 8, 14, 15, 21 and 24	Section 665 – Non-trunk Infrastructure	N/A	Section 646 – Identified Trunk Infrastructure	N/A	Section 647 – Other Trunk Infrastructure	<p>The Applicant request that Council delete all imposts on open stormwater drainage. The Applicant did not provide any reasons for this request.</p>	<p>Disagree. Please refer to commentary for condition 8. It is recommended that Section 13 (Conditions about Infrastructure) remain unchanged.</p>							
Condition/s	Provision under which the Condition was imposed																
7, 8, 14, 15, 21 and 24	Section 665 – Non-trunk Infrastructure																
N/A	Section 646 – Identified Trunk Infrastructure																
N/A	Section 647 – Other Trunk Infrastructure																



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

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Resolution (No. 1) 2015

To: R McCullough
 10 Low Street, Kensington QLD 4670

Date of Issue: 27 September 2016
Register No.: 331.2015.777.1

Land to which the Charge Applies

Address: 10 Low Street KENSINGTON QLD 4670
 Property Description: Lot 9 on RP13529

Development to which the Adopted Infrastructure Charge Applies

The adopted infrastructure charge applies to the following development type: Reconfiguring a Lot
 Development Approval No.: 321.2015.44748.2

Current Amount of the Adopted Infrastructure Charge

The adopted infrastructure charge has been calculated in accordance with the method outlined in the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015 and Chapter 8 of the Sustainable Planning Act 2009. Please see Schedule 1 of this notice for the detailed calculation of the current amount.

Current Amount of Adopted Infrastructure Charge = \$181,440.00
 (as at date of issue)

Offsets

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

Total offsets applicable to this development = n/a

Refunds

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

Total refunds applicable to this development = n/a

Automatic Increase

The charges are subject to an automatic increase in accordance with Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015. Council's adopted infrastructure charge is to automatically increase from the time the charge is levied to the time the charge is paid. As per section 631 of SPA this automatic increase provision is calculated as follows:

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

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

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



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Smoothed PPI (levied date) = 3 yearsly smoothed PPI at time the charge is levied
 = average (12 previously published PPI figures relative to levied date)

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

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

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

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

Payment of the Adopted Infrastructure Charge

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

Other Important Information

1. PAYMENT

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

2. GOODS AND SERVICES TAX

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

3. INFRASTRUCTURE CHARGES ENQUIRIES

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

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

Michael Ellery
Group Manager - Development



ADOPTED INFRASTRUCTURE CHARGES NOTICE
SCHEDULE 1 – Calculation of Current Charges, Offsets and Refunds

PO Box 3130, BUNDABERG QLD 4670
Local Call 1300 883 699 | Fax (07) 4150 9410
ABN 72 427 835 188

Applicant: R McCullough
Applicant address: 10 Low Street, Kensington QLD 4670
Site address: 10 Low Street KENSINGTON QLD 4670
Lot/Plan: Lot 9 on RP13529

Development Type: Reconfiguring a Lot
Due date for payment: before the local government approves the plan of subdivision for the reconfiguration of each stage
Dev Approval No.: 321.2015.44748.2
Register No.: 331.2015.777.1

Prepared by: Merinda Honor
Date of issue: 27/09/2016
Authorising Officer: Michael Ellery
Inside PIA: No

Adopted Infrastructure Charges: \$ 181,440.00
Offset: n/a
Additional Charge Condition: n/a
AICN - Amount Payable: \$ 181,440.00

Summary of the Adopted Infrastructure Charges

Stage Part	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
All	ROL	New	Bundaberg Partially Serviced (no wastewater)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 22,680.00	n/a	n/a	9	0	0	n/a	0%	\$ 204,120.00
All	ROL	Existing credit	Bundaberg Partially Serviced (no wastewater)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ (22,680.00)	n/a	n/a	1	0	0	n/a	0%	\$ (22,680.00)
Adopted Infrastructure Charges Total: \$ 181,440.00															

Stage Breakdown of Adopted Infrastructure Charges

Stage	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
1	ROL	New	Bundaberg Partially Serviced (no wastewater)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 22,680.00	n/a	n/a	1	0	0	n/a	0%	\$ 22,680.00
2	ROL	New	Bundaberg Partially Serviced (no wastewater)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 22,680.00	n/a	n/a	1	0	0	n/a	0%	\$ 22,680.00
3	ROL	New	Bundaberg Partially Serviced (no wastewater)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 22,680.00	n/a	n/a	1	0	0	n/a	0%	\$ 22,680.00
4	ROL	New	Bundaberg Partially Serviced (no wastewater)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 22,680.00	n/a	n/a	1	0	0	n/a	0%	\$ 22,680.00
5	ROL	New	Bundaberg Partially Serviced (no wastewater)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 22,680.00	n/a	n/a	1	0	0	n/a	0%	\$ 22,680.00
6	ROL	New	Bundaberg Partially Serviced (no wastewater)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 22,680.00	n/a	n/a	1	0	0	n/a	0%	\$ 22,680.00
7	ROL	New	Bundaberg Partially Serviced (no wastewater)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 22,680.00	n/a	n/a	1	0	0	n/a	0%	\$ 22,680.00
8	ROL	New	Bundaberg Partially Serviced (no wastewater)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 22,680.00	n/a	n/a	1	0	0	n/a	0%	\$ 22,680.00
Stage Breakdown Total: \$ 181,440.00															



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ADOPTED INFRASTRUCTURE CHARGES NOTICE INFORMATION NOTICE

1. REASON FOR DECISION

This notice has been issued pursuant to the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No. 1) 2015 and Chapter 8 of the Sustainable Planning Act 2009.

2. APPEAL RIGHTS

The recipient of the infrastructure charge may appeal to the Planning and Environment Court in accordance with section 478 of the Sustainable Planning Act 2009.

478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development.
 - (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

The recipient of the infrastructure charge may appeal to a building and development committee in accordance with section 535 of the Sustainable Planning Act 2009.



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ABN 72 427 835 198

535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;
Examples of possible errors in applying an adopted charge—
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 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development;
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 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

535A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.



Item

27 September 2016

Item Number:	File Number:	Part:
K3	321.2015.43623.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

98, 106, 112 and 116 Hughes Road, Bargara - Development Permit for Reconfiguration of Lot (4 lots into 86 lots) (Stages 1-8)

Report Author:

Erin Clark, Senior Planning Officer - Major Projects

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

Governance - 4.4.6 A commonsense approach to planning, coordination and consultation

Summary:

APPLICATION NO	321.2015.43623.1
PROPOSAL	Development Permit for Reconfiguration of Lot (4 into 86 lots) (Stages 1-8)
APPLICANT	M Brischetto
OWNER	J A Brischetto & E Brischetto
PROPERTY DESCRIPTION	Lot 56 RP862829, Lot 55 RP862829, Lot 17 RP7246, Lot 100 SP259485
ADDRESS	98, 106, 112 and 116 Hughes Road, Bargara
PLANNING SCHEME	Planning Scheme for Burnett Shire
ZONING	Rural Zone
OVERLAYS	Natural Features or Resources Overlay
LEVEL OF ASSESSMENT	Impact Assessable
SITE AREA	8.44 ha Total
CURRENT USE	Dwelling houses and agricultural uses
PROPERLY MADE DATE	27 July 2015
STATUS	The 20 business day decision period ended on 14 July 2016
REFERRAL AGENCIES	Nil
NO. OF SUBMITTERS	One (1) Submitter
PREVIOUS APPROVALS	Nil
SITE INSPECTION CONDUCTED	10 July 2015
LEVEL OF DELEGATION	Level 3

1. INTRODUCTION

1.1 Proposal

The application seeks a development permit to reconfigure four existing lots at 98, 106, 112 and 116 Hughes Road, Bargara into 86 lots. The proposal is shown in eight (8) stages, which range in size from two (2) to sixteen (16) lots in each stage.

The proposed lots range in size from 602 m² to 994 m² and are low density residential in nature. These stages have been designed to allow integration with adjoining parcels in the future, with an indicative layout shown on submitted proposal plans for information. Primary access is proposed to be gained off Hughes Road onto proposed Road A, with three future connections possible.

Full infrastructure service is proposed to the entire development, with the proposed construction of a sewerage pump station and all necessary road, water, stormwater and sewerage connections for new lots.

1.2 Site Description

The subject site comprises four lots within the Rural Zone, which are 1,500 m², 3.02 ha, 3.16 ha and 2.11 ha in area respectively, providing a total site area of 8.44 ha. The lots are all rectangular in shape, and all gain access from Hughes Road. Three lots front Hughes Road, with a combined frontage width of approximately 140 m and the fourth lot has an access handle to the north of Lot 101 on SP259845 (which is not included in the development application). Although aligned with the stub of Brumby Lane to the rear of the lots, no connection with Brumby Lane is proposed as part of this development.

Two of the subject lots contain a single dwelling house and associated outbuildings, 106 Hughes Road and 98 Hughes Road. A large farm shed structure of approximately 800 m² (roof area) with associated machinery around the building is sited 120 m from the front of the lot at 112 Hughes Road, reflecting its historical use as a sugar cane farm. A much smaller shed structure is located on the lot at 116 Hughes Road (approximately 80 m²).

Elevations across the site range from 12.0 m AHD to 6.0 m AHD, sloping from the west to east across the subject site, with the lowest area at the frontage of Lot 55 on RP862829 (116 Hughes Road).

A number of easements traverse the perimeter of three of the subject lots. The three separate easements to the rear of three lots (98, 106 and 112 Hughes Road) are Easements A, B and C on RP862829 and for the purpose of private irrigation pipelines. Two easements, Easements C and F on SP259485, approximately 2 m in width exist along the northern edge of Lot 100 on SP259485. The purpose of these easement is for the irrigation infrastructure for Bargara Golf Club. Easement E on SP259485 for the purpose of access, also exists over the handle of Lot 100 on SP259485.

Established low density residential development is existing to the north and north-east of the site across Hughes Road. Along the boundary to the south of the subject site is rural residential type development, along with broader development to the south-west fronting Seaview Road. To the north of the site is existing rural activities (cropping) and the lot encapsulated to the north (immediately adjoining) has a small amount of cropping activity and a commercial business, including a restaurant/ café.

2. ASSESSMENT PROVISIONS

2.1. *Applicable Planning Scheme, Codes and Policies*

The applicable local planning instruments for this application are:

Planning Scheme: Planning Scheme for Burnett Shire

Applicable Planning Scheme Policies:

- Planning Scheme Policy for Burnett Shire Planning Scheme

2.2 *State Planning Instruments*

The applicable State planning instruments for this application are:

- SPP April 2016;
- Wide Bay Burnett Regional Plan.

3. ISSUES RELEVANT TO THE APPLICATION

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

Land use designation

The proposed lot reconfiguration application was lodged under the provisions of the now superseded Burnett Shire Planning Scheme and subsequently the relevant assessment provisions for this planning instrument apply. In this regard, the subject site is zoned Rural and conflict exists with the Burnett Shire Planning Scheme. The proposed lot reconfiguration does not meet the minimum lots size requirements of the Reconfiguring a Lot Code for land zoned Rural which are based upon viable agricultural land use areas. Considering this, the applicant has requested that weighting be given to the provisions of the advertised Bundaberg Region Planning Scheme, which was in draft form at the time of lodgement of this application and subsequently brought into effect 19 October 2015, based upon the Coty Principle on the bases that the proposed development meets the new Planning Scheme's intent for the area to be developed.

Therefore, the applicant would seek that the provisions of Bundaberg Region Planning Scheme be applied as a relevant planning instrument. The new Bundaberg Regional Council Planning Scheme proposes an 'Emerging Communities' zone for the subject parcel, with a minimum lot size of 10 hectares. The new Planning Scheme provides a contemporary consideration of this locality and confirms its intent for urban designation. In this instance, Specific Outcome 3.3.2.1 of the Strategic Framework must be considered which provides for the development of urban development within the urban area and urban expansion areas shown in The Strategic Framework Map SFM-001. This subject site is identified as within this designation as the central coastal urban area. Further to this, Specific Outcome 3.3.3.1(d) details that urban growth is to be focussed in the central coastal urban area within the existing committed greenfield urban areas between Burnett Heads and Elliott Heads, subject to local structure planning undertaken by Council.

Considerable masterplanning exercises have since been undertaken by Council after the adoption of the planning scheme in the Hughes Road and Seaview Road area under the new policy.

Within Council's information request, dated 24 August 2015, the applicant was requested to address the relevant codes/ provisions of the scheme, primarily the Emerging Community Zone Code and the *Hughes and Seaview Bargara Masterplan* (Planning Scheme Policy). The applicant subsequently demonstrated that the proposal generally complies with all of the applicable provisions. The proposed lot layout of the subdivision is compliant with the outcomes for low density residential within the Planning Scheme Policy applicable to this central coastal urban area, meeting required densities, proposed connections to infrastructure in a logical and efficient manner and providing access to the development via a new internal road, which meets the requirements of the movement network.

Lot size and layout

The proposed development is low density residential in nature and under the application of the Emerging Community Zone within the Bundaberg Regional Council Planning Scheme 2015, and utilising the Coty Principle, seeks to align with the provision of the relevant zone and intent for the area under the recent Masterplanning exercises undertaken by Council. Therefore, consideration was given in the assessment to lot size and configuration in the context of the contemporary planning policy.

All lots meet or exceed the minimum lot size expected for seweraged lots in the Low Density Residential zone of the contemporary policy, with site areas ranging from 602 m² to 994 m². It is also noted that this is compliant with the requirements of Urban Residential type development within the Burnett Shire Planning Scheme, which the development was lodged under.

Generally, the regular lots all meet the minimum frontage requirements of both planning schemes, with a small number of exceptions. Whilst these lots have a lesser frontage, the average width is appropriate, the siting of anticipated buildings and structures is possible and the lots have a presentation to the street which takes account of infrastructure and is commensurate with expectations of development at the head of a cul-de-sac.

Overall, it is considered that the layout reflects the prevailing or intended subdivision character of the area, provides for the suitable siting and construction of potential buildings and structures and the provision of adequate areas of outdoor recreation space.

Good Quality Agricultural Land (GQAL)

When applying the rationale and weighting to the new planning scheme of 2015, the zoning of the subject site as Emerging Community indicates that the land has a higher and better use than rural uses indicated for the future. This GQAL land is currently fragmented by surrounding rural residential uses. The applicant relates that the subject land has not been used for agricultural uses recently, notwithstanding adjoining land is utilised for agricultural activity.

Agricultural Buffers

Although the subject land is included within the *Wide Bay Burnett Regional Plan* Urban Footprint and under contemporary planning policy has been allocated an urban zoning, the surrounding land continues to have existing use rights for agricultural activities, primarily to the northern boundary.

For this reason, a number of precautionary measures have been included to protect these existing uses and to ensure residential uses are buffered. A condition is recommended that the survey plan creating Stages 6 and 8, including proposed Lots 26 to 27 and 77 to 86 is not to be endorsed until such time as the adjoining land is used for urban purposes. Alternatively, the developer is given an option to provide a binding legal agreement with the landowners of this adjoining lot (Lot 5 on RP42972) that no agricultural activities are to be undertaken within 40m of the property boundary to the satisfaction of the Assessment Manager.

Easements

As previously detailed in section 1.2 of this report, a number of easements traverse the lots within the development area. The collective easements A, B and C on RP862829 to the rear of the lots is for the purpose of private irrigation pipelines and Easements C and F on SP259485 solely within 98 Hughes Road are for the purpose of irrigation infrastructure for the Bargara Golf Club. As the proposed lot reconfiguration includes the provision of road reserve and two private lots (Lots 27 and 86), a condition is recommended that prior to an Operational Works application being lodged for the earlier of Stage 5, 6 or 8, that proof be provided to the Assessment Manager that the easements have been surrendered and infrastructure removed. Alternatively, that written agreement is obtained from the grantees of the easements accepting any works within the tenements with appropriate agreement in place with Council relating to private infrastructure in road reserve.

Sewerage Infrastructure

The developer submitted a Planning Report *Hughes & Seaview (Bargara) Sewerage Masterplan*, dated 9 August 2016 to meet the intent of specific outcome 265 of the Development Infrastructure and Works Code. The report, which is accepted by Council's Water and wastewater Group, recommends the construction of a sewerage pump station (about 5 metres deep) on lot 54 on RP862829 (PSM Land). Discussions are underway with the owner of the PSM Land to acquire the land through agreement (rather than through the controls of the *Acquisition of Land Act 1967*). It is anticipated that the PSM Land will be purchased in the 2017-18 financial year if the negotiations are successful. However, the condition package has been drafted to allow a short term interim solution if the PSM Land is not available at the time the developer would like to release lots for stages 1 to 3.

The provision of gravity sewerage to the development has basically two options. The preferred option will, in the short term, require a temporary pump station in Lot 50 on RP862829 (west of the subject land) to service the Seaview Road catchment and until the land at Brumby Lane develops. This option means that the sewerage down and along Road A is non-trunk infrastructure with a short section of trunk downstream of that road. The other option involves construction that may require excavation in rock for about 200 metres and the provision of trunk infrastructure to the pump station. The condition has been written to allow either option to be implemented.

Stormwater Infrastructure

When considering the stormwater infrastructure for the proposed development, it is considered that compliance can be achieved with the applicable Codes.

It should be noted, that because the subject land is at the bottom of the catchment it will not need to provide detention storage to establish a lawful point of discharge as the stormwater from the site is to be discharged directly to Moneys Creek quickly and quite some time before the peak from upstream of Windermere Road arrives at the proposed outlet for this development.

However, conditions have been recommended in this report to refine and update the modelling of the proposed drainage for the Moneys Creek catchment at the time of the first optional works application. This refinement work will ensure that Council's model is updated to provide the most accurate prediction of the inundation for this area and Moneys Creek. Updating the model will also ensure that Hughes Road and other internal roads operate at the required levels of service in the nominated major storm events.

Roadworks and Access

The proposed development is considered to generally comply with all of the provisions of the relevant Codes in relation to roadworks and access. It is recommended that the developer be conditioned to provide auxiliary lanes (right and left turn in) sufficient only for the development and on the current alignment and vertical geometry of Hughes Road.

Such works will not have kerb and channel and conventional underground drainage, but ostensibly accords with the condition on the development to the east (Golf Links Estate). The provision of this type of condition for auxiliary lanes will allow for an efficient upgrade of Hughes Road to suit the geometry associated with the Moneys Creek drainage upgrades. Further, it will reduce the chance that infrastructure provided at this point does not effectively integrate with the improvements suggested for the ultimate development of Hughes Road.

Acoustic Amenity

A number of conditions have been recommended in terms of acoustic amenity buffer along the Hughes Road frontage. The buffer is in the form of a 1.8 m high solid single sided fence along the Hughes road frontage of the site for each stage fronting that road, being stages 1 and 7. In addition, a vegetated buffer is to be provided and planted at a density to screen the fence adjoining Hughes Road in conjunction with the landscaping plan. For comparison, the recommended fence against Hughes road is similar to that imposed on Golf Links estate. The extension of this condition will allow for a continuity of look and visual amenity for the area.

Relevant period

The applicant for the proposed development in their planning report (application material) has requested that a set currency period of fifteen (15) years for the approval be granted. This request was detailed by the applicant as an extension from the requirements of the *Sustainable Planning Act 2009* (SPA) and it is recommended that this timeframe be agreed to allow the developer ample time to complete the development.

Therefore, under the relevant sections of the Act, if the development is not started within four (4) years or an Operational Works lodged within two (2) years, it will lapse under s.341 of SPA, however if it is started, but not completed within fifteen (15) years, it will lapse under s.342.

Public Notification

The following matters were raised by submitters:

Grounds of Submissions		Considerations
1	Potential impacts on adjoining property from stormwater, sewerage easements, noise and provision of services such as electricity and telecommunications.	The potential impacts of the proposed development has been assessed as part of this application. It is considered that the potential noise generated by the proposed development is no greater than anticipated by the Bundaberg Regional Council Planning Scheme 2015 under its designation of the land for residential use.
2	Unknown location of infrastructure and request for details of potential land acquisition for sewerage infrastructure.	The exact location of all infrastructure will be included as part of the design of an Operational Works application. The recommended conditions for this application do include the dedication of road reserve. The indicative location of the sewerage infrastructure is included within the associated engineering reports for this application. In terms of details of land acquisition for the sewerage infrastructure, negotiations with the relevant landowner have begun at the time of preparing this report, however no formal agreements have been undertaken.
3	Requests were included for the provision of fencing to neighbouring properties for amenity and separation reasons.	A standard condition has been recommended for the provision of fencing (1.8m in height) by the developer where it does not currently exist.

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment - Engineering	23 August 2016
Water and Wastewater	6 July 2015

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

4.2 Referral Agency

Not Applicable.

5. PUBLIC NOTIFICATION

Pursuant to the *Sustainable Planning Act 2009*, this application was advertised for 29 business days (voluntarily in excess of the required 15 business days) from 1 May 2016 until 11 June 2016.

The Applicant submitted documentation on 13 June 2016 advising that public notification had been carried out in accordance with the *Sustainable Planning Act 2009*. Council received one (1) submission in relation to this development application during this period. Any significant issues raised have been included in section 3 of this report.

Communication Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 Site Plan
- 2 Locality Plan
- 3 Approval Plans
- 4 AICN

Recommendation:

That Development Application 321.2015.43623.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Reconfiguring of a Lot (4 lots into 86 lots) (Stages 1-8)

SUBJECT SITE

112 Hughes Road, 116 Hughes Road, 106 Hughes Road and 98 Hughes Road, Bargara described as Lot 56 on RP862829, Lot 55 on RP862829, Lot 17 on RP7246 and Lot 100 on SP259485

DECISION

- Approved in full subject to conditions

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

1. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Reconfiguring a lot	Part 1, table 3, item 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

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

- All Operational Work

4. CODES FOR SELF ASSESSABLE DEVELOPMENT

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

The relevant codes identified in the:

- Planning Scheme for Burnett Shire and Associated Planning Scheme Policies

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

Compliance assessment is required under chapter 6, part 10 of SPA for the following documents or works in relation to the development

Documents or works requiring compliance assessment	Matters or things against which the document or work must be assessed	Compliance assessor	When the request for compliance assessment must be made
Subdivision Plan	The matters or things listed in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>	Bundaberg Regional Council	In the time stated in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>

6. SUBMISSIONS

There was one (1) submission received for the application. The name and address of the principal submitter for each properly made submission are as follows:

Name of principal submitter	Address
1. John & Christine Bloem	118 Hughes Road, Bargara QLD 4670

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

The assessment manager does consider that the assessment manager’s decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>The proposed development conflicts with the Rural Planning Area Code and the Rural Zone Code in that the proposed development proposes a low density residential pattern of development.</p>	<ul style="list-style-type: none"> • The current Planning Scheme for Burnett Shire was gazetted in May 2006. • The Council has adopted a new Planning Scheme for the Regional Council Area, including the subject site in October 2015. • The Bundaberg Region Planning Scheme 2015 includes the subject land within the 'Emerging Community' zone designation. • The proposed development meets the new Planning Scheme's intent for the area to be developed. • The proposed development is consistent with surrounding uses and complies with the requirements for low density residential residential allotments within the Bundaberg Region Planning Scheme 2015 and associated masterplanning documents. • The proposed development does not prejudice the intended planning outcomes of the new planning scheme and weighting has been applied under the Coty Principle.

8. REFERRAL AGENCY

Not Applicable

9. APPROVED PLANS

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

Plan/Document number	Plan/Document name	Date
HWD-POD1-Rev2	Plan of Development 321.2015.43623.1 – Plan No: 2A	As Amended 01.09.16
HWD-MP1.1-Rev2	Hughes-Wessels-Brumby (HWB) Sector of the HSM Masterplan Area 321.2015.43623.1 – Plan No: 3A	As Amended 01.09.16
HWD-LD8-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 4A	As Amended 01.09.16
HWD-LD7-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 5A	As Amended 01.09.16
HWD-LD6-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 6A	As Amended 01.09.16
HWD-LD5-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 7A	As Amended 01.09.16
HWD-LD4-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 8A	As Amended 01.09.16
HWD-LD3-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 9A	As Amended 01.09.16
321.2015.43623.1 Plan No: 1A	Road Naming Plan	As Amended 01.09.16

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

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

11. REFUSAL DETAILS

Not Applicable

12. CONDITIONS ABOUT INFRASTRUCTURE

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

Condition/s	Provision under which the Condition was imposed
6- 12, 22 – 31, 36b(i – iii), 42 – 45.	Section 665 – Non-trunk Infrastructure
32, 34	Section 646 – Identified Trunk Infrastructure
36a or 36 b iv, 37.	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER**PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER****General**

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

Date Development Must be Completed By (Lapsing Date)

4. In accordance with section 342 of the *Sustainable Planning Act 2009*, this Development Approval to the extent it relates to development not completed will lapse fifteen (15) years from the date of this approval

Buffers – Agricultural

5. The survey plans creating Stages 6 and 8, including Proposed Lots 26-27 and Lots 77-86, are not to be endorsed until such time as the adjoining land Lot 5 RP42972 is used for urban purposes, or alternatively until a binding legal agreement is established with the landowners of this adjoining lot (Lot 5 RP42972) that no agricultural activities are to be undertaken within 40m of the property boundary to the satisfaction of the Assessment Manager.

Note: The establishment of an easement over Lot 5 on RP42972 is an acceptable option for compliance with this condition.

Buffers – Acoustic Amenity

6. Provide a 1.8 m high solid single sided solid fence along the Hughes road frontage of the site as part of the works for each stage fronting that road. Such works may be carried out in its entirety in the first stage of development. Fencing treatments are to be agreed to by the Assessment Manager in association with the approval of the landscaping plan.

Fences

7. With each relevant stage of development, provide a 1.8 metre high solid screen fence commencing 6m from the road frontage of the subject property, where such fencing does not currently exist, to:
 - a. the northern boundary of Lot 17 on RP7246 for the length of Lot 101 on SP259485;
 - b. the full length of the southern boundary of Lot 56 on RP862829 and Lot 55 on RP862829;
 - c. the western boundary of Lot 56 on RP862829, Lot 17 on RP7246 and Lot 100 on SP259485; and
 - d. eastern boundary of Lot 100 on SP259485, where adjoining the rear boundary Lot 101 on SP259485 (ie not for the length of the access handle)

From the front building line to the front boundary of the site, fencing must be tapered to a height of 1.2 metres. The erection of a second boundary line fence parallel to any existing boundary fence is prohibited.

Easements

8. With each stage of development, lodge for registration at the office of the Land Registry the following easement(s):
 - a. a stormwater drainage easement having a minimum width of three (3) metres or as determined in an application for Operational Works, whichever is the greater, to the benefit of Council that includes:
 - i. any stormwater main existing or proposed to traverse the land located within the easement and a minimum of one (1) metre from the easement boundary; and
 - ii. all Q100 ARI stormwater overland flow paths downstream of the land to an agreed lawful point of discharge;
 - b. a sewerage easement having a minimum width of three (3) metres to the benefit of Council that includes any sewerage main existing or proposed traversing the land located within the easement and a minimum of one (1) metre from the easement boundary; and
 - c. a combined stormwater and sewerage easement having a minimum width of 3.5 metres to the benefit of Council that includes any sewerage and water mains existing or proposed traversing the land located within the easement and a minimum of one (1) metre from the easement boundary.

9. Draft easement documentation must be submitted to the Assessment Manager for endorsement.
10. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.
11. Ensure that any easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plan/s or the conditions of this approval. Proof of the registration or surrender of any easements are to be submitted to the Assessment Manager at the time of the submission of a Plan of Subdivision for compliance assessment.
12. Prior to the submission of a development application for Operational Works for earlier of Stages 5, 6 and 8, undertake either, or a combination of (to the satisfaction of the Assessment Manager):
 - a. provide proof to the Assessment Manager of:
 - i. the surrender of Easements A, B and C on RP862829 and Easements, C and F in Lot 100 on SP259485 (the Easements); and
 - ii. removal of all infrastructure associated with the purpose of that easement;

OR

- b. provide written agreement from the Grantees of the Easements A, B and C on RP862829 and Easements, C and F in Lot 100 on SP259485; that they accept the provision and construction of any works within the servient tenements with appropriate agreement in place with Council relating to private infrastructure in road reserve.

Note: If compliance cannot be achieved with either of these options, the development will need to be modified to appropriately incorporate the existing easements.

Existing Services and Structures

13. With each relevant stage of development, certification must be submitted to the Assessment Manager from an appropriately qualified surveyor which certifies that:
 - a. the boundary clearances for any existing houses remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice;
 - b. all existing and proposed utility services and connections (eg electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible;
 - c. all existing effluent disposal areas are removed and the associated dwellings must be connected to the sewerage;

- d. all sheds, garages, detached car ports (other than associated with an existing house) and other non-class 1 structures are removed when their respective stages are developed.
14. Demolish or remove the existing shed structures on Lots 55 and 56 on RP862829 and the existing dwelling and associated outbuildings, (unless wholly contained within a new or balance lot) on existing Lot 17 on RP7246 and Lot 100 on SP259485 upon commencement of the works for the relevant stage of development.

Electricity, Street lighting and Telecommunications

15. Enter into an agreement with an approved electricity provider, to ensure that underground electricity will be available to each lot under standard tariff conditions and without further capital contributions. Provide evidence of such an agreement, along with associated bonding arrangements, to the Assessment Manager prior to the approval of the Plan of Subdivision.
16. Padmount transformers must be located within the road reserve fronting proposed or existing park or drainage reserves, unless otherwise agreed in writing by the Assessment Manager.
17. Street lighting to new roads, multi-modal pathways and intersections must be by way of provision of underground conduits and cables, poles and street lights. The design and provision of street lighting must be in accordance with Australian Standard 1158:2005. The applicable lighting category is P4 for all roadways.
18. Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.
19. Telecommunication conduits (ducts) and pits, including trenching and design, must be provided to service the development in accordance with 'Fibre-Ready' standards or the NBN Co Installing Pit and Conduit Infrastructure - *Guidelines for Developers*, to the satisfaction of the Assessment Manager.
20. Street lighting must be the most energy efficient, dark sky compliant (which prevents the light from escaping upward and direct light down and away from the beach) and amber lighting available in the National Electricity Market Load Tables for Unmetered Connection Points (AEMO 2015).

Landscaping

21. A landscape plan must be submitted to and approved by the Assessment Manager as part of an application for Operational Works. The plan must be generally in accordance with the Approved Plan/s, have regard to the conditions of this approval and include, but not be limited to, the following features:
 - a. The area or areas set aside for landscaping (road frontages; street trees; agricultural buffers);

- b. A plan and schedule of all proposed trees, shrubs and ground covers which identifies:
 - i. The location and sizes at planting and at maturity of all plants;
 - ii. The utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided). No exotic plants are to be specified;
- c. The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;
- d. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
- e. Details of any landscaping structures, including entrance statements;
- f. Details of cutting and filling and all retaining structures and fences and associated finishes
- g. Contours or spot levels if appropriate;
- h. Fence size and materials;
- i. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device;
- j. Location of any drainage, sewerage and other underground services and any overhead power lines;
- k. Retention of existing landscaped vegetative buffer on Lot 100 SP259485 until the commencement of the relevant stage of development as allowed for under Condition 5;
- l. For Stages 1 & 7: A vegetated buffer planted at a density to screen the fence adjoining Hughes Road. The buffer is to be provided in conjunction with the construction of the fence and must consist of a combination of small trees and shrubs (incorporating 20 percent advance plantings) of species which are fit for the purpose and are similar to those provided on the eastern side of the Hughes Road (immediately opposite to the site). The width of any garden is not to exceed four (4) metres.
- m. Street trees within the road reserve.

New Street Names

22. Street names must be submitted to and approved by the Assessment Manager in association with the commencement of Operational Works associated with this approval. A written request for the proposed naming of streets must be submitted that includes three (3) suggested road names for each new street in the development that:

- a. Reflect aspects of the area in which the streets are located, including historical names, unless otherwise determined by the Assessment Manager. The order of preference in allocating street names will be:
 - i. Historical persons / Historical place names;
 - ii. Other relevant aspects (eg local flora and fauna); and
 - iii. Themed street names. Where 'themed' names are proposed, a list of street names for the entire development must be submitted as part of the Operational Works application for Stage One of the development;
- b. Are nouns and generally contain one (1) word. Composite words may be acceptable when they supplement the primary name; and
- c. Are unique and unambiguous to the Bundaberg Regional Council local government area.

(Note: where a street is extended, the new section created will retain the name of the street extended.)

23. Supply and erect all necessary street signs and posts.

Roadworks

24. All new roads must be dedicated as road reserve.

25. Intersection designs and speed restriction devices must be in accordance with Complete Streets for internal roads with the exception of Roads A and B shown on approved plan – Road Naming Plan 321.2015.43623.1 Plan No 1A (dated 01.09.16).

26. Provide truncations to all street intersection types to a minimum of six (6) metre three (3) chord configuration. The truncation must be dedicated as road reserve.

27. Construct all new roads in accordance with the following requirements:

- a. All roadways must be sealed with asphaltic concrete.
- b. Provide concrete kerb and channelling on each side of all roadways to the relevant standard.
- c. Road C, D and E shown on approved plan – Road Naming Plan 321.2015.43623.1 Plan No 1A (dated 01.09.16), must comply with the Access Place standards specified in the *planning scheme policy for development works – SC6.3.3.4.4 Design Criteria*. The specific requirements must be determined as part of the Operational Works application;
- d. Road B and the stub road between proposed Lots 4 and 5 must generally comply with the Access Street standards specified in the *planning scheme policy for development works – SC6.3.3.4.4 Design Criteria*. The specific requirements must be determined as part of the Operational Works application;

- e. Road A must generally comply with the Collector (Neighbourhood) standards specified in the *planning scheme policy for development works SC6.3.3.4.4 Design Criteria* and modified on the western interface (adjacent lots 50 on RP 862829 and Lot 3 on RP 42972) to provide only the eastern footpath. The specific requirements must be determined as part of the Operational Works application; and
 - f. Cul-de-sac bulbs must be provided with a minimum twenty (20) metre turning circle measured from the nominal kerb line.
28. Where the staged road layout does not allow a commercial vehicle to manoeuvre within the roadway in a forward gear, provide a temporary sealed turn-around facility. The temporary turn-around facilities must be in accordance with an Operational Works approval and provide a minimum twenty (20) metre turning circle, measured from the edge of the pavement.
29. Road B, shown on approved plan – Road Naming Plan 321.2015.43623.1 Plan No. 1A (dated 01.09.16), must be linemarked to restrict parking within the road carriageway, unless specifically approved by the Assessment Manager.
30. The Intersection of Road A shown on approved plan – Road Naming Plan 321.2015.43623.1 Plan No. 1A (dated 01.09.16) and Hughes Road must be provided generally in accordance with, *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* to a CHR(s) and AUL(s) standard.
31. At the intersection of Road A and B shown on approved plan – Road Naming Plan 321.2015.43623.1 Plan No. 1A (dated 01.09.16), provide a roundabout with designs and speed restriction devices generally in accordance with *Austrroads Guide to Road Design Part 4B: Roundabouts*. No vehicular access via access handle is approved.

Dedication of New Road

32. At the time of submission of the first plan of subdivision, dedicate 5 metres of the Hughes Road frontages as 'New Road'.
33. At the time of submission of the plan of subdivision for Stage 8, dedicate the access handle as road reserve.

Pedestrian and Bicycle Facilities

34. Pedestrian and bicycle facilities must be provided for the development in Road A. The works must be undertaken in accordance with an Operational Works approval and must include:
 - a. A 2.0 metre wide concrete collector pathway;
 - b. The pathway must provide for connectivity to future pathways; and
 - c. All pathways comply with the highest order pedestrian safety standards contained the Queensland Urban Drainage Manual at inundation during a 1% AEP local flood event.

Sewer

35. A reticulated sewerage service is to be provided in all stages to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works.
36. With the first stage of development, provide either:
- a. a new pump station (PSM) in land to be provided by Council (PSM Land) if that PSM Land is obtained prior to the commencement of construction for the first stage of development. The PSM must be constructed generally in accordance with BRC plan number 15970 (standard pump station) and have a rising main as identified in the LMB Aqua Planning Report *Hughes & Seaview (Bargara) Sewerage Masterplan*, dated 9 August 2016 to discharge downstream of the Hughes Road pump station, unless otherwise specified; or
 - b. if the PSM land has not been secured, provide an interim solution, limiting development to not more than three (3) stages and provide as follows:
 - i. an interim pump station in Lot 1 and rising main to the satisfaction of Council;
 - ii. an easement over proposed lot 1, in favour of Council, for the interim pump station;
 - iii. associated running and decommissioning costs to the satisfaction of Council, and
 - iv. when the PSM Land is secured and associated with the next stage of development on the subject land, provide infrastructure as identified above in part a of this condition and decommission the interim works to the satisfaction of Council.
37. Provide a trunk gravity main as identified in the LMB Aqua Planning Report *Hughes & Seaview (Bargara) Sewerage Master plan* dated 9 August 2016 and being works generally described as being downstream of Node B2 to the PSM.

Staging

38. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that:
- a. All sewerage infrastructure works relating to the provision of a new pump station or interim solution, occurs with the first stage of the development
 - b. any road access and infrastructure services required to service the particular stage are constructed with that stage.
39. Comply with the conditions of each respective stage of this Development Permit prior to the endorsement of a Plan of Subdivision for that stage unless otherwise stated within this notice.

Stormwater

40. Install a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual and must include in particular:
- a. the works shown on the Approved Plans HWB – MP1.1 – Rev 2 with such works to be integrated and checked against Council's Moneys Creek hydraulic model;
 - b. Shape the surface of each lot to drain directly to either a Road or Drainage Reserve, as no inter-allotment drainage will be permitted, unless it can be demonstrated that Lot filling, shaping, retaining walls or other methods are not practical. Should inter-allotment drainage be accepted for use by Council, inter-allotment drainage to Q100 ARI flows must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual. The drainage specifics must be determined as part of an application for Operational Works;
 - c. Lateral drainage must be provided under the proposed intersections of Hughes Road and Road A and Road A and Road B to a standard of Q10 ARI minor;
 - d. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, i.e., a piped system with a capacity to cater for Q5 ARI flows (inclusive of field inlets in Hughes Road), unless as listed above, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;
 - e. The design for the site drainage system, fill, and accesses must be undertaken so that flows from adjacent properties will not be impeded by the development;
 - f. The design for the site drainage from the stub roads between proposed Lots 4 and 5 and 9 and 10 must be undertaken so that flows are not concentrated on adjacent properties, unless otherwise specifically approved by the Assessment Mangers. The discharge specifics must be determined as part of an application for Operational Works.
41. The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2014 and the Bundaberg Regional Council Stormwater Management Strategies using Council's bio-retention infill pods as listed in drawing 37133 rev C or equivalent. A Site Based Stormwater Management Plan and Erosion and Sediment Control Management Plan, inclusive of long term maintenance measures, must be submitted as part of an application for Operational Works outlining how the Stormwater Quality Improvements in both the construction and operational phases of the development will be achieved.

Water

42. Provide a reticulated water supply service, to each lot by supplying all necessary materials, including structures and equipment, fire hydrants and performing all necessary works with all pipes to be 150 mm diameter except in cul-de-sacs where pipes are to be 100 mm diameter.
43. The reticulated water supply must provide a stub terminating a minimum of five (5) metres west of Road A and at the Brumby Lane frontage with such main to include a duck foot hydrant at that termination point.
44. Arrangements for the installation of any metered service and sub-meters, or removal of an existing service, are to be made with Council's Operations Centre. All works are to be undertaken by Council at the Developer's expense.
45. A fire hydrant, or equivalent and sluice valve must be provided at the termination of reticulation at the Stage boundaries.

Rock

46. Unless otherwise approved by the Assessment Manager, no rock breaking is to be undertaken outside of trenches and no rock crushing is to be undertaken on site.

Access

47. No direct access to Hughes Road is permitted from approved Lots 1, 47 and 48.

PART 1B – ADVICE NOTES**Agricultural Buffers**

- A. 'Burnett Shire Rural Buffer Zone Tree Planting Advice' provides useful information regarding the choice of species, site preparation and planting of agricultural buffers.

Fencing

- B. Should any existing fence not comply with the requirements of this approval, the existing fence must be replaced in accordance with the requirements of this approval.
- C. Fencing should be undertaken in accordance with the provisions of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*. This includes appropriate mediation practices and agreements regarding the type of materials, location and retrieval of any materials for any fence removed.

Infrastructure Charges Notice

- D. Please find attached the Infrastructure Charges Notice (Ref No.: 331.2016.837.1) applicable to the approved development.
- E. Council's water network model has a 150 mm pipe in Road A and Brumby Lane with 100 mm for all other roads.

- F. The trunk sewerage main was costed as a 225 mm pipe in Hughes Road only. This is the preferred option, unless Council chooses the option to blast through the top section of Road A to provide a trunk connection for the Seaview Road catchment. Note if this option is chosen then the developer is advised that the establishment cost can be recalculated as outlined in the Adopted Charges Resolution.

Rates and Charges

- G. In accordance with the *Sustainable Planning Act 2009*, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.

Water & Sewer Connections

- H. Council permits one water property service only for each property. This means only one connection to the water main although there may be a potable and fire service feeding from that connection;
- I. Water and sewer connections to Council infrastructure will not be granted until approval is issued from Service Provider. An application for water and/or sewer connection for proposed development is to be made to the Service Provider through any one of Council Service Centres. Water & Wastewater Operations & Reticulation Section requests the following requirements to be lodged with application:
- Site plan;
 - Floor plan;
 - Hydraulic plans showing proposed meter locations and sizes;
 - All plans are to be scaled and at minimum size of A3.
- J. The Developer is to make arrangements with Council for the provision of a new point of connection, at the Developer's expense, to satisfy the requirements of the development.
- K. All live sewer work, including the main replacement and new sewer point of connection, are to be undertaken by Council at the Developer's expense.

PROPERTY NOTES

- PN1 Development Approval 321.2015.43523.1 – Rural Activity

The following notation applies to approved Lots 27,86,85,84,83,82,81,80, 79,78,77:

All future purchasers of the subject land should note that there is a rural activity adjacent to the land and such activity may conflict with the residential usage of the subject land.

- PN2 Development Approval 321.2015.43523.1 – Adjoining Commercial Activity/ Non-residential Activity

The following notation applies to approved Lots 48-57 and Lots 74-77:

An approved non-residential land use (restaurant/café use) is located on Lot 101 on SP259485. The lawful operation of which may cause offsite impacts to adjoining residential land uses.



Site Plan - 321.2015.423623.1 - Hughes Road, Bargara

Projection: GDA_1994_MGA_Zone_56

Date: 15/9/2016 9:13 AM

Scale 1:4,570.13

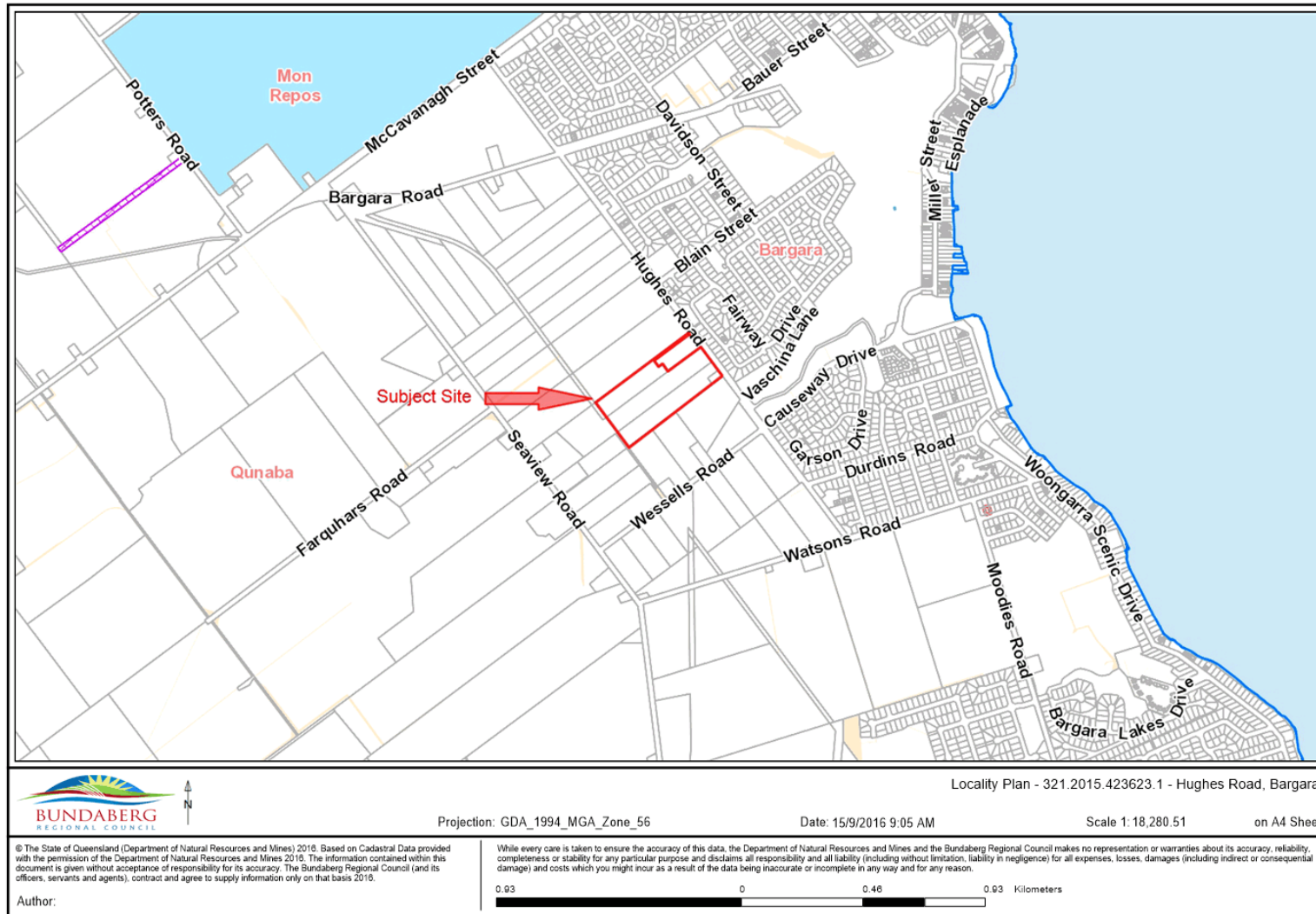
on A4 Sheet

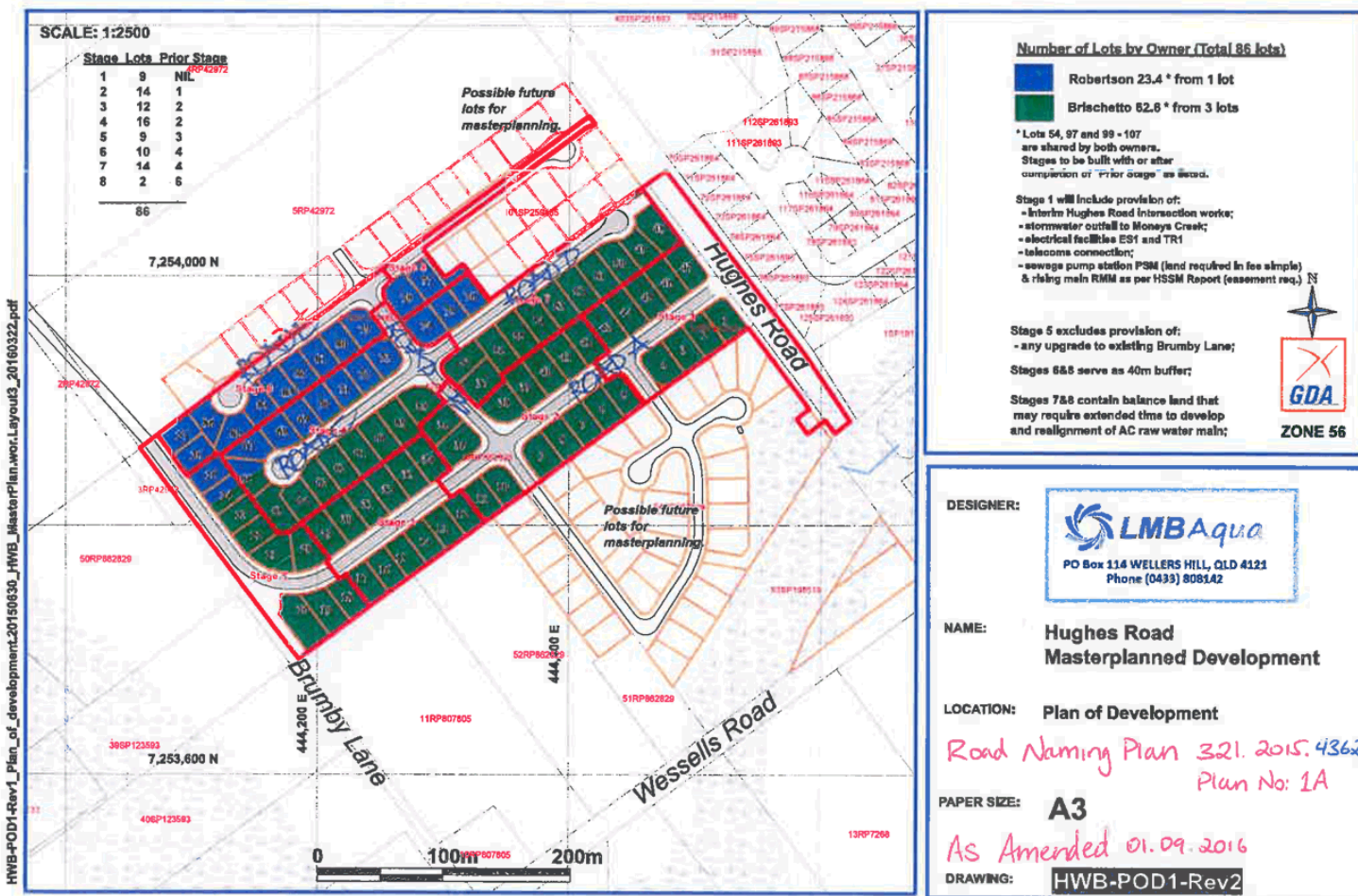
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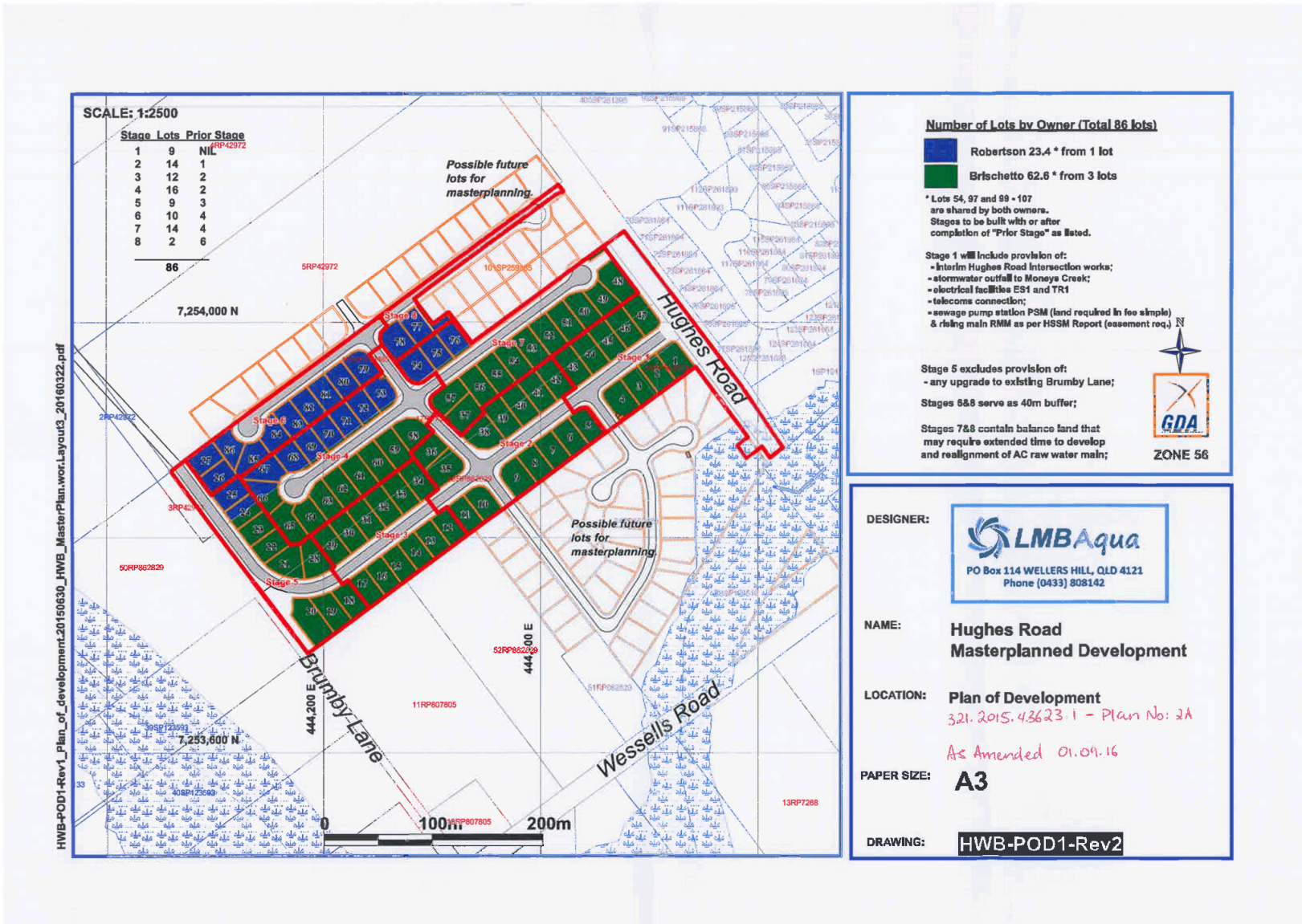
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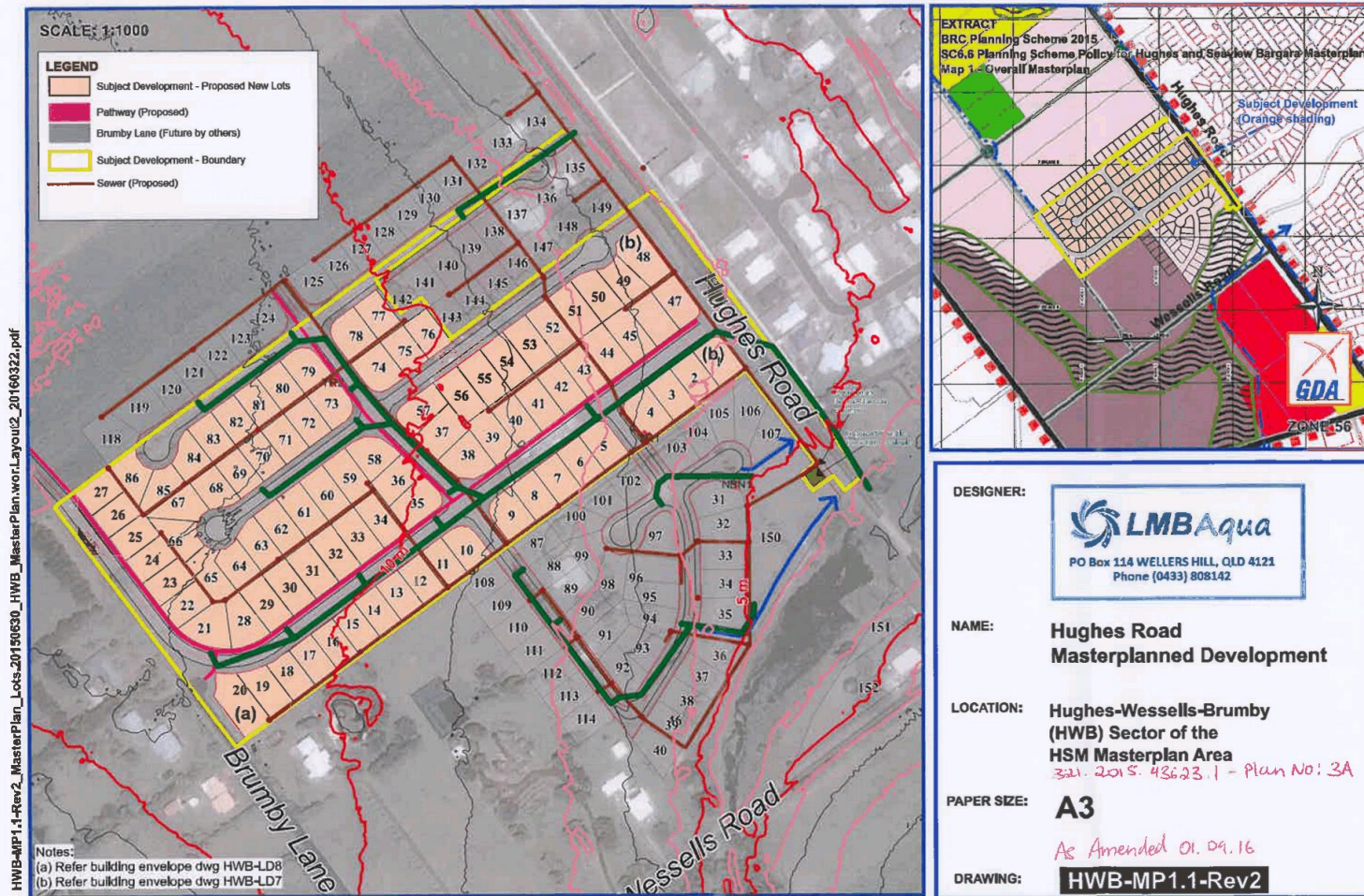


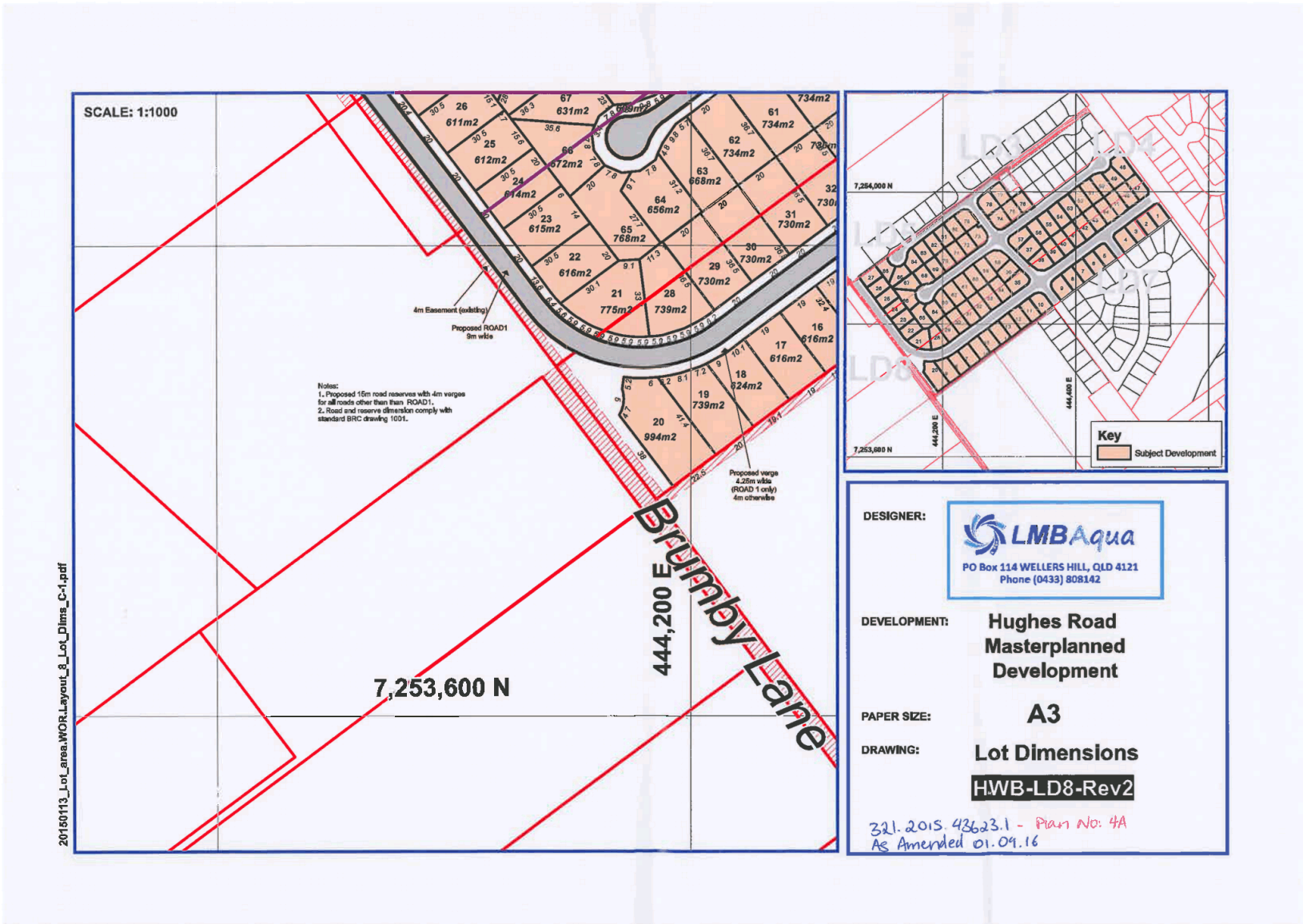
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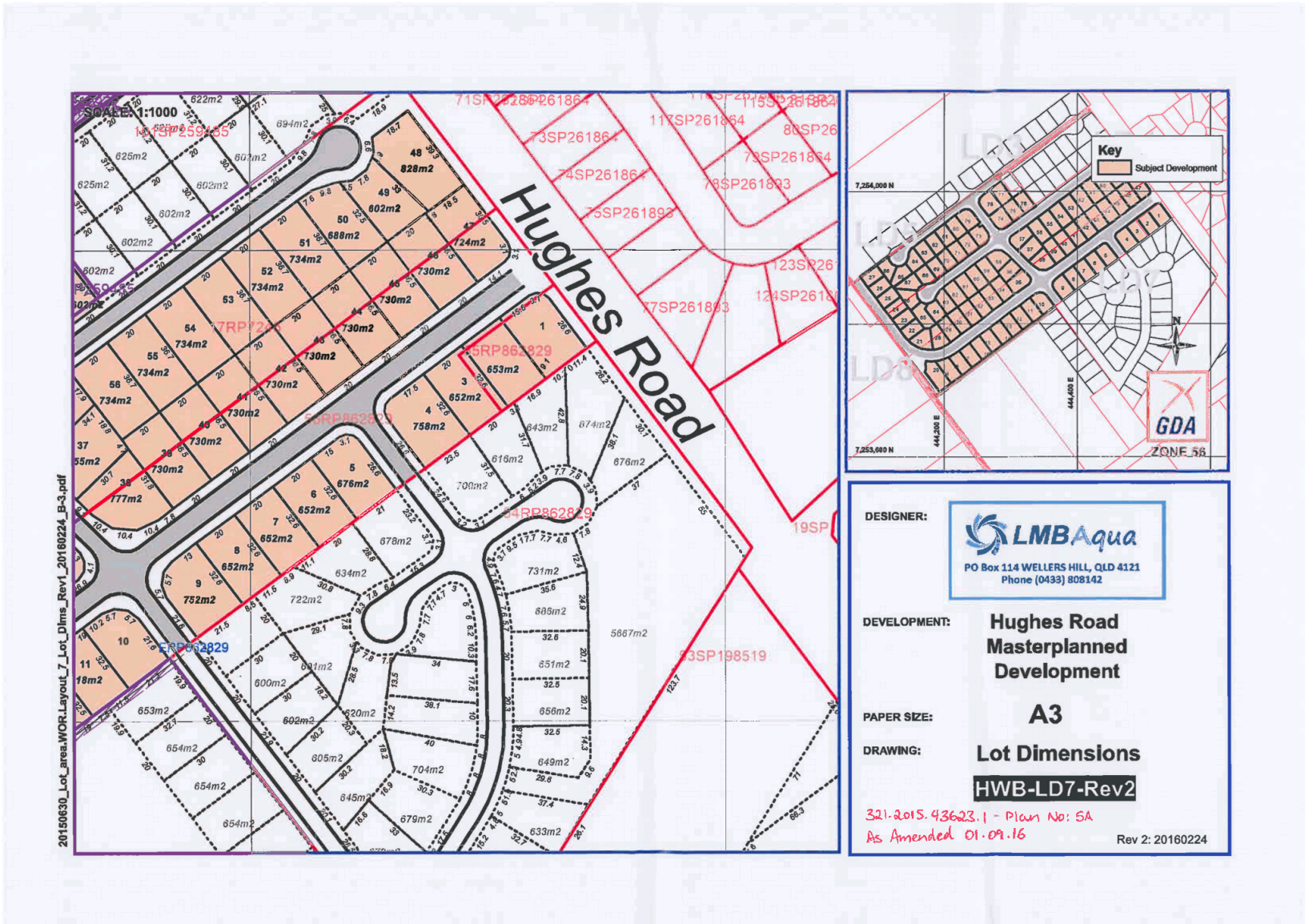


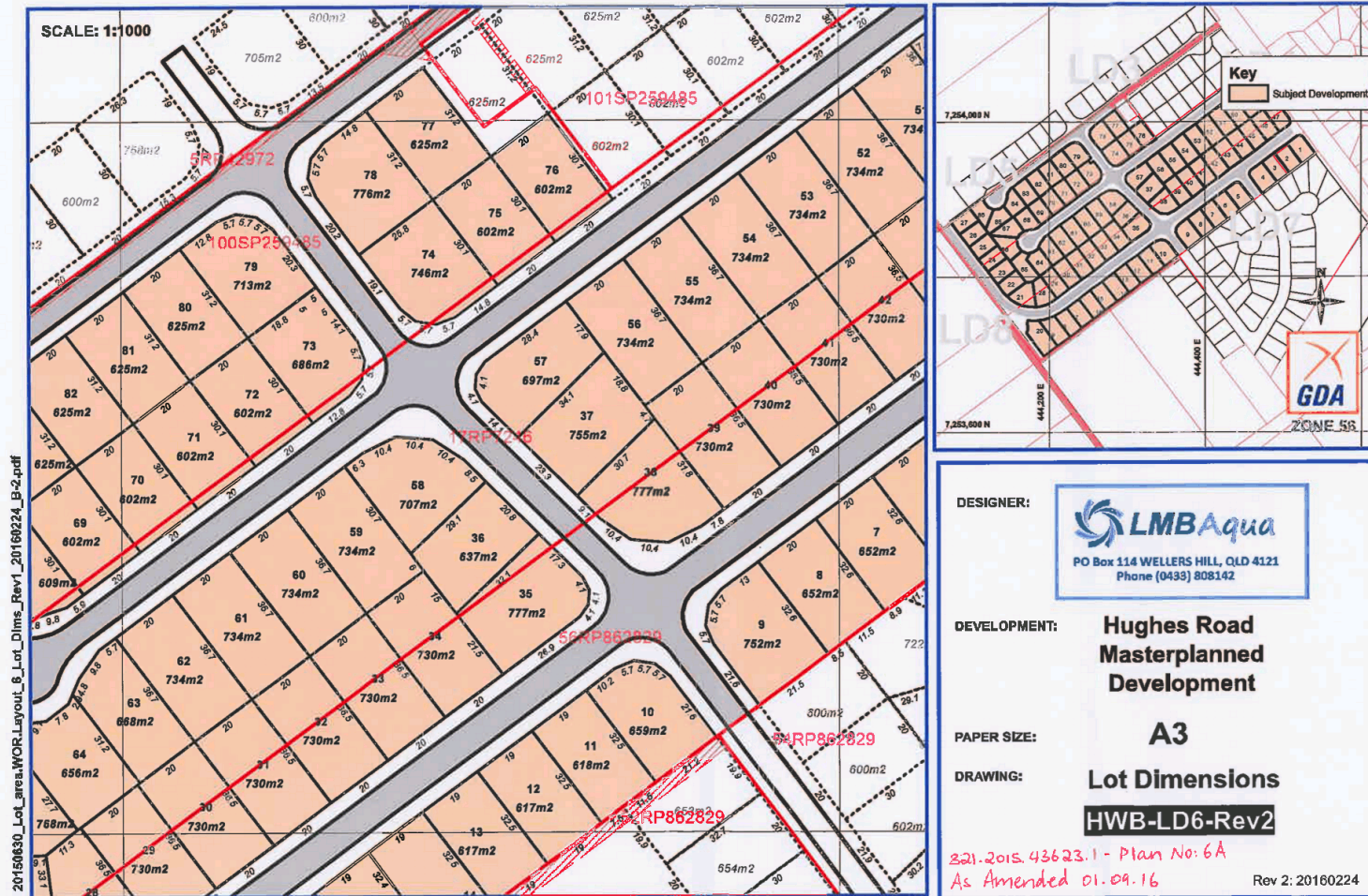


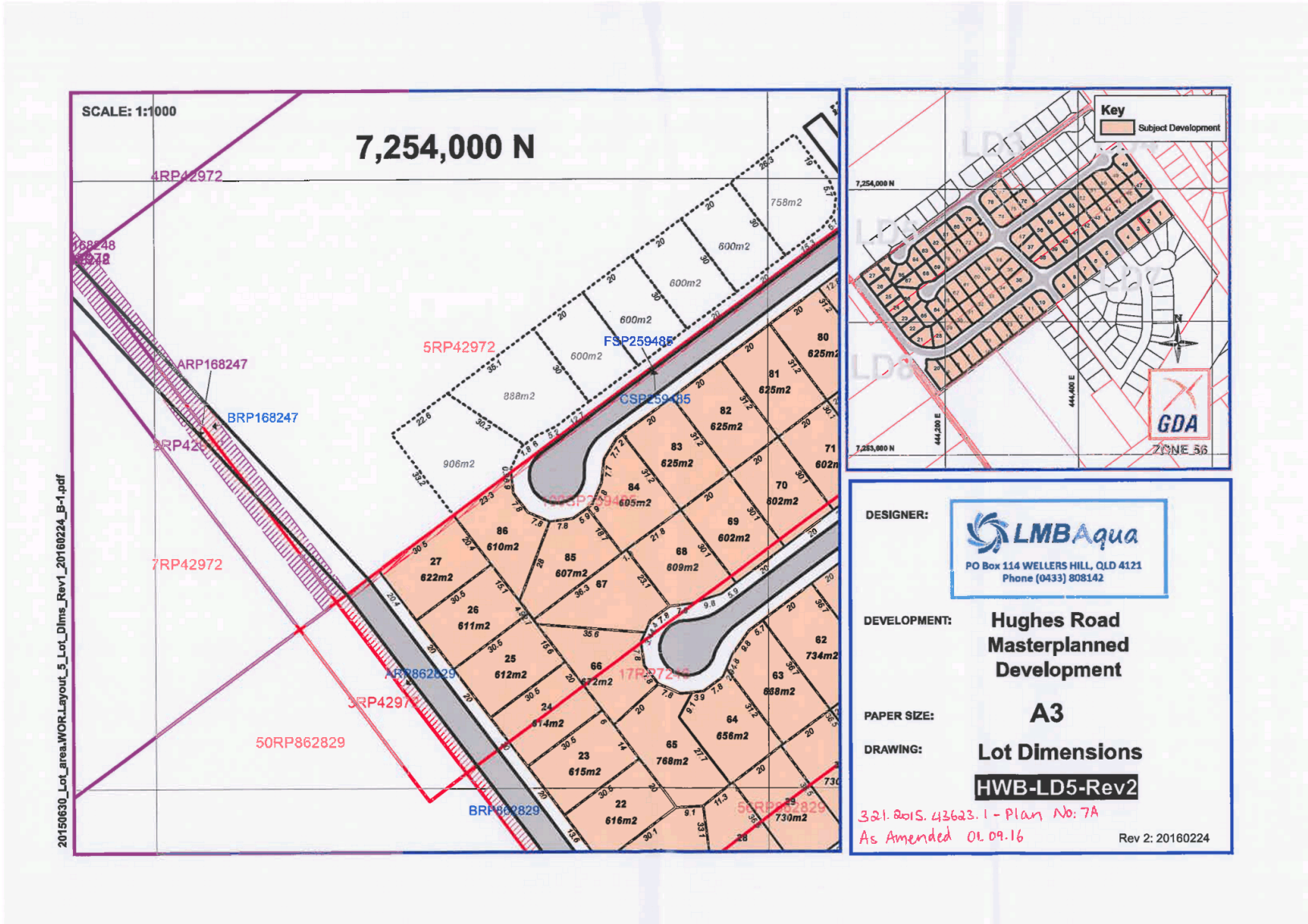


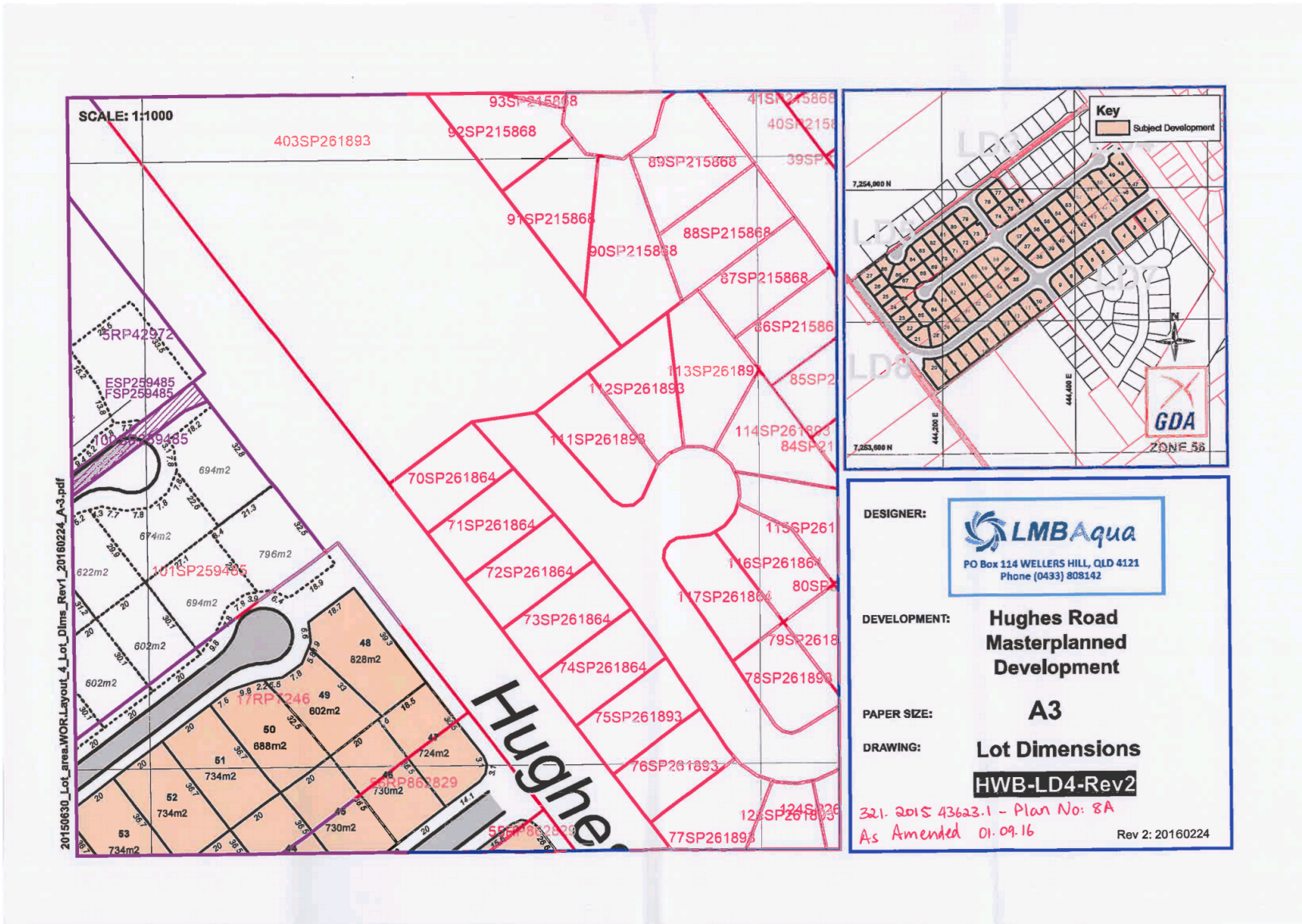


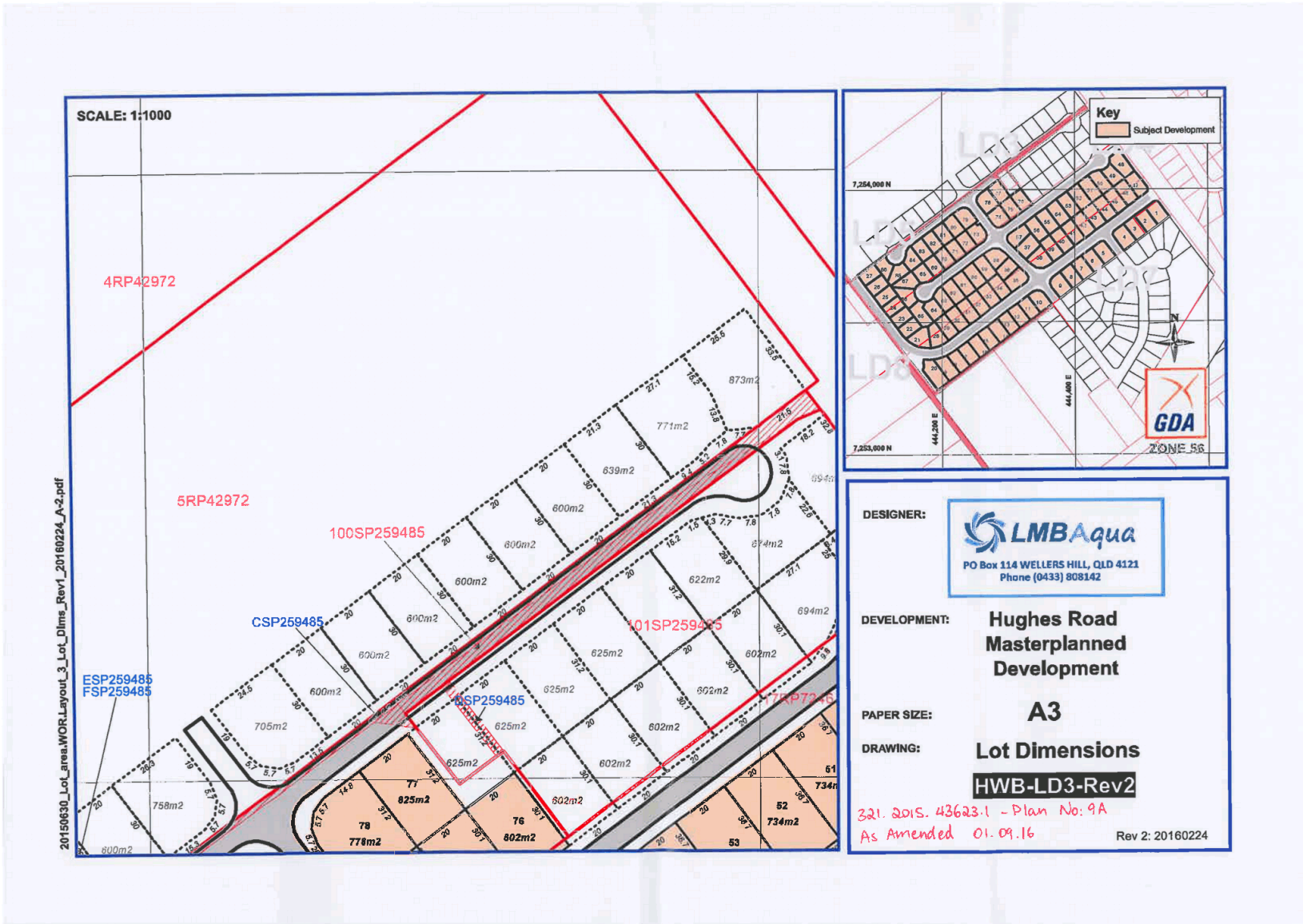














PO Box 3130, BUNDABERG QLD 4670
 Local Call **1300 883 699** | Fax **(07) 4150 5410**
 ABN 72 427 835 198

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Resolution (No. 1) 2015

To: Mario Brischetto
 C/- LMB Aqua PO Box 114 Wellers Hill QLD 4121

Date of Issue: 24 June 2016
Register No.: 331.2016.838.1

Land to which the Charge Applies

Address: 106 Hughes Road Bargara QLD 4670
 Property Description: Lot 100 on SP 259485; Lot 17 of RP 7246; Lot 55- 56 on RP 862829

Development to which the Adopted Infrastructure Charge Applies

The adopted infrastructure charge applies to the following development type: Reconfiguring a Lot
 Development Approval No.: 321.2015.43623.1

Current Amount of the Adopted Infrastructure Charge

The adopted infrastructure charge has been calculated in accordance with the method outlined in the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015 and Chapter 8 of the Sustainable Planning Act 2009. Please see Schedule 1 of this notice for the detailed calculation of the current amount.

Current Amount of Adopted Infrastructure Charge = \$2,066,400.00
 (as at date of issue)

Offsets

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

Total offsets applicable to this development = \$597,350.00

Refunds

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

Total refunds applicable to this development = n/a

Automatic Increase

The charges are subject to an automatic increase in accordance with Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015. Council's adopted infrastructure charge is to automatically increase from the time the charge is levied to the time the charge is paid. As per section 631 of SPA this automatic increase provision is calculated as follows:

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

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

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



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

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

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

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

Payment of the Adopted Infrastructure Charge

- The **due date for payment** of the *adopted infrastructure charge* is:
 - **before the local government approves the plan of subdivision for the reconfiguration**
- Interest at 11% per annum, calculated daily, will be applied to overdue payments.
- The charge is to be paid to **Bundaberg Regional Council**. Please contact Bundaberg Regional Council, Development Assessment Team, prior to making payment.
- Please include a copy of this Notice with payment.

Other Important Information

1. PAYMENT

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

2. GOODS AND SERVICES TAX

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

3. INFRASTRUCTURE CHARGES ENQUIRIES

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

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

Richard Jenner
 Development Assessment Manager



ADOPTED INFRASTRUCTURE CHARGES NOTICE
 SCHEDULE 1 – Calculation of Current Charges, Offsets and Refunds

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

Applicant: Mario Brischetto
Applicant address: C/- LMB Aqua PO Box 114 Wellers Hill QLD 4121
Site address: 106 Hughes Road Bargara QLD 4670
Lot/Plan: Lot 100 on SP 259485; Lot 17 of RP 7246; Lot 55- 56 on RP 862823

Development Type: Reconfiguring a Lot
Due date for payment: before the local government approves the plan of subdivision for the reconfiguration
Dev Approval No.: 321.2015.43623.1
Register No.: 331.2016.838.1

Prepared by: Adam Johnston
Date of issue: 24/06/2016
Authorising Officer: Richard Jenner
Inside PIA: Yes

Adopted Infrastructure Charges: \$ 2,066,400.00
Offset: \$ 597,350.00
Refund: n/a
AICN - Amount Payable: \$ 1,469,050.00

Summary of the Adopted Infrastructure Charges

Stage	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
All	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	86			n/a	0%	\$ 2,167,200.00
	ROL	Existing credit	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ (25,200.00)	n/a	n/a	4			n/a	0%	\$ (100,800.00)
Adopted Infrastructure Charges Total: \$ 2,066,400.00															

Stage Breakdown of Adopted Infrastructure Charges

Stage	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
1	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	7			n/a	0%	\$ 176,400.00
2	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	14			n/a	0%	\$ 352,800.00
3	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	12			n/a	0%	\$ 302,400.00
4	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	16			n/a	0%	\$ 403,200.00
5	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	9			n/a	0%	\$ 226,800.00
6	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	10			n/a	0%	\$ 252,000.00
7	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	13			n/a	0%	\$ 327,600.00
8	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	1			n/a	0%	\$ 25,200.00
Stage Breakdown Total: \$ 2,066,400.00															



PO Box 3130, BUNDABERG QLD 4670
 Local Call **1300 883 699** | Fax **(07) 4150 5410**
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ADOPTED INFRASTRUCTURE CHARGES NOTICE INFORMATION NOTICE

1. REASON FOR DECISION

This notice has been issued pursuant to the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No. 1) 2015 and Chapter 8 of the Sustainable Planning Act 2009.

2. APPEAL RIGHTS

The recipient of the infrastructure charge may appeal to the Planning and Environment Court in accordance with section 478 of the Sustainable Planning Act 2009.

478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development.
 - (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

The recipient of the infrastructure charge may appeal to a building and development committee in accordance with section 535 of the Sustainable Planning Act 2009.



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

535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;
Examples of possible errors in applying an adopted charge—
 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development;
 - (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

535A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.



Item

27 September 2016

Item Number:	File Number:	Part:
K4	321.2015.44237.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

135 Sauers Road, Kalkie - Reconfiguring a Lot for Subdivision - 1 Lot into 4 Lots - Request for Negotiated Decision Notice - Lot 3 on SP138074

Report Author:

Gail Downie, Senior Planning Officer

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

Governance - 4.4.6 A commonsense approach to planning, coordination and consultation

Previous Items:

K1 - 135 Sauers Road, Kalkie - Reconfiguring a Lot - 1 Lot into 4 Lots - Ordinary Meeting - 07 Jun 2016

Summary:

APPLICATION NO	321.2015.44237.1
PROPOSAL	Request for Negotiated Decision Notice -Reconfiguring a Lot for Subdivision - 1 Lot into 4 Lots – Decision notice issued 10 June 2016
APPLICANT	J S Portas
OWNER	J S Portas & J M Portas
PROPERTY DESCRIPTION	Lot 3 on SP138074
ADDRESS	135 Sauer’s Road, Kalkie
PLANNING SCHEME	Planning Scheme for Bundaberg City 2004-2015
ZONING	Rural Zone (Local Area 6)
OVERLAYS	Acid Sulfate – Area 2 Structure Plan: Non-Urban
LEVEL OF ASSESSMENT	Impact
SITE AREA	2 hectares
CURRENT USE	Rural Residential
PROPERLY MADE DATE	18 September 2015
STATUS	Decision State
REFERRAL AGENCIES	Nil
NO OF SUBMITTERS	Nil
LEVEL OF DELEGATION	Level 3

1. APPLICANT'S REPRESENTATIONS

By letter dated 06 July 2016, InsiteSJC suspended the application appeal period. By letter dated 21 July 2016, InsiteSJC made representations on Conditions 4a and 6 (Agricultural Buffers), Advice Note C (Sunwater), and sought to Change Section 9 – Approved Plans of the decision notice issued on 10 June 2016.

2. ASSESSMENT PROVISIONS

Attachment 1 of this report details the relevant matters related to the above request.

The following is a summary of the Assessment Manager's comments:

- Condition 4 – Buffers to proposed Lot 4. – The proposed decrease in the buffer width to 30 metres is supported
- Condition 6 – the restriction in the creation of Lot 3 prior to adjoining land being used for urban or rural residential purposes - The deletion of this condition is not supported or agreed to. It is considered that buffering is inadequate.
- Deletion of the Advice Note – Sunwater is agreed to.
- The substitution of the new plan GC15-300-P3 dated July 2016 is agreed to.

Communication Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 Site Plan
- 2 Locality Plan
- 3 Approval Plan
- 4 Attachment 1: NDN Representations
- 5 AICN
- 6 Sunwater Letter dated 5 July 2016

Recommendation:

That the representations made on 21 July 2016 for Development Application 321.2015.44237.1 be agreed to (in part) and Negotiated Decision Notice be issued as follows:

DESCRIPTION OF PROPOSAL

Reconfiguring of a Lot - 1 Lot into 4 Lots

SUBJECT SITE

135 Sauers Road, Kalkie - described as Lot 3 on SP138074

DECISION

Approved in part subject to conditions for the following

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

1. NATURE OF THE CHANGES

The nature of the changes are:

- amend Condition 4 to read as follows:

“4. Establish a vegetated agricultural buffer over the land area as identified on the Approved Plans (Lot 4). The buffer must:

- a. Have a minimum total width of **30.0 metres**;*
 - b. Contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of 4-5m for a minimum width of 20m;*
 - c. Include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets;*
 - d. Provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space);*
 - e. Foliage is from the base to the crown;*
 - f. Include species which are fast growing and hardy;*
 - g. Have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher;*
 - h. Have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land; and*
 - i. Include an area of at least **5.0 metres** clear of vegetation or flammable material to either side of the vegetated area.*
- Delete Advice Note C – Sunwater
 - Item 9 – in the decision notice be amended to reflect the new Proposal Plan: **GC15-300-P3 dated July 2016**.

Changes are in ***bold italics***.

2. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Reconfiguring a lot – one lot into four lots	Part 1, table 3, item 1	<input checked="" type="checkbox"/>	

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

3. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

4. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

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

- All Building Work
- All Plumbing and Drainage Work
- All Operational Work

5. CODES FOR SELF ASSESSABLE DEVELOPMENT

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

The relevant codes identified in the:

- Bundaberg Regional Council Planning Scheme and Associated Planning Scheme Policies

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

Compliance assessment is required under chapter 6, part 10 of SPA for the following documents or works in relation to the development

Documents or works requiring compliance assessment	Matters or things against which the document or work must be assessed	Compliance assessor	When the request for compliance assessment must be made
Subdivision Plan	The matters or things listed in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>	Bundaberg Regional Council	In the time stated in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>

7. SUBMISSIONS

Not Applicable

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

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>Planning Scheme for Bundaberg City 2004-2015. -Non-Urban precinct - Key Strategies -Desired Environmental Outcomes -Lot Reconfiguration Code.</p>	<p>The rural residential allotments created from this development, are of a size and configuration that make them suitable for urban intensification into the future when demand and infrastructure servicing is available.</p> <p>The rural residential allotments created from this development provide an infrastructure charges contribution for Council to invest in its new infrastructure program for this locality.</p> <p>The subject land is already utilised as a rural residential lifestyle lot and is no longer utilised for agricultural activities. The proposal does not remove active agricultural land for ongoing rural activity.</p> <p>The rural residential allotments created from this development will have a negligible impact on the rural activities occurring on adjoining land, through the use of vegetated buffering (existing or proposed).</p> <p>An insufficient amount of Rural Residential land is currently provided for in this locality in the Planning Scheme for Bundaberg City 2004 and the Bundaberg Regional Council Planning Scheme 2015.</p>
<p>Wide Bay Burnett Regional Plan – Urban Footprint</p>	<p>Commentary as above for Planning Scheme for Bundaberg City 2004-2015.</p>
<p>Bundaberg Regional Council Planning Scheme 2015. -Rural Zone -Strategic Intent -Strategic Outcomes -Kalkie-Ashfield development area -Lot Reconfiguration Code.</p>	<p>Commentary as above for Planning Scheme for Bundaberg City 2004-2015.</p>

9. REFERRAL AGENCY

Not Applicable

10. APPROVED PLAN

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

Plan/Document number	Plan/Document name	Date
GC15-300-P3	Plan of Proposed Lot Reconfiguration	July 2016

11. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

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

12. REFUSAL DETAILS

Not Applicable

13. CONDITIONS ABOUT INFRASTRUCTURE

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

Condition/s	Provision under which the Condition was imposed
4, 5, 7, 8, 9, 14, 15, 16, 17,	Section 665 – Non-trunk Infrastructure
Not applicable	Section 646 – Identified Trunk Infrastructure
Not applicable	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER**PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER****General**

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

Agricultural Buffers

4. Establish a vegetated agricultural buffer over the land area as identified on the Approved Plans (Lot 4). The buffer must:
 - a. Have a minimum total width of **30.0 metres**;
 - b. Contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of 4-5m for a minimum width of 20m;
 - c. Include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets;
 - d. Provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space);
 - e. Foliage is from the base to the crown;
 - f. Include species which are fast growing and hardy;

- g. Have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher;
 - h. Have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land; and
 - i. Include an area of at least **5.0 metres** clear of vegetation or flammable material to either side of the vegetated area.
5. Maintain the new agricultural buffer over Lot 4 and the existing agricultural buffer over Lot 3 until the adjoining land Lot 11 on SP172455 is used for urban or rural residential purposes.
6. The survey plan creating proposed lot 3 is not to be endorsed until such time as the adjoining land Lot 11 on SP172455 is used for urban or rural residential purposes.

Rural Numbering

7. For any new lot that does not have rural numbering:
 - a. provide rural numbering in the location nominated by The Assessment Manager in accordance with The Assessment Manager's adopted rural numbering system using AS/NZ4819:2003 Geographic Information – Rural and Urban Addressing; and
 - b. remove all rural numbers made superfluous by this approval.

Electricity and Telecommunications

8. Enter into an agreement with an approved electricity provider, to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions. Provide evidence of such an agreement, along with associated bonding arrangements, to the Assessment Manager prior to the approval of the Plan of Subdivision.
9. Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.

Existing Services and Structures

10. The shed structure remaining on the proposed Lot 1 is to be used for private/domestic purposes only. The approved structure must not be used as a separate domicile/dwelling or used for any industrial/business use unless valid development approvals are granted for such uses.
11. Ensure all existing and proposed utility services and connections (eg. electricity, telecommunications, water and sewerage) are wholly located within the lot they serve.

12. All existing effluent disposal areas must be wholly located within the lot they serve and comply with the boundary setback requirements of the *Plumbing and Drainage Act 2002* and associated codes and requirements.
13. Certification must be submitted to the Assessment Manager from an appropriately qualified surveyor which certifies that:
 - a. the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice;
 - b. all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement;
 - c. all existing and proposed utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively are included within an easement where location within the lot is not possible;
 - d. all existing effluent disposal areas are wholly located within the lot they serve and comply with the boundary setback requirements of *the Plumbing and Drainage Act 2002* and associated codes and requirements;
 - e. all dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot;
 - f. all retaining walls and structures are fully contained within the lot they retain; and
 - g. any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties; and
 - h. Provide the driveway for proposed Lot 4 with a rural number in accordance with Council's Policy FM-7-115 *Rural Number Application*.

Easements

14. Ensure that any existing easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plans or in the conditions of this approval. Proof of the registration or surrender of any easements are to be submitted to the Assessment Manager at the time of the submission of a Plan of Subdivision for compliance assessment and signing.

Roadworks and Access (Driveways)

15. Provide pavement construction and sealing to widen Sauers Road, for the length of the site's frontage west of Gahans Road, plus a 10 metre taper to match the existing width of Sauers Road east of the Gahans Road intersection by widening from the edge of the existing pavement of Sauers Road on the South side. The pavement must be designed in accordance with *Austrroads Pavement Design for Light Traffic: A supplement to Austrroads Pavement Design Guide (AP-T36/06)*. The pavement specifics must be determined as part of an application for Operational Works.

16. Access strips and driveways to proposed Lot 4 must comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments* and the terms and conditions of the Sunwater easement. The specific requirements must be determined as part of the Operational Works application.

Easements

17. Lodge for registration at the office of the Land Registry the following easement(s):
 - a. three (3) stormwater drainage easements having a minimum width of three (3) metres in proposed Lot 4 (servient tenement) and connected to the northern boundary of proposed Lots 1 to 3 (dominant tenement).
18. Draft easement documentation must be submitted to the Assessment Manager for review and approval of terms.
19. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.
20. Ensure that any easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plan/s or the conditions of this approval. Proof of the registration or surrender of any easements are to be submitted to the Assessment Manager at the time of the submission of a Plan of Subdivision for compliance assessment and signing.

Staging

21. The development may be staged. If staged, the development need not be completed sequentially provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.

PART 1B – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Ref No: (Ref No: 331.2016.829.1) applicable to the approved development.

Rates and Charges

- B. In accordance with the Sustainable Planning Act 2009, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.

- C. **Deleted**

Property Notes

D. Development Approval 321.2015.44237.1 – Water

The following notation applies to approved Lots 1, 2, 3 & 4:

This property is not serviced by the Council's reticulated water network. At the time of final Building Approval for a residential dwelling, the owner must provide a potable water supply through connection of the dwelling to a rainwater storage tank, or tanks, having a capacity of not less than 45,000 litres.

E. Development Approval 321.2015.44237.1 – Sewerage

The following notation applies to approved Lots 1, 3 and 4:

This property is not serviced by the Council's reticulated sewerage network. Any future residential dwelling on Lots 1, 3 & 4 must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use.

The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the Plumbing and Drainage Act 2002. The system must be designed in accordance with the Queensland Plumbing and Wastewater Code (Department of State Development and Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 'On-site Domestic Wastewater Management'.

F. Development Approval 321.2015.44237.1 – Driveways

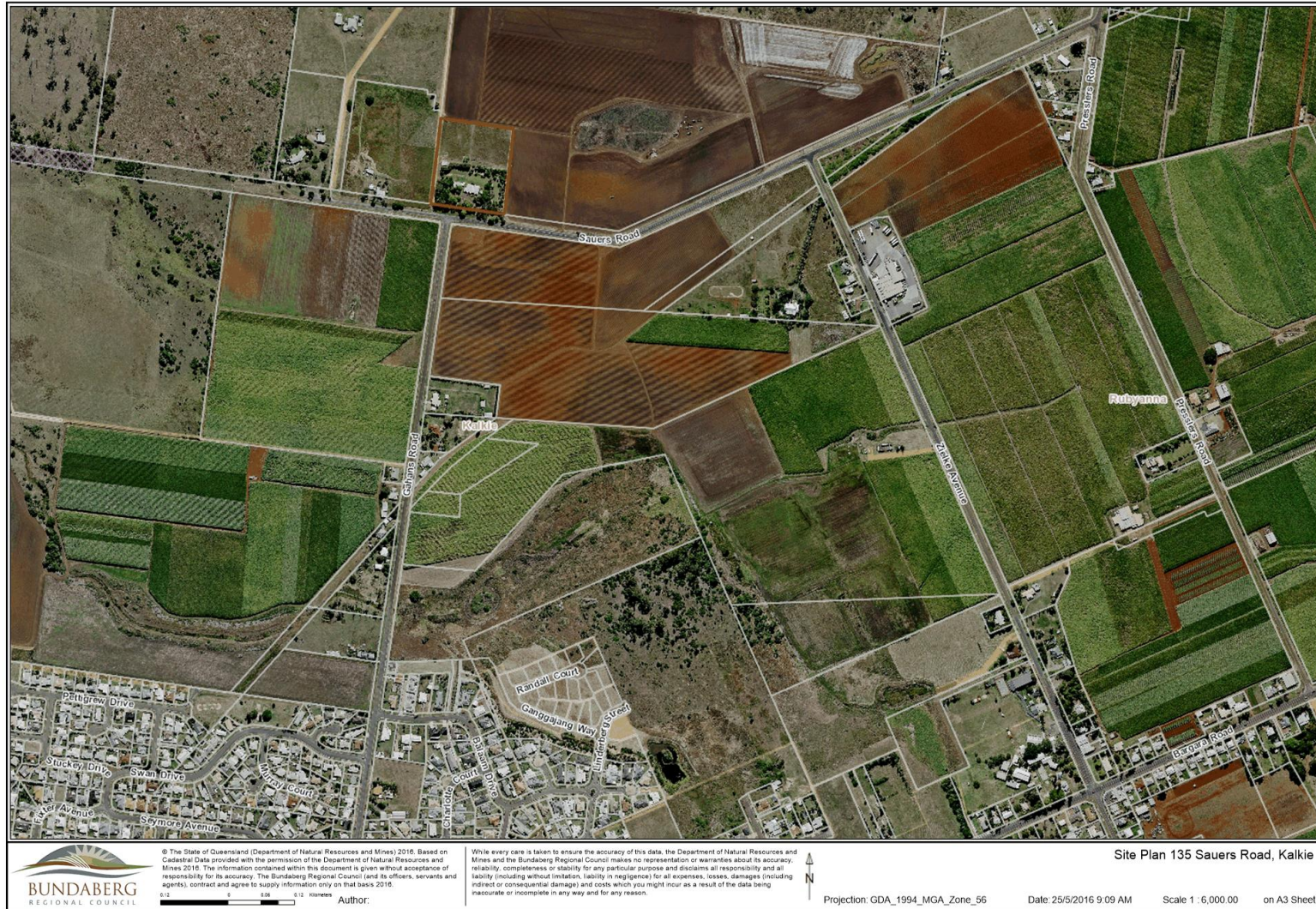
The following notation applies to approved Lots 1 & 3:

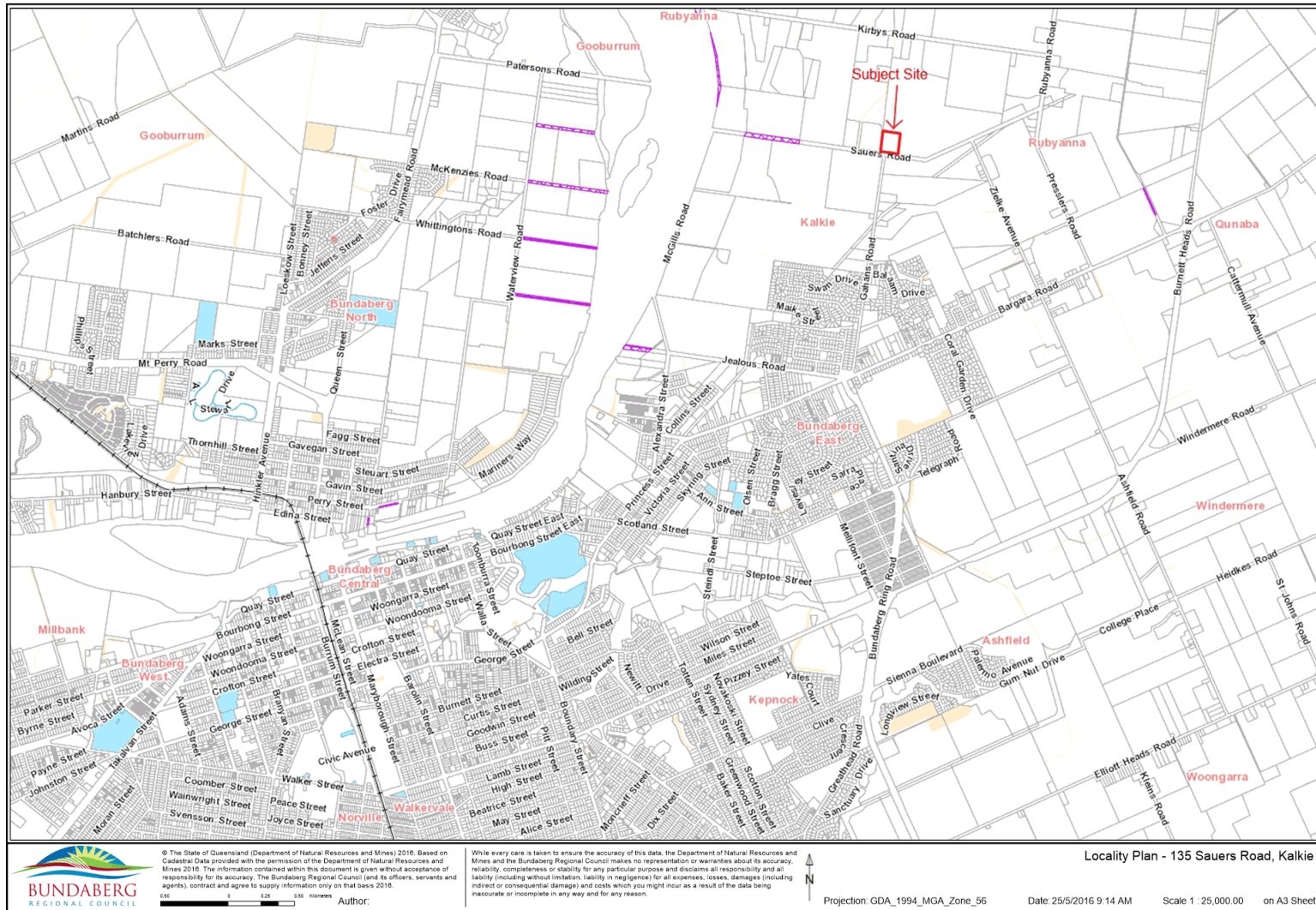
The driveway to the Lot:

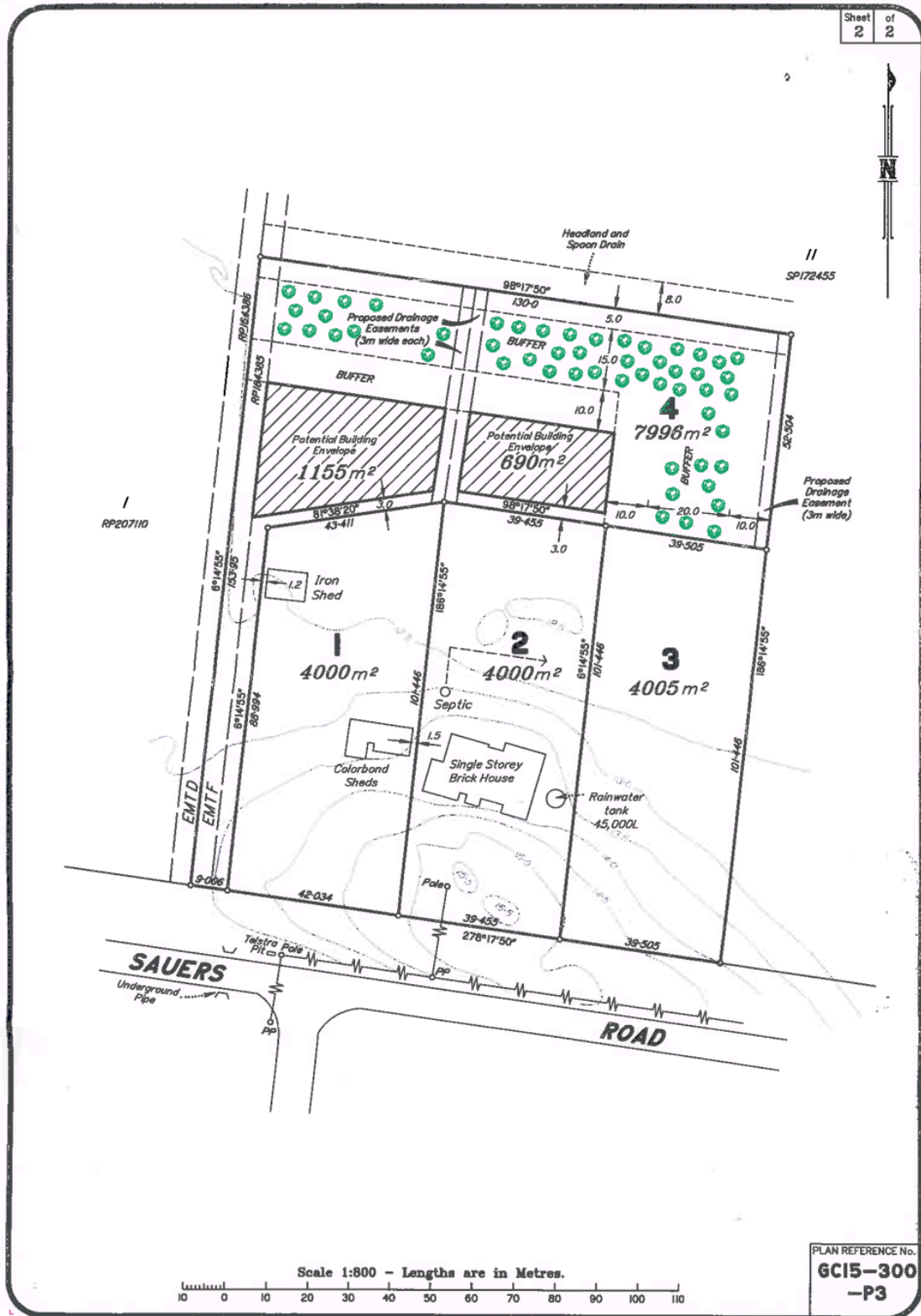
- must be built to the standard specified in the *planning scheme policy for development works – driveways and access to developments*.
- must be constructed in accordance with Council's Policy FM-7-003 *Application to carry out works in, on, over or under Council owned and maintained property*.
- is used to provide the rural number (house postal address number) in accordance with Council's Policy FM-7-115 *Rural Number Application*. Please contact the Road and Drainage Technical Officer for your area to obtain guidance on the appropriate driveway for the property and how to obtain a rural number.

Agricultural Buffers

- G. 'Burnett Shire Rural Buffer Zone Tree Planting Advice' provides useful information regarding the choice of species, site preparation and planting of agricultural buffers.







Attachment 1:

Condition	Applicant's Representations	Considerations
<p>Agricultural Buffers – Condition 4a:</p> <p>"4. Establish a vegetated agricultural buffer over the land area as identified on the Approved Plans (Lot 4). The buffer must:</p> <p>'a. have a minimum total width of 40m;</p>	<p>The Applicant advises "a 30m wide vegetated agricultural buffer to the northern boundary of new Lot 4 is considered sufficient given a 8m headland and spoon drain to the northern boundary common with adjacent Lot 11 on SP172455 would supplement the buffer and provide a total separation of 39m between any potential cultivation and potential building envelope. Maintenance of a minimum 40m wide buffer to the northern boundary would significantly compromise the potential building envelope of Lot 4, which is already constrained by the buffer required to the east and the drainage easements required by Condition 17.</p> <p>We request that Condition 4a be amended to:</p> <p>4. Establish a vegetated agricultural buffer over the land area as identified on the Approved Plans (Lot 4). The buffer must:</p> <p>a. have a minimum total width of 30m to the northern boundary and a minimum total width of 40m to the eastern boundary.</p>	<p>Council officers agree in principle with the Applicant's representations with a modification to the proposed plan increasing the vegetated buffer to a minimum 30.0 metres width with a 20.0 metres landscape component with two 5.0 metre fire-break maintenance areas in the buffer.</p> <p>It is noted that the 8.0 metre headland on adjoining land will further increase the buffers between the future dwelling on a new lot and agricultural uses whilst farming doesn't encroach into this drainage/headland area.</p> <p>It is recommended that the request to amend Condition 4 be agreed to, and Condition 4 will now read as follows:</p> <p>"4. Establish a vegetated agricultural buffer over the land area as identified on the Approved Plans (Lot 4). The buffer must:</p> <ul style="list-style-type: none"> a. Have a minimum total width of 30.0 metres; b. Contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of 4-5m for a minimum width of 20m; c. Include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets; d. Provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space); e. Foliage is from the base to the crown;

		<ul style="list-style-type: none"> f. Include species which are fast growing and hardy; g. Have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher; h. Have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land; and i. Include an area of at least 5.0 metres clear of vegetation or flammable material to either side of the vegetated area.
<p>Condition 6: '6. The survey plan creating proposed lot 3 is not to be endorsed until such time as the adjoining land Lot 11 on SP172455 is used for urban or rural residential purposes.</p>	<p>The Applicant advises: <i>"The existing buffering of minimum 10m width to the eastern boundary of proposed Lot 3 is mature and well-established. With supplementary plantings undertaken at Council's direction, if deemed required, any spray drift should be satisfactorily intercepted. The headland to the eastern boundary on adjacent Lot 11 on SP172455 is further noted, providing a total minimum 15m separation between any potential cultivation and potential building envelope.</i></p> <p><i>"The existing buffering of minimum 10m width to the eastern boundary of proposed Lot 3 is mature and well-established. With supplementary plantings undertaken at Council's direction, if deemed required, any spray drift should be satisfactorily intercepted. The headland to the eastern boundary on adjacent Lot 11 on SP172455 is further noted, providing a total minimum 15m separation between any potential cultivation and potential building envelope.</i></p> <p>The Applicant requests <i>"that Condition 6 be deleted and replace with Property Note G – Potential purchasers of the new lots need to be aware that adjacent lots, particularly Lot 11 on SP172455, currently have the potential to be used for rural – including cropping – activities. Condition 5, requiring the maintenance of the new agricultural buffer over Lot 4 and the existing agricultural buffer over Lot 3 until the adjoining</i></p>	<p>The Applicant has not provided a plan to indicate the buffer area proposed on Lot 3. The proposed buffer on Lot 3 is substantially less than the minimum 40.0 metres requirement.</p> <p>Not agreed to and this Condition stand.</p>

	<i>land Lot 11 on SP172455 is used for urban or rural-residential purposes, is therefore to be noted.</i>	
<p>ADVICE NOTE: SunWater</p> <p>"C. It will be necessary to provide Council with SunWater's agreement to construct the access handle for proposed Lot 4 prior to the submission of the operational works.</p>	<p>The Applicant attaches advice from Sunwater advising that it requires Lot 4 to have access independent of Easement F on RP164385 in the event that works are undertaken within Easement D on RP 164386 on adjacent Lot 1 on RP207110 and resultant spoil is stored within Easement F on RP164385. Sunwater has confirmed the proposed widening of the access handle to Lot 4 by 4.0 metres, is acceptable as the driveway would not locate within Easement F on RP164385. As such, Sunwater's approval to the works required by Condition 16 is no longer relevant. The proposed 4.0 metre widening of the access handle is in accordance with SC6.3.3.4.9.2 of SC6.3 Planning Scheme Policy for development works which prescribes a sealed minimum width of 4 metres for rural use.</p>	<p>Agreed to.</p>
<p>Item 9 - Approved Plans: GC15-300—T01 (Sheet 2 of 2) Plan of Proposed Lot reconfiguration – August 2015</p>	<p>The Applicant advises that in addition, the rear boundary of Lot 1 has been adjusted to transfer 175 square metres to Lot 4 to provide a viable potential building envelope outside of required buffers and easements while maintaining minimum 4,000 square metre area for Lot 1 and a compliant setback from the shed to the rear boundary.</p> <p>The Applicant requests that the new plan – GC15-300-P3 Plan of proposed Lot Reconfiguration Dated July 2016 replace the approved plan.</p>	<p>It is recommended that this request be agreed to, and Item 9 in the decision notice be amended to reflect the new Proposal Plan: GC15-300-P3 dated July 2016.</p>



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

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Resolution (No. 1) 2015

To: 321.2015.44237.1
 C/- Insite SJC PO Box 1688 Bundaberg Qld 4670

Date of Issue: 10 June 2016
Register No.: 331.2016.829.1

Land to which the Charge Applies

Address: 135 Sauers Rd , Kalkie
 Property Description: SP138074/3

Development to which the Adopted Infrastructure Charge Applies

The adopted infrastructure charge applies to the following development type: Reconfiguring a Lot
 Development Approval No.: 321.2015.44237.1

Current Amount of the Adopted Infrastructure Charge

The adopted infrastructure charge has been calculated in accordance with the method outlined in the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015 and Chapter 8 of the Sustainable Planning Act 2009. Please see Schedule 1 of this notice for the detailed calculation of the current amount.

Current Amount of Adopted Infrastructure Charge = \$60,480.00
(as at date of issue)

Offsets

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

Total offsets applicable to this development = n/a

Refunds

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

Total refunds applicable to this development = n/a

Automatic Increase

The charges are subject to an automatic increase in accordance with Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015. Council’s adopted infrastructure charge is to automatically increase from the time the charge is levied to the time the charge is paid. As per section 631 of SPA this automatic increase provision is calculated as follows:

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

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

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



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

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

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

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

Payment of the Adopted Infrastructure Charge

- The **due date for payment** of the *adopted infrastructure charge* is:
 - **before the local government approves the plan of subdivision for the reconfiguration**
 - Interest at 11% per annum, calculated daily, will be applied to overdue payments.
 - The charge is to be paid to **Bundaberg Regional Council**. Please contact Bundaberg Regional Council, Development Assessment Team, prior to making payment.
 - Please include a copy of this Notice with payment.
-

Other Important Information

1. PAYMENT

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

2. GOODS AND SERVICES TAX

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

3. INFRASTRUCTURE CHARGES ENQUIRIES

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

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

Michael Ellery
 Group Manager - Development



Applicant: 321.2015.44237.1
Applicant address: C/- Insite SIC PO Box 1688 Bundaberg Qld 4670
Site address: 135 Sauers Rd , Kalkie
Lot/Plan: SP138074/3

ADOPTED INFRASTRUCTURE CHARGES NOTICE
 SCHEDULE 1 – Calculation of Current Charges, Offsets and Refunds

Development Type: Reconfiguring a Lot
Due date for payment: before the local government approves the plan of subdivision for the reconfiguration
Dev Approval No.: 321.2015.44237.1
Register No.: 331.2016.829.1

Prepared by: Leonard Strub
Date of Issue: 10/06/2016
Authorising Officer: Michael Ellery
Inside PIA: No

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

Adopted Infrastructure Charges: \$ 60,480.00
Offset: n/a
Additional Charge Condition: n/a
AICN - Amount Payable: \$ 60,480.00

Summary of the Adopted Infrastructure Charges

Stage	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
ALL	ROL	Existing credit	Bundaberg Partially Serviced (no wastewater and no water supply)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ (20,160.00)	n/a	n/a	1			n/a	0%	\$ (20,160.00)
ALL	ROL	New	Bundaberg Partially Serviced (no wastewater and no water supply)	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 20,160.00	n/a	n/a	4			n/a	0%	\$ 80,640.00
Adopted infrastructure charges Total:															\$ 60,480.00



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 ABN 72 427 835 198

ADOPTED INFRASTRUCTURE CHARGES NOTICE INFORMATION NOTICE

1. REASON FOR DECISION

This notice has been issued pursuant to the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No. 1) 2015 and Chapter 8 of the Sustainable Planning Act 2009.

2. APPEAL RIGHTS

The recipient of the infrastructure charge may appeal to the Planning and Environment Court in accordance with section 478 of the Sustainable Planning Act 2009.

478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development.
 - (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.



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 ABN 72 427 835 198

The recipient of the infrastructure charge may appeal to a building and development committee in accordance with section 535 of the Sustainable Planning Act 2009.

535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;
 Examples of possible errors in applying an adopted charge—
 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development;
 - (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

535A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

Contact: Robyn Desrettes
Direct Line: 07 31200087
Our ref: 15-001576/001
Your ref: GC15-300-T01



SunWater Limited
Level 10, 179 Turbot Street
PO Box 15536 City East
Brisbane Queensland 4002
www.sunwater.com.au
ACN 131 034 985

19 July 2016

JS Portas
C/- Insite SJC
C/- Smart eDA
PO Box 1688
BUNDABERG QLD 4670

Dear Sir/Madam

Decision Notice – Regconfiguration of a Lot at 135 Sauers Road, Kalkie

Thank you for your email of the 12 July 2016 with the proposed changes to proposed subdivision of Lot 11 on SP 172455.

SunWater's Regional Manager has considered changes made to the revised subdivision proposal. As per attached plan GC15-300.P3 it notes that the proposed subdivision is to keep outside Easement FRP164385. The driveway is now noted as being between proposed Lot 1 & Easement FRP164385.

SunWater does not consider that our approval is required for the proposed works as the proposal is now outside of SunWaters Easement.

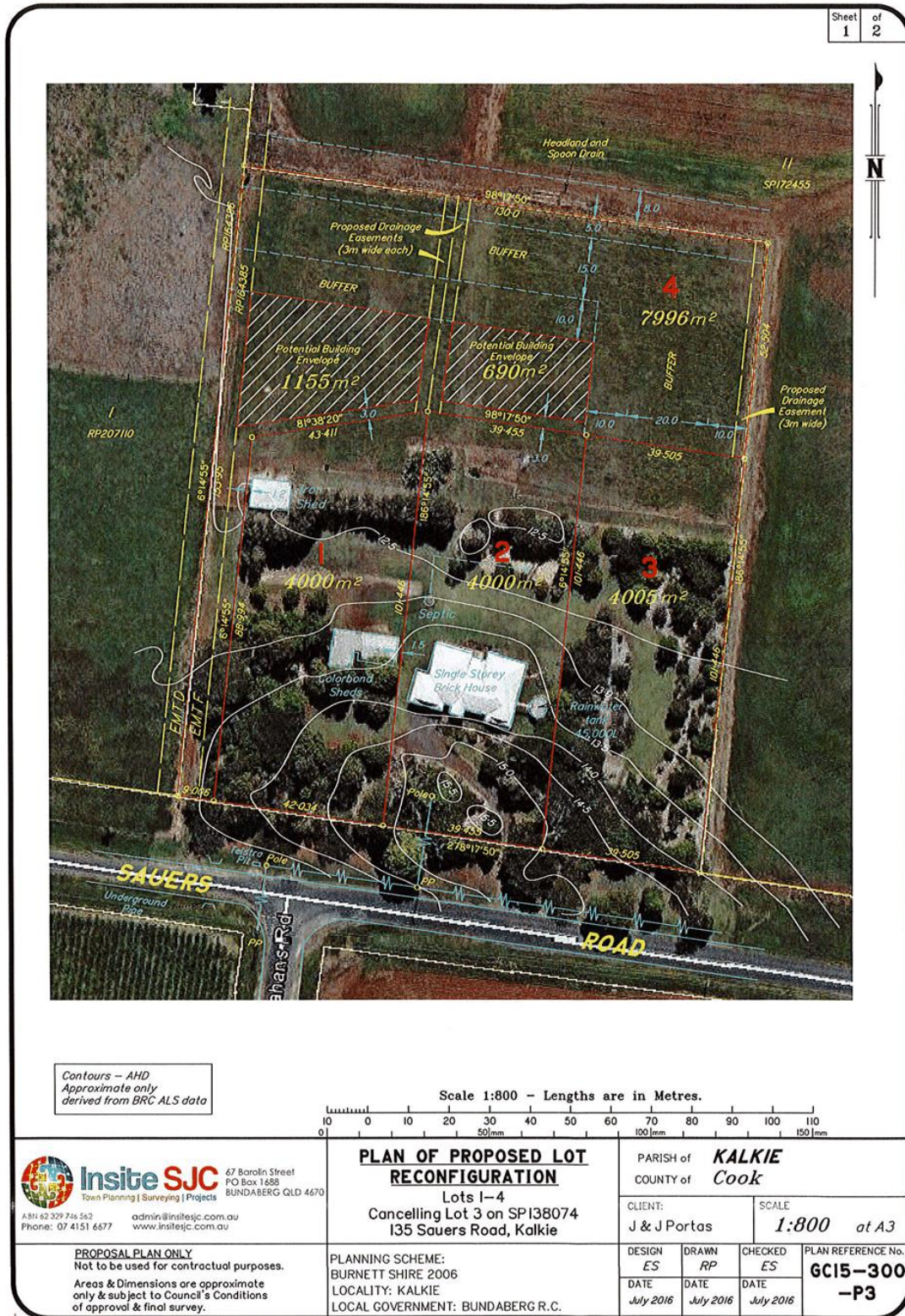
Should you have any queries regarding the above, please contact either Senior Property Advisor, Robyn Desrettes 3120 0087 or Service Manager, Bundaberg 07 4132 6226.

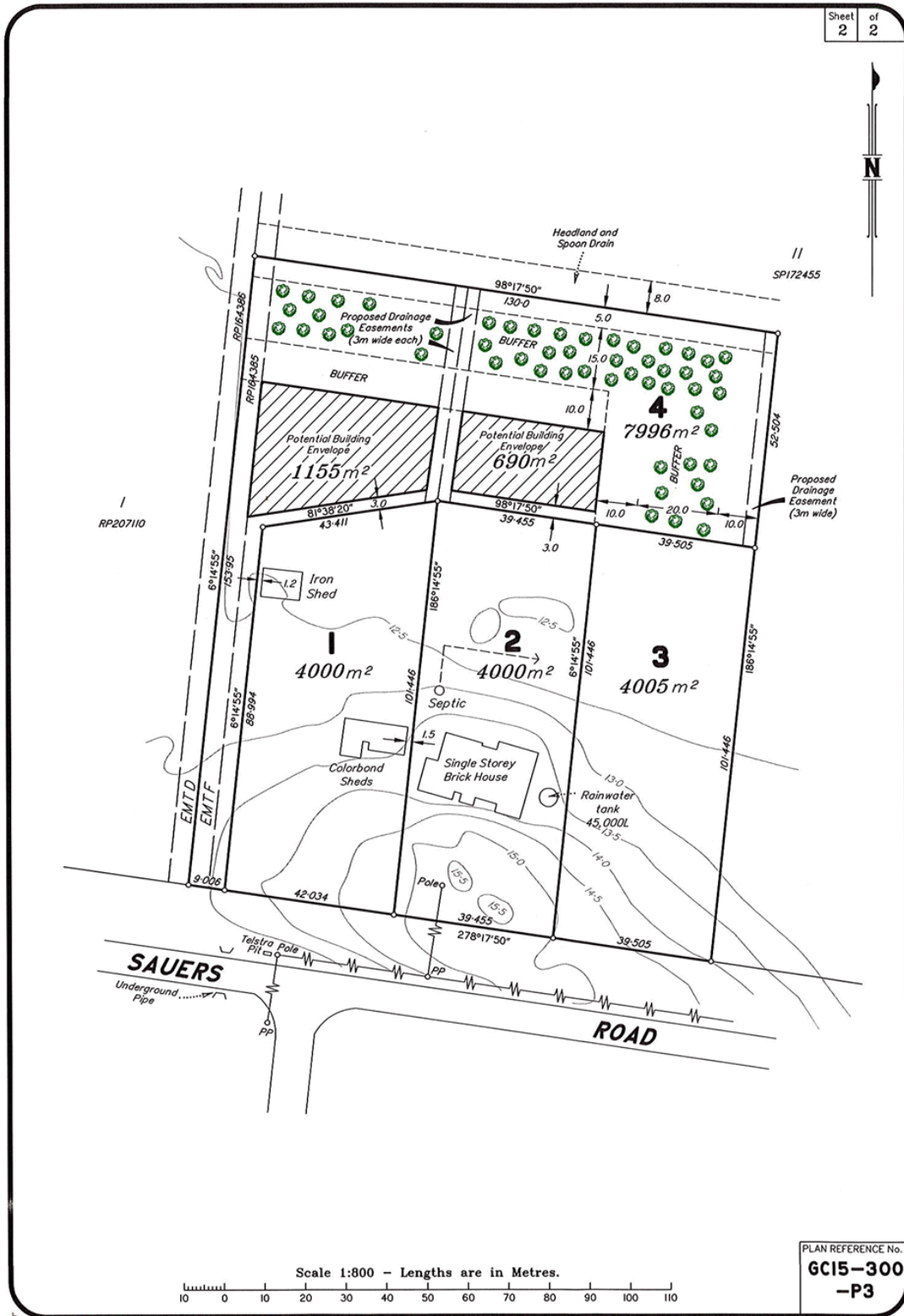
Yours sincerely

A handwritten signature in black ink, appearing to read "Robyn Desrettes", with a long horizontal line extending to the right.

Robyn Desrettes
Senior Property Advisor
Corporate – Finance

MAKING WATER WORK





Renee Dewhurst

From: Desrettes, Robyn <Robyn.Desrettes@sunwater.com.au>
Sent: Tuesday, 19 July 2016 2:51 PM
To: CEO (Records)
Cc: CEO External
Subject: RE: Attention Gail Downie - DA 321.2015.44237.1
Attachments: DOC190716.pdf

Categories: Planning

Morning Gail

We have reviewed the new proposal supplied and attach a copy of our response for your reference.

Regards

Robyn

Robyn Desrettes
Senior Property Advisor
SunWater Limited | Brisbane
P 07 3120 0087 | M 0477 702 791 | E Robyn.Desrettes@sunwater.com.au www.sunwater.com.au

-----Original Message-----

From: Desrettes, Robyn
Sent: Tuesday, 5 July 2016 11:18 AM
To: ceo@bundaberg.qld.gov.au
Subject: Attention Gail Downie - DA 321.2015.44237.1

Morning Gail

Please refer to SunWater's response in relation to SunWater Easement in Lot 11 SP172455.

If you have any queries please contact me.

Regards

Robyn

Robyn Desrettes
Senior Property Advisor
SunWater Limited | Brisbane
P 07 3120 0087 | M 0477 702 791 | E Robyn.Desrettes@sunwater.com.au www.sunwater.com.au

**Item****27 September 2016****Item Number:**

N1

File Number:

A2727999

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

Community & Environment

Subject:

Partnerships & Sponsorships Grant Application – Life Education Bundaberg

Report Author:

Bruce Green, Operational Supervisor Community Development

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Community - 4.1.1 A safe, active and healthy community

Background:

An application has been received from Life Education Bundaberg, seeking Council's continued financial assistance. A donation for the 2016/17 financial year of \$10,000 (plus GST where applicable) is sought.

Life Education Bundaberg, provides on-going education of primary school students in the Bundaberg area. The program covers the adverse effects of drugs, smoking, and antisocial behaviour, whilst also promoting the benefits of healthy eating. Life Education Bundaberg delivered its service to 40 schools (approximately 7,500 students) in 2015/16 financial year.

The not-for-profit association, does receive some funding from the State Government but also relies on Local Government and community support. Attached please find evidence of Council support being acknowledged by Life Education.

Associated Person/Organization:

Heidi Mason, Community Events Coordinator

Consultation:

Portfolio Spokesperson: Cr Judy Peters

Divisional Councillor: Cr Helen Blackburn

Legal Implications:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

An allocation of \$10,000 has been made in the 2016/17 budget for this item.

Risk Management Implications:

Risk Management for this activity is the responsibility of Life Education Bundaberg.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 Partnership & Sponsorship Application - Confidential

Recommendation:

That a donation in the amount of \$10,000 (plus GST where applicable) be made to Life Education Bundaberg for the 2016/17 financial year to assist with the operational costs of the organisation.

**Item****27 September 2016**

Item Number:	File Number:	Part:
N2	A2753112	COMMUNITY & CULTURAL SERVICES

Portfolio:

Community & Environment

Subject:

Naming request for Apple Tree Creek Sportsground Arena

Report Author:

Bruce Green, Operational Supervisor Community Development

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Community - 4.1.1 A safe, active and healthy community

Background:

A formal request has been made by Julie Green, a Division 2 resident, asking Council to name the arena at the Apple Tree Creek Sportsground in honour of the late Doug Schofield. Doug was a Councillor on the former Isis Shire Council for many years. He was a long standing member of the Childers Chamber of Commerce, the Pony Club and President of the Childers Show Society for many years. Doug was involved with the rodeos, team penning and sports days held at the Apple Tree Creek Sportsground over many years.

The specific request is for the area in front of the rodeo chutes to be called the 'Doug Schofield Arena'. Julie Green has the support of the Schofield family for this request. She has advised that she would take responsibility to supply a plaque and organise a special function to 'name' the arena.

Associated Person/Organization:

Bruce Green, Operational Supervisor Community Development

Consultation:

Portfolio Spokesperson: Cr David Batt

Divisional Councillor: Cr Bill Trevor

Legal Implications:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

Risk Management for activities associated with this approval will be the responsibility of Julie Green.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 Email request

Recommendation:

That the area in front of the rodeo chutes at the Apple Tree Creek Sportsground be named the 'Doug Schofield Arena'.

From: Julie Green <jeg4660@yahoo.com>
Sent: Tuesday, 14 June 2016 11:49 AM
To: CEO (Records)
Cc: CEO External
Subject: Apple Tree Creek Sportsgrounds

Dear Mr Byrne,

My name is Julie Green and I am a Division 2 resident. I am sending an email to ask if the arena at Apple Tree Creek Sportsgrounds could be named in honour of the late Doug Schofield. Doug was a Councillor on the former Isis Shire for many years. He was a long standing member of the Childers Chamber of Commerce, the Pony Club and President of the Childers Show Society for many years before his passing earlier this year. Doug was the unofficial mayor of Apple Tree Creek and was involved with the rodeo's, team penning and sports days held there over many years. I am asking, on behalf of the residents of Childers and district, if the arena could be called the "Doug Schofield Arena". That would be the area in front of the rodeo shutes. We would provide a plaque and would organise a special function to "name" the arena. Please let me know what needs to be done to have this happen. Thank you.

Julie Green
71 ATC Hall Road
Apple Tree Creek Q 4660
ph 0407138224

**Item****27 September 2016****Item Number:**

N3

File Number:

A2762091

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

Community & Environment

Subject:

Partnerships & Sponsorships Grant Application – 2016 Lighthouse Festival

Report Author:

Bruce Green, Operational Supervisor Community Development

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Community - 4.1.1 A safe, active and healthy community

Background:

An application has been received from the Burnett Heads Sports and Progress Association seeking financial support in the amount of \$8,039 (ex GST) for the 2016 Lighthouse Festival to be held at Burnett Heads on Saturday 29 October.

The Lighthouse Festival continues to be one of the more popular events in the region and Burnett Heads' most significant event. Over 8,000 people attended the event in 2015.

Bundaberg Regional Council has supported this event previously through in-kind and financial support, and in 2015, the Lighthouse Festival received a \$5,000 grant, waiver of hire fees of the parks and some in-kind assistance.

Venues and Facilities have waived the hire fees for the 2016 Lighthouse Festival to the value of \$1134.

As a major sponsor, Council would be entitled to the following benefits (as outlined in the 2016 Lighthouse Festival Sponsorship Proposal Kit):-

- Logo recognition in TV and radio advertising, print media including the program and on Lighthouse Festival website
- Verbal recognition on the day
- Invitation to the sponsors function
- Promotional 3m x 3m site at the festival.

The Grant application and associated documentation is attached. The application indicates that the funding will be used for the hire and purchase of equipment, the preparation and implementation of the traffic guidance scheme and delivery and collection of Council bins.

Associated Person/Organization:

Perry Bacon, Strategic Events Coordinator

Consultation:

Portfolio Spokesperson: Cr Judy Peters

Divisional Councillor: Cr Scott Rowleson

Legal Implications:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

An allocation of \$5,000 has been made in the 2016/17 budget for this event.

Risk Management Implications:

Risk Management for this activity is the responsibility of the Burnett Heads Sports and Progress Association.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 Grant Application Form
- 2 2016 Lighthouse Festival Sponsor Kit

Recommendation:

That a donation in the amount of \$5,000 be made to the Burnett Heads Sports and Progress Association to assist with the:-

- **hire and purchase of equipment;**
- **preparation and implementation of a traffic guidance scheme; and**
- **delivery and collection of Council bins;**

for the 2016 Lighthouse Festival to be held in Burnett Heads on Saturday, 29 October 2016.



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PARTNERSHIPS & SPONSORSHIPS GRANT APPLICATION FORM

Approved partnerships and sponsorships arrangements reflect the philanthropy of the Council and the commitment to improve the wellbeing of the community of the Bundaberg Region. Applications are open all year on a financial year basis until budgeted funds are expended.

LOADING YOUR PARTNERSHIPS & SPONSORSHIPS APPLICATION

All applications **must** be made on the *Partnerships & Sponsorships Grant Application Form*.

All applications should be typed into the digital form or neatly handwritten.

Successful applicants will only receive funding once per financial year from any Community Financial Assistance Program. (Excludes: RADF and Special Events). However, incorporated organisations may submit additional applications in the role of auspice for unincorporated groups.

Applications must be received at least **ten (10) weeks** prior to the date the assistance is required. All successful applicants must acknowledge Council's major contribution in all publicity relating to events or activities to which the partnership and sponsorship applies. Applications are assessed and weighted on applicants meeting criteria outlined and providing appropriate supporting documentation.

INFORMATION ABOUT SUPPORT THROUGH THE PARTNERSHIPS & SPONSORSHIPS PROGRAM

- The decision of Council on funding applications is final.
- Financial support from the program will require compliance with specific conditions *prior* to your activity/event/program taking place (please refer to the Terms and Conditions on the Partnerships & Sponsorships application form).

INELIGIBLE APPLICANTS/ORGANISATIONS

- Organisations are ineligible if previous Council grants are not satisfactorily acquitted
- Political groups
- Schools, Universities and TAFE Colleges

ELIGIBILITY CRITERIA

Eligible groups/organisations/individuals are required to be:

- Located within the Bundaberg Regional Council area
- Have the majority of members residing in the Bundaberg region
- Provide a demonstrated significant community and/or economic benefit to the residents of the Bundaberg Regional Council area

SELECTION CRITERIA

Applications must demonstrate:

- A genuine need for the project/program/event.
- Linkage to the specific aims and priorities for which funding is being applied for Community Events/Development (please refer to the Community Plan on Council's website)
- A significant community and/or economic benefit to the people of the Bundaberg Region
- Evidence of consultation and community partnership
- The capacity of the applicant to successfully complete the project/program/event
- A balanced, realistic and complete budget

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

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The following must be submitted with your application:

- Business/project/program plan
- Audited Financial Statements
- Business/project/program budget
- Copy of Public Liability Insurance
- Risk Management Plan if applicable
- Copy of Marketing Plan

INELIGIBLE ITEMS

- Retrospective funding

FINANCIAL ASSISTANCE

Over \$5,000 in financial assistance is available per application.

Applications under this amount may be made on either a:

- *Community Grants Program Application Form* for applications up to \$5,000 and submitted to Council's Community Development Unit by the last Friday of June/October/February; or
- *Community Financial Assistance – Micro Grant Application Form* for applications up to \$1,000 and submitted to Council's Community Development Unit which are assessed on a monthly basis.

ACQUITTAL

- Recipients of Partnership & Sponsorships Financial Assistance are required to show evidence of expenditure upon the completion of their event/activity by completing the attached Acquittal Form. Grants are required to be acquitted no later than six (6) weeks after the event/activity.
- Recipients are also required to show evidence of Council acknowledgement in all publicity and/or at the event/activity i.e. photos, copies of flyers etc

HOW AND WHEN WILL I BE NOTIFIED

Applications are received and processed through the Community Events Unit and assigned to the relevant assessing officer. Assessing officers then write an agenda report that is presented to Council for their consideration at an Ordinary Council Meeting.

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PARTNERSHIPS & SPONSORSHIPS GRANT APPLICATION FORM

Applications must be submitted at least **ten (10) weeks** prior to the date of assistance is required. Failure to do so may result in application not being approved. All Fields **must** be completed.

Details of Group/ Organisation/ Individual	Name The Lighthouse Festival
	Organisation (If applicable) Lighthouse Festival - Burnett heads Sports & Progress Assoc
	Postal Address PO Box 9026 Burnett Heads Q 4670
	Contact Person Sherilee Ramm
	Telephone Mobile 0498 354 055
	Email infor@thelighthousefestival.com.au
Does your group/organisation have the following? (please tick)	<input checked="" type="checkbox"/> Incorporation Number: 1A973 (Attach Certificate)
	<input checked="" type="checkbox"/> ABN Number: 82 872 344 867
	<input checked="" type="checkbox"/> Public Liability Insurance (Attach Certificate)
	<input checked="" type="checkbox"/> Annual Financial Statement (Attach Certificate)
Is your organisation registered for GST?	<input type="checkbox"/> Yes
	<input checked="" type="checkbox"/> No (If No, please complete an Australian Taxation Office Statement by a Supplier Form and submit with your application.)
Eligibility	Have you received financial assistance from any of the following programs in the current financial year? (please tick)
	<input type="checkbox"/> Sponsorships & Partnerships <input type="checkbox"/> Community Grant <input type="checkbox"/> Donations <input type="checkbox"/> Micro grant <input type="checkbox"/> Sporting Championships If you ticked any of the above boxes you are not eligible to apply for further financial assistance in accordance with the Community financial assistance governance policy.
Project/Program/ Event Details	Project/Program/Event Name: The Lighthouse Festival
	Location: Jack Norgate Oval, Burnett Heads
	The Lighthouse Festival is an annual community-run festival that brings a focus to the diverse cultures and crafts of the region. It is an event of innovation, fun and creativity with music and festivity sweeping across the Wide Bay Region to the coastal community of Burnett Heads. The 2016 Lighthouse Festival is scheduled for Saturday 29 October, and is held from noon - 8PM with concluding fireworks. There are 3 music stages, food and lifestyle stalls, roving performers and childrens activities. The Lighthouse Festival has a high number of returning stall patrons and this event is now a recognised family day out on the QLD events calender.
Please provide full details of the project/program/ event for which you are seeking funding	

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How does your project/program/ event provide a community benefit and/or meet the selection criteria	The Lighthouse Festival is a main event for the Burnett Heads community in being an opportunity to promote local businesses and encourage visitors to enjoy the unique region demographics. The Lighthouse Festival has been successfully held for 7 years and now attracts over 8,000 participants and brings significant economic benefits to the community and wider region. Ongoing partnerships contribute to this success.
Do the majority of your members reside in the Bundaberg Regional Council area?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The following documents must be submitted with your application	<input checked="" type="checkbox"/> Business / Project / Program Plan <i>(Attach documents)</i> <input checked="" type="checkbox"/> Business / Project / Program Budget <i>(Attach documents)</i> <input checked="" type="checkbox"/> Risk Management Plan <i>(Attach documents)</i> <input checked="" type="checkbox"/> Marketing Plan <i>(Attach documents)</i>
Grant Amount Requested	\$8,843

PARTNERSHIPS & SPONSORSHIPS PROGRAM - TERMS AND CONDITIONS

These Terms and Conditions must be complied with during the course of your successful grant:

1. The Partnership & Sponsorship grant is a one-off payment by Bundaberg Regional Council to the Applicant.
2. The Applicant warrants that:
 - a. all information in the Application is true and correct;
 - b. it intends to use the micro-grant for the purpose identified in the application; and
 - c. it has not received any other funding from Bundaberg Regional Council or any other Council Community Financial Assistance Programs in the current financial year (exclude: RADF and Special Events).
3. The Partnership & Sponsorship grant has been assessed by Bundaberg Regional Council based on the application completed by the applicant.
4. The Partnership & Sponsorship grant must not be used for any purposes other than for what was identified in the Application and for which the Partnership & Sponsorship grant was approved without prior written consent of Bundaberg Regional Council.
5. If the Applicant uses the Partnership & Sponsorship grant for purposes different to the approved purpose or fails to expend the monies at all:
 - a. The Applicant is required to repay the said monies to Bundaberg Regional Council on demand, otherwise Bundaberg Regional Council may institute proceedings to recover the monies so paid, as a liquidated debt; and
 - b. The Applicant will be prohibited from receiving any further grants or other funding from Bundaberg Regional Council or any related entity for a period of at least two years commencing from the date of receiving from Council written notification of future ineligibility (or until such time as may be otherwise agreed with Council).
6. The Applicant will keep and maintain adequate documentation evidencing the use of the Partnership & Sponsorship grant.
7. Bundaberg Regional Council has the right to request documentation from the Applicant evidencing the use of the Partnership & Sponsorship grant.
8. The Applicant agrees to acknowledge funding support as set out in the Partnership & Sponsorship Grant Acknowledging Funding Support Guide.
9. The Partnership & Sponsorship grant funding which is not spent in the current financial year will NOT be carried over to the next year unless requested by the applicant in writing and approved by Council's Events Unit.

I acknowledge that I have read and understood the above Terms and Conditions and fully agree to the conditions thereof.

Further, I certify that I have been authorised to submit this request on behalf of the above mentioned group / organisation and the information contained herein is a true and correct record to the best of my knowledge.

Signature of applicant Sherilee Ramm Date 07 / 09 / 2016

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