



**AGENDA FOR ORDINARY MEETING
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG
ON TUESDAY 19 JULY 2016, COMMENCING AT 10.00 AM**

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**Item****19 July 2016****Item Number:**

E1

File Number:

.

Part:

FINANCE

Portfolio:

Organisational Services

Subject:

Financial Summary as at 30 June 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.

It should be noted that the financial statements presented within this report do not contain any end of year accrual adjustments, and will not be the final financial statements presented for audit. Council will be updated on the final financial position once the end of year accruals have been processed.

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:

Communication Strategy required?

- ✓ Not applicable
- Yes – Communications Team consulted

Attachments:

- 1 Financial Summary as at 30 June 2016

Recommendation:

That the Financial Summary as at 30 June 2016 (as detailed on the 14 pages appended to this report) – **be noted by Council.**

Financial Summary
as at 30 Jun 2016

Progress check - 100%	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															
<i>Revenue</i>															
General Rates and Utility Charges	135,895,880	137,010,950	99%	72,529,687	71,809,450	101%	13,499,384	13,746,500	98%	25,180,545	25,645,000	98%	24,686,264	25,810,000	96%
Less: Discounts and pensioner remissions	(7,531,105)	(7,443,000)	101%	(6,954,239)	(6,868,000)	101%	(195,002)	(192,000)	102%	(212,706)	(210,000)	101%	(169,158)	(173,000)	98%
	128,364,775	129,567,950	99%	65,575,448	64,941,450	101%	13,304,382	13,554,500	98%	24,967,839	25,435,000	98%	24,517,106	25,637,000	96%
Fees and Charges	24,065,483	22,978,689	105%	18,081,079	17,832,169	101%	4,368,399	3,837,320	114%	715,136	734,150	97%	900,869	575,050	157%
Interest Revenue	3,284,168	3,644,373	90%	1,237,585	1,287,000	96%	88,347	75,382	117%	851,349	757,151	112%	1,106,887	1,524,840	73%
Operating Grants, Subsidies & Donations	11,592,400	11,951,965	97%	11,581,926	11,941,365	97%	7,353	-	-	-	10,600	0%	3,121	-	-
Sale of Developed Land Inventory	-	387,000	0%	-	387,000	0%	-	-	-	-	-	-	-	-	-
Total Operating Revenue	167,306,826	168,529,977	99%	96,476,038	96,388,984	100%	17,768,481	17,467,202	102%	26,534,324	26,936,901	99%	26,527,983	27,736,890	96%
<i>less Expenses</i>															
Employee, Material and Services Costs	109,331,152	120,888,915	90%	74,980,688	83,270,133	90%	13,430,399	14,729,931	91%	9,907,341	11,141,762	89%	11,012,724	11,747,089	94%
Finance Costs	4,211,362	4,085,750	103%	1,862,090	1,924,750	97%	855,479	370,000	231%	1,265,886	1,551,000	82%	227,907	240,000	95%
Depreciation	43,966,209	43,471,718	101%	33,331,717	33,331,717	100%	1,101,455	606,964	181%	4,576,584	4,576,584	100%	4,956,453	4,956,453	100%
Total Operating Expenditure	157,508,723	168,446,383	94%	110,174,495	118,526,600	93%	15,387,333	15,706,895	98%	15,749,811	17,269,346	91%	16,197,084	16,943,542	96%
Operating Result	9,798,103	83,594		(13,698,457)	(22,137,616)		2,381,148	1,760,307		10,784,513	9,667,555		10,330,899	10,793,348	
<i>less Transfers to</i>															
NCP Transfers	-	-		(14,927,389)	(14,927,389)	100%	(1,163,441)	(1,163,441)	100%	7,152,138	7,152,138	100%	8,938,692	8,938,692	100%
Total Transfers	-	-		(14,927,389)	(14,927,389)	100%	(1,163,441)	(1,163,441)	100%	7,152,138	7,152,138	100%	8,938,692	8,938,692	100%
Movement in Unallocated Surplus	9,798,103	83,594		1,228,932	(7,210,227)		3,544,589	2,923,748		3,632,375	2,515,417		1,392,207	1,854,656	
Unallocated Surplus (Deficit) brought forward from prior year(s)	(1,337,961)	(1,337,961)	100%	(8,901,145)	(8,901,145)	100%	(1,768,696)	(1,768,696)	100%	(3)	(3)	100%	9,331,882	9,331,882	100%
Unallocated Surplus (Deficit)	8,460,142	(1,254,367)		(7,672,213)	(16,111,372)		1,775,893	1,155,052		3,632,372	2,515,414		10,724,089	11,186,538	
Capital Activities															
<i>Council's Capital Expenditure (Excludes Donated Assets)</i>															
Council Expenditure on Non-Current Assets	44,743,470	50,997,062	88%	28,809,716	33,293,124	87%	349,268	304,000	115%	12,311,811	13,759,271	89%	3,272,675	3,640,667	90%
Loan Redemption	6,671,925	8,274,000	81%	4,540,918	5,715,000	79%	404,756	390,000	104%	1,447,058	1,884,000	77%	279,193	285,000	98%
Total Capital Expenditure	51,415,395	59,271,062	87%	33,350,634	39,008,124	85%	754,024	694,000	109%	13,758,869	15,643,271	88%	3,551,868	3,925,667	90%
Cash opening balance (incl. investments)	76,934,152	76,934,154													
Cash closing balance (incl. investments)	93,557,476	86,548,673													

Please note Year to Date (YTD) Budget is the 2015/2016 3rd Quarter Revised Budget

This report is prepared on the information available to 1 July 2016 and is indicative of Council's financial position as at 30 June 2016. **The amounts disclosed will change as Council continues to process accrual adjustments for Revenue and Expenditure during July.**

Further to the Financial Summary Report as at 30th June 2016, the following key features are highlighted.

Operating Expenditure

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

a) Depreciation

The budgeted depreciation expenditure is apportioned evenly across the 12 months of the year and is processed every month. The depreciation amount for June has been processed and the overall expenditure is as expected. The Depreciation Costs for Waste are higher than expected. This is due to the Depreciation Costs associated with the Landfill Restoration Provisions being processed. The actual depreciation will be finalised as part of the annual financial statement preparation and any difference between actuals and budget will be adjusted accordingly.

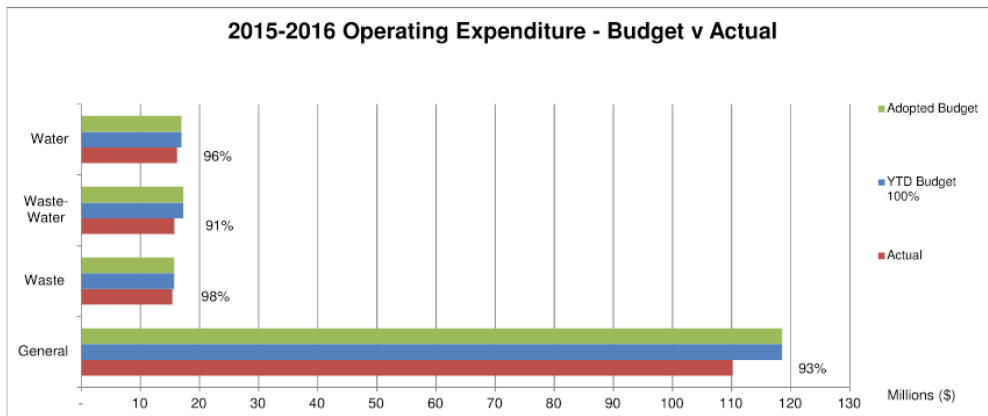
b) Finance Costs

Finance Costs mainly consist of the interest paid on Council loans. The final loan payment for the 2015/2016 FY was made on 15th June 2016. Therefore at this time of year we would expect to see the Finance Costs expenditure to be around 100% of the budget, and overall the figures reflect this. The Wastewater Fund Finance Costs is lower than expected. This is due to the consolidation of Loans in February 2016 which has resulted in a reduction of the scheduled interest payments. The Finance Costs for Waste are considerably higher than expected. This is due to the Finance Costs associated with the Landfill Restoration Provisions being processed.

c) Employee, Materials and Services Costs

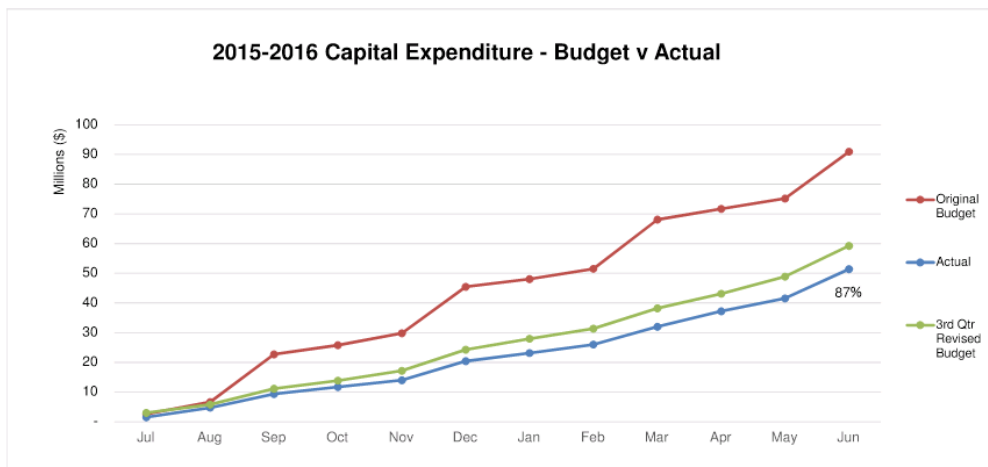
The pattern of expenditure for Employee Materials and Services Costs across a financial year can vary slightly from year to year depending on factors such as the progress of Non-Capital Projects, weather conditions/events, and emergent works.

In assessing this month's expenditure, we would expect the Employee, Materials and Services Costs to be above 95% of the budget. The expenditure for the whole of Council is at 90%, and the Business Units vary from 89% to 94%. These figures are slightly lower than expected for this time of year and when compared to last year's expenditure progress. This is partly due to lower than expected Electricity Costs, Hire of Plant and other Materials and Services. In addition the actual expenditure is lower than expected due to some end of year accrual adjustments which are to be processed in July. Although these figures are difficult to predict, previous years indicate that these accruals should range between \$3.5 million and \$4.5 million, and will bring the actual figures closer to budget as expected.



Capital Expenditure

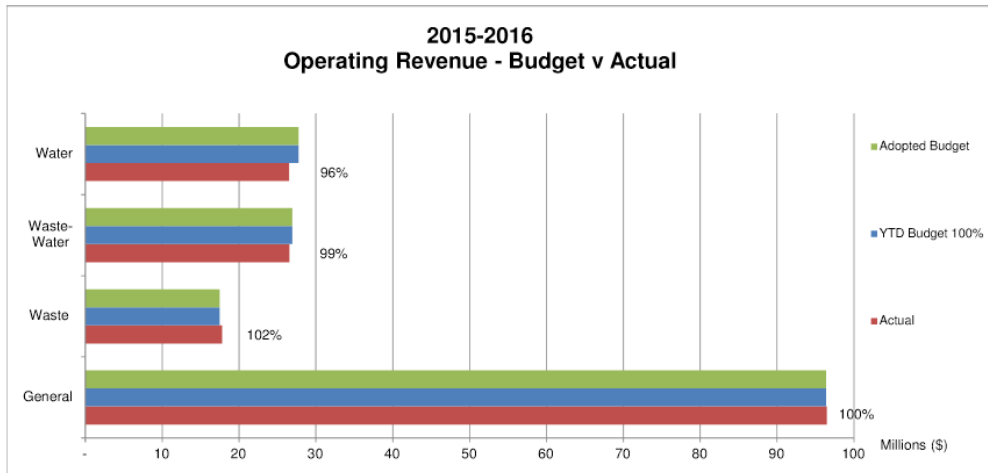
- The payment of the 4th Quarter loan redemption for outstanding Council loans was made on 15th June 2016. At the end of the financial year we would expect the Loan Redemption expenditure to be approximately 100% of budget. This is reflected in the figures for the Waste and Water Funds; however in the General and Wastewater Funds Loan Redemption expenditure is lower than expected. This is due to the consolidation of Loans in February 2016 which has reduced the scheduled principal payments.
- Capital Expenditure is currently 87% of the revised budget. This may increase slightly as end of year accrual adjustments continue to be processed in July.



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

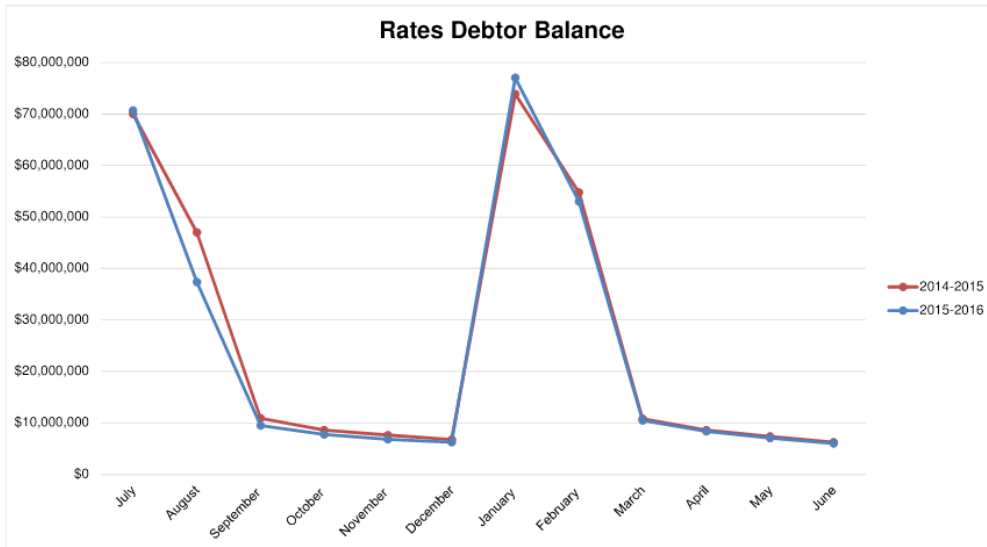
Operating Revenue

- 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 2nd half of the year and the revenue showing as around 99% of budget.
- Bulk Water Sales and Private Works receipts in the Water Business Unit were higher than predicted for the 2015/2016 FY and is reflected in the higher than expected Fees and Charges figure for the Water Business Unit.
- Interest revenue is influenced by current interest rates and also the amount of cash held within the Business Units. At this point interest revenue is sitting around 90% of the budgeted total for the year. This is similar to the pattern of revenue from last financial year and reflects the cash balances held in each fund. Interest Revenue that has been earned up to 30 June 2016 will be reflected in the accounts as part of the end of financial year process, and may well see the Interest Revenue figure increase.



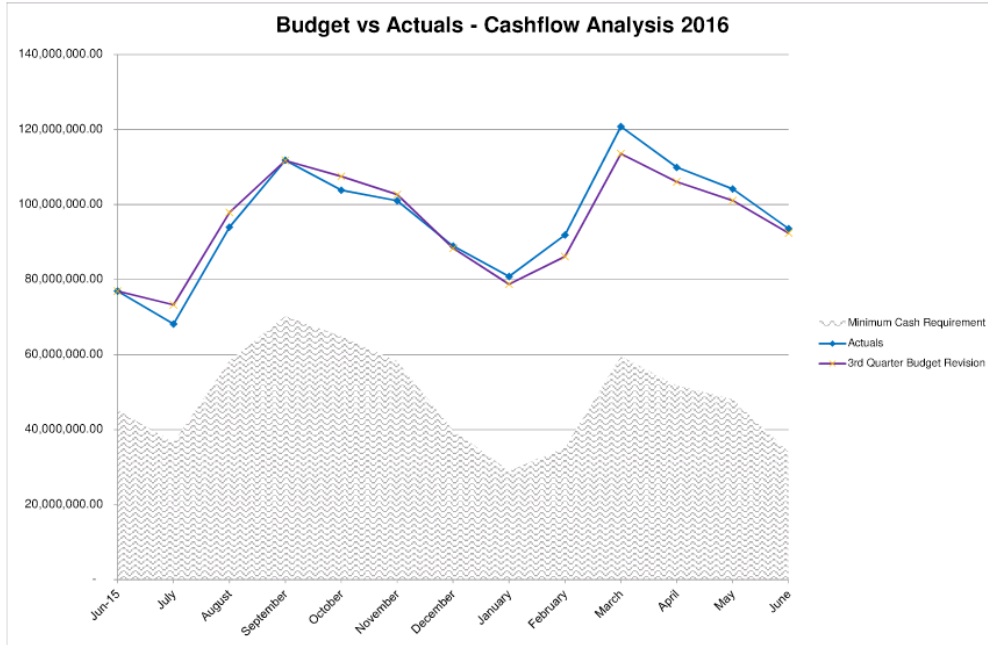
Rates Debtor

- Council's Rates are levied in July and February each financial year.
- The latest levy was raised in February 2016.
- As at 30 June 2016 the Rates Debtor balance sits at \$6 million or 4.12% of the annual rates levy. **This is the lowest percentage rates debt ratio since the inception of the Bundaberg Regional Council.**



Cash Flow

- The Cash Balance as at 30th June 2016 was \$93.5 million which is only slightly higher than forecast.
- The current Cash Balance is significantly higher than the minimum Cash Balance required by Council.
- No liquidity issues are foreseeable in the near future.



Loan Liability

- The loan liability currently sits at \$63.5m.
- The 4th Quarter loan repayment was made on 15th June 2016.
- Council did not draw down loans for the 2015/2016 FY.
- Council had loan draw downs of \$23 million for the 2014/2015 FY. These loans were for the Rubyanna and Thabeban Wastewater Treatment Plants, Multiplex Facility and Water Main Mellifont Street.



- Individual loan balances as at 30th June 2016 are as follows:

Account Name	Closing Balance as at 30 June 2016
1008 Aviation Precinct	497,134.02
1008 Bundaberg Airport	13,609,921.88
1022 Elliott Heads Caravan Park	292,600.15
1027 Fleet Management	2,957,079.79
1031 Hall of Aviation	1,588,182.78
1040 Kolan Gardens Aged Care	299,316.56
1045 Burnett Heads Holiday Park	80,446.81
1069 Sewerage Services	27,071,079.65
1081 Water Services	3,977,035.01
1120 General Facilities	7,711,719.73
1129 Waste Services	5,448,921.24
Grand Total	63,533,437.62

2016 Financial Year**A Year to Date Summary of Capital Projects, with a budget exceeding \$500,000**

Department	Project Description	Status *	Monitor (Descriptor)	Revised Budget	2016 FY YTD Actuals	% Spend	Est Final Cost 2016	\$ Variance	Comments	
Water and Wastewater	Deering Place Innes Park - New Sewer Pump Station & Pressure Main	○	Was expected to complete June 2016, however construction activities to continue into next financial year.	2,549,061	1,930,405	76%	1,930,405	(618,656)	2017 Budget to be adjusted to reflect the work continuing in the 2017 Financial Year.	
	Rubyanna STP - Design & Construction of Plant	✓	90% Design complete. Significant progress with bulk earthworks undertaken during June 2016.	6,217,100	4,874,258	78%	4,887,258	(1,329,842)	Delay to commencement of construction has altered the forecasted contractor payment schedule. 2016/17 Budget to be revised to reflect these changes.	
	Project Administration and Control (All Stages)	✓		500,000	309,206	62%	309,206	(190,794)	Current committed costs will be expended in the 2016-17 financial year. 2016/17 Budget to be revised to reflect these changes.	
	Rubyanna STP - Trunk Pipelines Concept Design & Survey	★	Costs have been finalised.	1,150,000	1,139,066	99%	1,139,066	(10,934)		
	Rubyanna River outfall for Rubyanna WWTP	✓	Early design work in being undertaken in conjunction with tender assessment. Construction anticipated to be completed by the end of December 2016.	220,000	216,787	99%	216,787	(3,213)		
	Rubyanna WWTP Pipelines - Springhill Road to RWWTP	★	Costs have been finalised.	500,000	487,880	98%	487,880	(12,120)		
	Rubyanna WWTP Pipelines - Darnell Street Sewerage Cutting	✓	Construction completed. Costs to be finalised.	260,000	320,647	123%	321,000	61,000	Additional expenditure associated with greater than anticipated rock and traffic management.	
		<i>Subtotal</i>			<i>8,847,100</i>	<i>7,347,844</i>	<i>83%</i>	<i>7,361,197</i>	<i>(1,485,903)</i>	
	Gin Gin Water Treatment Plant Upgrade	✓	Yields for Pump Station need to be increased - this work will continue into 2017	875,000	651,377	74%	651,377	(223,623)	Savings achieved through contract award. Budget to be revised for the 2017 Financial Year to reflect continuation of construction activities.	
	Transfer Mellifont Street to KWTP	★	Costs have been finalised.	800,000	801,840	100%	801,840	1,840		
Bundaberg Port Sewerage Infrastructure	★	Costs have been finalised.	1,135,000	1,132,604	100%	1,132,604	(2,396)			

2016 Financial Year**A Year to Date Summary of Capital Projects, with a budget exceeding \$500,000**

Department	Project Description	Status *	Monitor (Descriptor)	Revised Budget	2016 FY YTD Actuals	% Spend	Est Final Cost 2016	\$ Variance	Comments
Major Projects	Bundaberg Showgrounds Development - Multi-Use Sport and Community Centre (Multiplex)	✓	Construction in progress - practical completion estimated 28 October 2016	4,700,000	3,138,638	67%	4,700,000	-	
	Demolition of remaining buildings at old Bundaberg Showgrounds	★	Costs have been finalised.	198,705	199,364	100%	199,364	659	
	<i>Subtotal</i>			<i>4,898,705</i>	<i>3,338,002</i>	<i>68%</i>	<i>4,899,364</i>	<i>659</i>	
Information Systems	Corporate Applications - Core Systems Replacement Program		Tender to open July for the Enterprise Asset Management (EAM) System	169,103	22,277	13%	22,277	(146,826)	
Roads and Drainage	Sprayed Bitumen Resurfacing Programme 2015/2016	★	Costs have been finalised.	1,320,000	1,317,989	100%	1,317,989	(2,011)	
	Hughes Road Extension - Windermere Road to Wearing Road 2015/2016	○	Issues surrounding surface quality have now been resolved. Due to this delay, Contract will be finalised by early July.	1,300,000	1,310,657	101%	1,310,657	10,657	The overspend in this financial year is associated with variations to the contract. An additional \$20,000 is expected to be expended in the 2017 financial year to finalise the contract. 2016/17 Budget to be revised to reflect these changes.
	Causeway Drive/Miller Street/Woongarra Scenic Drive - Intersection Upgrade 2015/2016	★	Costs have been finalised.	1,196,348	1,196,348	100%	1,196,348	-	
	Miara Road Upgrade	★	Costs have been finalised.	409,433	409,433	100%	409,433	-	Savings achieved through competitive tendering.
	Sylvan Drive Moore Park Beach - Pavement Rehabilitation	★	Costs have been finalised.	594,817	594,817	100%	594,817	-	Savings achieved through competitive tendering.
	Coonarr Road Upgrade	★	Costs have been finalised.	706,860	706,860	100%	706,860	-	
	Walla Street Bridge Rehabilitation Project	✓	Construction is practically complete. Minor works to be undertaken onsite next financial year. Contract to be finalised by end of September.	400,000	422,896	106%	422,896	22,896	Additional costs associated with variations to the original contract. Contract was extended to include a guardrail to increase safety. 2016/17 Budget to be revised to reflect these changes.
	QS5 Bituminous Microsurfacing Program 2015/2016	★	Costs have been finalised.	700,000	615,323	88%	615,323	(84,677)	Savings achieved through competitive tendering.
	Dahls Road Upgrade	★	Construction complete, costs to be finalised by end of June	680,000	501,887	74%	510,000	(170,000)	Original estimate for works included an allocation for the treatment of unsuitable material, which was not required during construction.
	Asphalt Resurfacing Program 2015/16	★	Costs have been finalised.	950,000	927,821	98%	927,821	(22,179)	
	Thabeban Drainage Upgrade - Stage 1 - Thabeban Trunk Drainage System	★	Costs have been finalised.	738,978	738,978	100%	738,978	-	
Childers Streetscape - Stage 6	★	Costs have been finalised.	815,660	815,660	100%	815,660	-		

2016 Financial Year**A Year to Date Summary of Capital Projects, with a budget exceeding \$500,000**

Department	Project Description	Status *	Monitor (Descriptor)	Revised Budget	2016 FY YTD Actuals	% Spend	Est Final Cost 2016	\$ Variance	Comments
Parks, Sport & Natural Areas	Christsen Park - On Street Parking and bus drop-off facility	★	Costs have been finalised for Stage 1.	350,000	76,635	22%	402,407	52,407	Additional costs associated with consultant fees for next stage of work and water main construction.
	Construction of new Car Park (Roads Costs to be journalled to Parks work order)	★		-	325,773	100%	-	-	Road Construction costs will be transferred to the Parks work order at end of financial year.
	<i>Subtotal</i>			<i>350,000</i>	<i>402,407</i>	<i>115%</i>	<i>402,407</i>	<i>52,407</i>	
Community & Environment	Animal Pound Facility	○	Tender Evaluation starts 5/07/2016.	680,000	183,308	27%	183,308	(496,692)	Schedule delay due to water main construction. Major construction activities will be undertaken in the 2017 financial year. Budget to be revised for the 2017 Financial Year.

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
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 Revised Budget	LTD Actuals	Est Final Cost	Comments	
Water and Wastewater	Deering Place Innes Park - New Sewer Pump Station & Pressure Main	○	Was expected to complete June 2016, however construction activities to continue into next financial year.	1,800,000	2,749,061	2,108,582	2,749,061		
	Rubyanna STP - Design & Construction of Plant	✓	90% Design complete. Significant progress with bulk earthworks undertaken during June 2016.	95,726,237	54,075,460	7,294,588	54,075,460		
	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)	✓			1,005,000	689,794	1,005,000		
	Non Capital Costs for Design and Construction of Plant	✓			231,000	231,133	231,133		
	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	✓	Early design work in being undertaken in conjunction with tender assessment. Construction anticipated to be completed by the end of December 2016.		3,400,000	216,787	3,400,000		
	Rubyanna WWTP Pipelines - Springhill Road to RWWTP	★	Costs have been finalised.		500,000	487,880	487,880		
	Rubyanna WWTP Pipelines - Darnell Street Sewerage Cutting	✓	Construction completed. Costs to be finalised.		260,000	320,647	321,000	Additional expenditure associated with greater than anticipated rock and traffic management.	
	Decommissioning of East Bundaberg WWTP	✓	Currently undertaking Concept Options Review		1,800,000	6,953	1,800,000		
				<i>Subtotal</i>	<i>95,726,237</i>	<i>71,050,028</i>	<i>19,026,348</i>	<i>71,099,041</i>	
	Gin Gin Water Treatment Plant Upgrade	✓	Yields for Pump Station need to be increased - this work will continue into 2017		1,100,000	1,075,000	793,643	793,643	Savings achieved through contract award. Budget to be revised for the 2017 Financial Year to reflect continuation of construction activities.
	Transfer Mellifont Street to KWTP	★	Costs have been finalised.		2,183,000	2,183,000	2,184,758	2,184,758	
Bundaberg Port Sewerage Infrastructure	★	Costs have been finalised.		1,500,000	1,555,000	1,551,056	1,551,056		

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 Revised Budget	LTD Actuals	Est Final Cost	Comments
Major Projects	Bundaberg Showgrounds Development - Multi-Use Sport and Community Centre (Multiplex)	✓	Construction in progress - practical completion estimated 28 October 2016	9,500,000	15,000,000	3,759,730	15,000,000	
	Demolition of remaining buildings at old Bundaberg Showgrounds	★	Costs have been finalised.	150,000	198,705	199,364	199,364	
	<i>Subtotal</i>			<i>9,650,000</i>	<i>15,198,705</i>	<i>3,959,094</i>	<i>15,199,364</i>	
Information Systems	Corporate Applications - Core Systems Replacement Program - Initial product scope and product selection	✓	Tender to open July for the Enterprise Asset Management (EAM) System	-	647,262	644,284	654,284	Business Analysts contract extension to complete Business Process mapping and analysis. Current revised Life to Date budget figures include 17/18 & 18/19 3 year capital forecast budget figures
	Corporate Applications - Core Systems Replacement Program	✓	Tender to open July for the Enterprise Asset Management (EAM) System	4,500,000	5,379,103	22,277	5,379,103	
	<i>Subtotal</i>			<i>4,500,000</i>	<i>6,026,365</i>	<i>666,560</i>	<i>6,033,387</i>	

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 Revised Budget	LTD Actuals	Est Final Cost	Comments
Roads and Drainage	Sprayed Bitumen Resurfacing Programme 2015/2016	★	Costs have been finalised.	1,604,000	1,320,000	1,317,989	1,317,989	
	Hughes Road Extension - Windermere Road to Wearing Road 2015/2016	○	Issues surrounding surface quality have now been resolved. Due to this delay, Contract will be finalised by early July.	1,500,000	1,300,000	1,311,123	1,330,000	The overspend in this financial year is associated with variations to the contract. An additional \$20,000 is expected to be expended in the 2017 financial year to finalise the contract. 2016/17 Budget to be revised to reflect these changes.
	Causeway Drive/Miller Street/Woongarra Scenic Drive - Intersection Upgrade 2015/2016	★	Costs have been finalised.	1,200,000	1,416,228	1,416,228	1,416,228	
	Miara Road Upgrade	★	Costs have been finalised.	800,000	409,433	409,433	409,433	
	Sylvan Drive Moore Park Beach - Pavement Rehabilitation	★	Costs have been finalised.	1,200,000	594,817	594,817	594,817	
	Coonarr Road Upgrade	★	Costs have been finalised.	700,000	706,860	706,860	706,860	
	Walla Street Bridge Rehabilitation Project	✓	Construction is practically complete. Minor works to be undertaken onsite next financial year. Contract to be finalised by end of September.	775,000	400,000	422,896	422,896	Additional costs associated with variations to the original contract. Contract was extended to include a guardrail to increase safety. 2016/17 Budget to be revised to reflect these changes.
	QS5 Bituminous Microsurfacing Program 2015/2016	★	Costs have been finalised.	900,000	700,000	615,323	615,323	Savings achieved through competitive tendering.
	Dahls Road Upgrade	★	Construction complete, costs to be finalised by end of June	600,000	680,000	501,887	510,000	Original estimate for works included an allocation for the treatment of unsuitable material, which was not required during construction.
	Asphalt Resurfacing Program 2015/16	★	Costs have been finalised.	735,000	950,000	927,821	927,821	
	Thabeban Drainage Upgrade - Stage 1 - Thabeban Trunk Drainage System	★	Costs have been finalised.	550,000	942,001	942,001	942,001	
	Childers Streetscape - Stage 6	★	Costs have been finalised.	1,150,000	1,279,475	1,279,475	1,279,475	

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 Revised Budget	LTD Actuals	Est Final Cost	Comments
Parks, Sport & Natural Areas	Christsen Park - On Street Parking and bus drop-off facility	★	Costs have been finalised for Stage 1.	800,000	800,000	82,378	800,000	
	Construction of new Car Park (Roads Costs to be journalled to Parks work order)	★		-	-	325,773	-	Road Construction costs will be transferred to the Parks work order at end of financial year.
	<i>Subtotal</i>			<i>800,000</i>	<i>800,000</i>	<i>408,151</i>	<i>800,000</i>	
Community & Environment	Animal Pound Facility	○	Tender Evaluation starts 5/07/2016.	1,250,000	1,800,000	201,114	1,800,000	

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
×	Required	to get back on track

Please note that completed projects may still have outstanding costs



Item

19 July 2016

Item Number:	File Number:	Part:
F1	CM/0012	GOVERNANCE & COMMUNICATIONS

Portfolio:

Organisational Services

Subject:

Audit and Risk Committee Update

Report Author:

Andrew Ireland, General Manager Organisational Services

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

Governance - 4.4.2 Open and transparent leadership

Background:

The Audit and Risk Committee met on 16 June 2016 and the minutes of this meeting are attached for Council's information. Information provided below is for the information of Council and further adoption of documents.

Appointment of External Representatives and Committee Chair

Following Council's resolution of 26 April 2016, expressions of interest were called for two external independent members of the Audit and Risk Committee with appropriate expertise for the current Council term until March 2020. Following interviews with five applicants, Ms Emma Habermann and Mr Bradley Grogan were selected. External representatives will contribute to the Committee through having the required extensive knowledge and expertise.

Council's former Mayor, Mal Forman previously held the role of Chair of the Committee in the last term of Council. At the Audit and Risk Committee meeting held 16 June 2016, Mr Bradley Grogan was appointed Chair and elected unanimously.

Audit and Risk Committee Charter

In order for the Committee to fully understand its role and responsibilities and to operate effectively, best practice suggests the formation of an Audit and Risk Committee Charter. The Charter sets out:

- The Committee's authority and independence;
- Matters relating to confidentiality;
- The Committee's objectives;
- Duties and responsibilities of the Committee;
- Relationships between the Committee and key stakeholders;

- Committee membership;
- Ethical practices;
- Committee meetings;
- Induction material for Committee members;
- Evaluation of Committee activities;
- Review of the Charter; and
- Approval of the Charter.

This Charter has been endorsed by the Audit and Risk Committee and is now provided to Council for adoption.

Audit and Risk Committee Yearly Workplan

The Local Government Association of Queensland released a number of resources to assist Council with its Audit and Risk Committee requirements, which included a sample audit committee work plan.

A Yearly Work Plan was developed for 2016 which has also been endorsed by the Committee and is now provided to Council for adoption.

Internal Audit Charter Governance Policy

The internal audit function is conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Contained within these Standards is the requirement to develop an Internal Audit Charter, which is a formal document that defines the internal audit activity's purpose, authority and responsibility. In addition, this Charter establishes the Internal Auditor's position within Council, authorises access to records and personnel and defines the scope of internal audit activities.

The Charter specifically sets out:

- the role and purpose of Internal Audit;
- independence;
- authority and confidentiality;
- roles and responsibilities;
- internal audit activities;
- competence and standards;
- relationship with external audit;
- planning;
- reporting; and
- quality assurance.

This Policy has been endorsed by the Audit and Risk Committee and is now provided to Council for adoption.

Fraud and Corruption Management Policy

At its meeting held 25 November 2014, Council adopted a Fraud and Corruption Management Policy, and following this, the Queensland Audit Office (QAO) undertook a survey of fraud and corruption processes in Queensland local governments in 2015.

The QAO released a summary of findings and also recommended an amendment to the Local Government Regulation 2012 to require:

- i. Loss as a result of fraud to be a reportable loss to the Auditor General and to the Minister for Local Government; and

ii. Councils to keep written records of alleged and proven losses arising from fraud. Council currently has a suite of policies and processes in place that address this matter, including a Fraud and Corruption Management Policy that was adopted in 2014. The QAO findings and the Regulation amendments necessitated a major review of our fraud and corruption framework to ensure both statutory compliance and, where possible, 'best practice'.

The proposed fraud and corruption framework includes:

- i. Fraud and Corruption Management Policy GP-3-084 (heavily revised);
- ii. Fraud and Corruption Control Plan;
- iii. Fraud and Corruption Procedure;
- iv. Departmental/branch risk assessments.

The Fraud and Corruption Management Policy has been endorsed by the Audit and Risk Committee and is now provided to Council for adoption.

Consultation:

Representatives of Audit and Risk Committee; Peter Byrne – Chief Executive Officer; Jason McCulloch – Internal Auditor; and Christopher Joosen – Governance Manager.

Legal Implications:

Complies with various sections of the Local Government Regulation 2012.

Policy Implications:

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

Financial and Resource Implications:

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

Risk Management Implications:

There appear to be no risk management implications.

Communication Strategy:

Communication Strategy required?

- ✓ Not applicable
- Yes – Communications Team consulted

Attachments:

- 1 Audit & Risk Committee Minutes - 16 June 2016
- 2 Audit & Risk Committee Charter
- 3 Audit & Risk Committee 2016 Yearly Workplan
- 4 Internal Audit Charter Governance Policy
- 5 Fraud & Corruption Management Policy

Recommendation:

That the Minutes of the Audit and Risk Committee Meeting held on 16 June 2016 (as detailed on the 6 pages appended to this report); be received and noted; including the appointment of:-

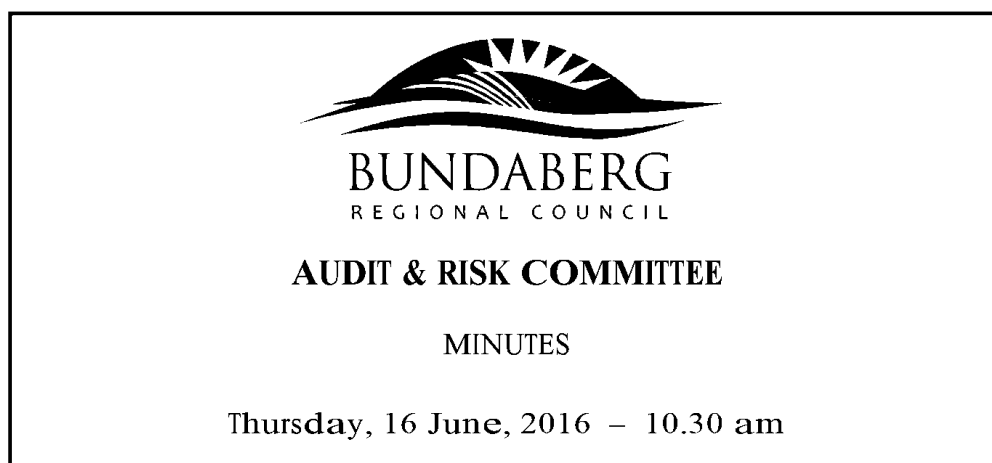
- (1) Ms Emma Habermann and Mr Bradley Grogan as External Representatives to the Audit and Risk Committee until March 2020;**
- (2) Mr Bradley Grogan as Chair of the Audit and Risk Committee.**

Further, that the:

- a) Audit and Risk Committee Charter (as detailed on the 8 pages appended to this report);**
- b) Audit and Risk Committee Yearly Workplan (as detailed on the 1 page appended to this report);**
- c) Internal Audit Charter Governance Policy (as appended on the 7 pages appended to this report);**
- d) The Fraud and Corruption Management Policy (as detailed on the 6 pages appended to this report);**

– be adopted by Council.

It being noted that a letter of thanks has been written to Ms Leanne Rudd for her services to the Audit Committee for the past 8 years.



ATTENDANCE

Council Representatives – Cr JM Dempsey and Cr HM Blackburn.

External Representatives – Mr B Grogan and Ms E Habermann.

By Invitation –

* **Council Staff** – Mr PJ Byrne (Chief Executive Officer), Mr AD Ireland (General Manager Organisational Services), Mr AJ Keleher (Chief Financial Officer); Mr J Kelly (Sustainable Finance Manager), Mr C Joosen (Governance Manager), Mr J McCullouch (Internal Auditor), Ms E Fortune (Risk & Insurance Officer), Mr T McLoughlin (Group Manager Water & Wastewater), Mr I Norvock (IT Projects), and Mr R Russell (Acting Chief Information Officer).

Apology: Mr J McMullen (IMS).

* **External Auditors (Pitcher Partners)** – Mr C Russell - by teleconference

* **Queensland Audit Office** - Mr W Peak - by teleconference.

BUSINESS OF MEETING

1. **WELCOME** – Cr Dempsey welcomed all present.

2. **APPOINTMENT OF COMMITTEE CHAIRMAN** - Cr Dempsey suggested that Mr B Grogan, as an independent External Representative to this Committee, be nominated as Chairman - and in accordance with Section 210(3) of the Local Government Regulation 2012, this nomination be referred to Council for appointment.

Seconded by Cr Blackburn - and carried unanimously.

Mr Grogan agreed to act as Chairman for this Meeting, pending his formal endorsement as Chairman by Council. ..2.

Audit & Risk Committee Minutes
16 June, 2016

2.

3. **MINUTES** – It was agreed that the Minutes of the Meeting held on 3 February, 2016, be taken as read and confirmed.
4. **MATTERS ARISING FROM PREVIOUS MEETING** – Nil.
5. **AUDIT & RISK POLICY**
 - (1) **Committee Charter** - Mr Ireland addressed the Meeting on various aspects of the Audit & Risk Committee Charter.
 - It was agreed that the Audit & Risk Committee Charter be endorsed by the Committee - and referred to the Council for adoption.
 - (2) **Committee Yearly Workplan** - Mr Ireland addressed the Meeting on the items proposed to be addressed at upcoming Meetings of the Audit & Risk Committee; and the queries raised were answered.
 - It was agreed that the Audit & Risk Committee Yearly Workplan be endorsed by the Committee - and referred to the Council for adoption.
6. **MAJOR PROJECTS UPDATES**
 - (1) **Rubyanna Wastewater Treatment Plant Project** - Mr McLaughlin provided an overview of the Project which is central to Council's adopted Coastal Sewerage Strategy; and answered the various queries raised about the background and costing of the Project.
 - It was agreed that the Report and attachments be noted by the Committee.
 - (2) **Core Systems Replacement Program** - Mr Norvock provided an overview of the Project which was developed to assist towards working to replacement of the current fragmented set of core systems; and answered the various queries raised about the background, costing, risks, and overall benefits of the Project to Council.
 - It was agreed that the Report and attachments be noted by the Committee.

..3.

Audit & Risk Committee Minutes
16 June, 2016

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- (3) **Bundaberg Multiplex** - Mr Byrne advised that Stage 1 of the Bundaberg Multiplex is due for completion in October 2016; and Mr Kelly provided an overview of the funding sources to date.
- It is noted there has been an election commitment towards funding of Stage 2, however any decision to proceed with this Stage would require a strategic decision of Council.
 - It was agreed that the Report be noted by the Committee.

7. **INTERNAL AUDIT POLICY & PLANS**

- (1) **Internal Audit Charter** - Mr McCulloch addressed the Meeting on various aspects of the Internal Audit Charter.
- It was agreed that the Internal Audit Charter be accepted by the Committee - and referred to the Council for adoption.
- (2) **Annual Internal Audit Plan** - Mr McCulloch addressed the Meeting on various aspects of the proposed Annual Internal Audit Plan.
- It was agreed that the Annual Internal Audit Plan be accepted by the Committee - and referred to the Chief Executive Officer for approval.
- (3) **Internal Audit - Strategic Audit Plan 2016-2019** - Mr McCulloch addressed the Meeting on various aspects of the proposed Internal Audit - Strategic Audit Plan for 2016-2019; and the queries raised into the cross-over between Internal and External Audit Programmes were answered.
- It was agreed that the Internal Audit - Strategic Plan 2016-2019 be accepted by the Committee - and referred to the Chief Executive Officer for approval.

8. **ASSESSMENT OF FINANCIAL INFORMATION**

- (1) **Financial Position as at 3 May, 2016** - Mr Keleher addressed the Meeting on the Report that was presented to Council at its Meeting of 17 May, 2016; and it was agreed that the contents of this Report be noted by the Committee.

9. **REVIEW OF 2015/2016 SHELL FINANCIAL STATEMENTS** - Mr Keleher addressed the Meeting on the proposed way forward for the 2015/2016 Financial Statements; and the queries raised were answered.

..4.

Audit & Risk Committee Minutes
16 June, 2016

4.

The issue of the collection and reporting on related party disclosures in the coming year was generally discussed; with the External Auditors (Pitcher Partners) to provide further information to assist Council Staff with the collection during future audit visits.

- It was agreed that the information provided in this Report be noted.

10. **ANNUAL ASSET REVALUATION PLAN UPDATE FOR 2016** - Mr Keleher addressed the Meeting and answered queries on the comprehensive revaluation programme to be undertaken in 2016/17 (with Asset Classes of Land and improvements; Buildings and structures; Cultural; Roads, Footpaths and Bridges; Stormwater drainage; Wastewater Infrastructure; and Water Infrastructure). (Detail was provided in Mr Keleher's Report.)

- It was agreed that the information provided in this Report be noted.

11. **EXTERNAL AUDIT MATTERS**

- (1) **Interim Management Report on External Audit** - Mr Russell gave an overview of the matters identified in the interim audit visit for the 2015/16 financial year; noting that no high risk financial reporting issues or business process improvement opportunities/matters were identified, and that no major changes will be made to the audit approach as previously presented.

- It was agreed that the information provided in this Report be noted.

- (2) **Briefing Note** - It was agreed that the information provided in this Report be noted.

- Mr Peak provided an update on the Queensland Audit Office's current strategy for audit plans for the years 2015 to 2018 and the proposed audit themes for local governments. This information is available on the QAO's website.

12. **FRAUD & CORRUPTION UPDATE** - Mr Joosen addressed the Meeting, and answered the various queries relating to the review and update of the Fraud and Corruption Management Policy, including the current systems in place and the requirement for staff training both currently and into the future.

- It was agreed that the Fraud and Corruption Management Policy be accepted by the Committee - and referred to the Council for adoption.

..5.

Audit & Risk Committee Minutes
16 June, 2016

5.

13. **RISK MANAGEMENT** -

- (1) **Risk Management Programme** - Ms Fortune provided an update on the Risk Management Programme, as well as the current status of projects; and the various queries raised were answered.

- It was agreed that the information contained in the Report be noted.

- (2) **Finance Risk Register** - Mr Keleher addressed the Meeting on the status of the Issues Register; the processes being undertaken to address the various Risks; and the change in practice so that closing of these issues will be brought to this Committee for approval, in lieu of the approval of the Chief Financial Officer.

- It was agreed that the information contained in the Report be noted.

14. **INTERNAL AUDIT REPORT**

- (1) **Indirect Taxation Review** - Mr Keleher addressed the Meeting on the final report completed by Ulton during the Company's Internal Audit tenure, focussing on the areas of GST, FBT and Payroll Tax.

- It was agreed that the information contained in the Report be noted.

15. **INTERNAL QUALITY AUDIT REPORT** - In the absence of Mr McMullen, Mr Kelly addressed the Meeting on the audit conducted in the last period; and on various issues pertaining to corrective action requests.

- It was agreed that the information contained in the Report be noted.

16. **ADMINISTRATION SECURITY AUDIT** - Mr McCullough addressed the Meeting on the results of the report undertaken by the Queensland Police Service on Council's Cash Handling protocols.

- Mr Keleher advised that all risks identified are being followed up and remedied.

17. **GENERAL BUSINESS**

- (1) **2015/16 Budget** - Mr Kelly provided a brief overview of the preparation of the 2015/16 Budget to be presented for adoption by Council on 1 July, 2016.

..6.

Audit & Risk Committee Minutes
16 June, 2016

6.

18. **NEXT MEETING** – Tuesday, 13 September, 2016 - 10.00 am

There being no further business, the Meeting was closed at 12.48 pm.

CHAIRMAN.



AUDIT & RISK COMMITTEE CHARTER

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1. Introduction

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

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

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

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

2. Authority and Independence

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

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

Any request for additional audits (outside of the Annual Audit Plan), investigations or expenditure needs to be agreed to by the Committee and approved by Council.

3. Confidentiality

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

4. Objectives

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

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

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

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5. Duties and Responsibilities

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

Internal Audit

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

Financial Statements

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

Risk Management

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

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Internal Control Framework

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

External Audit

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

Compliance

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

Reporting

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

6. Relationships

Internal Audit

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

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

Sustainable Finance Manager and Governance Manager

The Committee is to liaise with and have access to the Sustainable Finance Manager to assist with supply of Internal Quality Audit information, issues or concerns.

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

Council Executive Management Groups

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

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between the groups where this is necessary or desirable.

Line Management

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

External Audit

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

7. Committee Membership

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

Collectively, the Committee shall possess:

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

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

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

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

Committee Chairperson

The Chairperson shall be elected by the Committee. To ensure independence, it is better practice that the Chairperson be an external committee member.

Committee Secretary

- The Secretary will be responsible for the preparation and circulation of the meeting agenda and accurately minuting all decisions of the Committee in consultation with its Chairperson;

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- The Secretary will also be responsible for the timely tabling of all correspondence, reports and other information relevant to the Committee’s activities and operations; and
- The Secretary is to be provided by the Chief Executive Officer.

8. Ethical Practices

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

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

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

9. Committee Meetings

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

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

A quorum shall consist of at least three members.

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

Other attendees at Committee Meetings

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

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

10. Induction Material

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

XX-0-000 Rev.DRAFT 00/00/00 P7 of 8



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E ceo@bundaberg.qld.gov.au
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ABN 72 427 835 198

11. Evaluation of Committee Activities

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

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

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

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

12. Review of the Charter

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

13. Approval of the Charter

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

14. References and Associated Documents

[Local Government Act 2009](#)

[Local Government Regulation 2012](#)

[GP-3-002 Integrated Risk Management Governance Policy](#)

[GP-3-034 Internal Audit Charter Governance Policy](#)

**Bundaberg Regional Council
Audit & Risk Committee Yearly Workplan as at 16 June 2016**

Key Responsibilities	Responsible Officer	Considerations	Meeting 1	Meeting 2	Meeting 3	Meeting 4
			31 February 2016	16 June 2016	14 September 2016	25 October 2016
Financial Reporting	Chief Financial Officer	Recent monthly finance reports	X	X	X	X
	Sustainable Finance Manager	Council budget - Confidential		X		
	Chief Financial Officer	Financial reporting preparation timetable/plan	X			
	Chief Financial Officer	Accounting issues position papers		X	X	
	Chief Financial Officer	Shell financial statements (Prepared by 30 June)		X		
	Chief Financial Officer	Draft financial statements			X	
	Chief Financial Officer	Management representations			X	
	Chief Financial Officer	Final financial statements				X
	Chief Financial Officer	QTC Credit review and other external reports (as required / available)	X	X	X	X
Annual Report	Sustainable Finance Manager	Draft Annual Report			X	
		Final Annual Report				X
Assets	Chief Financial Officer	Annual asset valuation methodology report		X		
		Annual asset valuation report		X	X	
External Audit	Pitcher Partners	Briefing Note & Audit Communication	X	X	X	X
		Client Strategy	X			
		Interim management letter		X		
		Final management letter			X	
		Closing report			X	
Internal Audit	Internal Auditor	Internal audit strategy		X		
		Internal audit plan		X		
		Annual Internal audit progress report				X
		Internal audit reports	X	X	X	X
		Register of internal and external audit issues	X	X	X	X
Management Updates	Risk & Insurance Officer	Risk update	X	X	X	X
	Governance Manager	Fraud and corruption progress update				X
	CEO / General Manager OS	CEO update				X
Audit Committee	General Manager OS	Annual Self Assessment				X
	General Manager OS	Audit & Risk Committee Charter Review		X		

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

Internal Audit Charter Governance Policy

GP-3-034

Rev. 5 (Draft)

1.0 INTENT

To establish the authority and responsibility conferred by Council on the Internal Audit Unit.

2.0 SCOPE

This policy applies to the Internal Auditor, Contract Auditors and members of the Audit and Risk Committee.

3.0 POLICY OBJECTIVES

The objective of this policy is to define the function, scope, operating and reporting parameters for the internal audit function.

4.0 POLICY

Pursuant to Section 105 of the *Local Government Act 2009*, Council will establish an Audit and Risk Committee.

4.1 The Role and Purpose of Internal Audit

The internal audit function is an independent, objective assurance¹ and consulting² activity designed to add value and improve the Council's operations. It helps the Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

The internal audit function performed by Internal Audit provides an independent and objective review and advisory service to:

- provide assurance to the Chief Executive Officer (CEO) that the Council's financial and operational controls designed to manage the organisation's risks, including fraud, ensure the Council's objectives are achieved in an efficient, effective and ethical manner; and
- assist management in improving the Council's business performance.

¹ Assurance services involve the Internal Auditor's objective assessment of evidence to provide an independent opinion or conclusions regarding a process, system or other subject matter.

² Consulting services are advisory in nature, and are generally performed at the specific request of an engagement client. The nature and scope of the consulting engagement are subject to agreement with the engagement client.

4.2 Independence

To be effective, the internal audit function must be able to operate without being influenced or inhibited in the discharge of its duties. Independence is essential to the effectiveness of the internal audit function. Therefore, Internal Audit has no:

- responsibility for developing or implementing procedures or systems and does not prepare records or engage in original line processing functions or activities;
- executive or managerial powers, functions, authorities or duties except those relating to the management of the audit function;
- involvement in the day to day operation of Council, nor in the internal operational checking systems of Council except those relating to the administrative and management of the audit activities; or
- responsibility for the designing, installing or maintaining systems, procedures or controls, but will advise on these matters and provide assurance to management that completed systems will contribute to the achievement of the intended corporate objectives. If, however, the Internal Auditor is involved in the detailed development or implementation of a system, then any post implementation review should, as far as possible, be conducted by another Internal Auditor or Contract Auditor.

The Internal Auditor reports functionally to the Audit and Risk Committee ('the Committee'), and administratively to the General Manager, Organisational Services, and is accountable for the efficient and effective operation of the Committee.

The Committee, consistent with the Audit and Risk Committee Charter, oversees the planning, monitoring and reporting processes of Internal Audit. The Internal Auditor has direct access to the CEO and the Committee Chair and members.

4.3 Authority and Confidentiality

Subject to compliance with the Council's security policies, Internal Audit is authorised to have full, free and unrestricted access to all Council functions, premises, assets, personnel, records (both electronic and hard copy) and other documentation and information that the Internal Auditor considers necessary to enable Internal Audit to meet its responsibilities.

All records, documentation and information accessed in the course of undertaking internal audit activities are to be used solely for the conduct of these activities. The Internal Auditor and individual internal audit staff (including contractors and external service providers performing work on behalf of Internal Audit) are responsible and accountable for maintaining the confidentiality of the information they receive during the course of their work.

Internal audit reports are deemed to be confidential reports of the Council. However, under its legislation, the Queensland Audit Office (QAO) and its appointed auditors have access to all relevant Council documents including internal audit reports.

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4.4 Roles and Responsibilities

Internal Audit will evaluate and contribute to the improvement of governance, risk management and control processes using a systematic and disciplined approach. In the conduct of its activities, Internal Audit will actively promote and facilitate:

- a commitment to accountability, integrity and high ethical standards;
- the integration of risk management into day-to-day business activities and processes; and
- a culture of cost-awareness, efficiency and continuous improvement.

Internal Audit has a primary responsibility to advise on governance, risk management and control issues and is required to report inadequately addressed risks and non-effective control processes to management and/or the Committee. Reporting will be escalated to a level consistent with the internal audit assessment of risk.

While Internal Audit is responsible for examining and evaluating the adequacy and effectiveness of the controls over risks, Internal Audit is not primarily responsible for the detection of fraud as it is management’s responsibility. However, Internal Audit’s activities may identify instances of fraud, areas of high risk of fraud or consult on fraud risk matters.

4.5 Internal Audit Activities

Internal audit activity encompasses the review of all financial and non-financial policies and operations. Internal audit reviews may cover any of the programs and activities of Council and any associated entity (where applicable).

Internal audit activities will encompass the following areas:

4.5.1 Assurance Activities

Internal audit assurance activities include audits with the following orientation:

Compliance

- Compliance with legislative requirements, Council policies, directives and procedures;
- Adequacy and effectiveness of internal financial and operational controls including information technology system controls;
- Recording, control and use of Council assets; and
- Efficiency, effectiveness, and adherence to ethical standards in respect of Council’s business activities, systems and processes in line with the Council’s statutory responsibilities, stated objectives and operational plan.

Performance Improvement

- Improve the economy, efficiency and effectiveness of Council's operations in areas such as improving service delivery, better contract and project management, eliminating waste, reducing costs or increasing revenue.
- Assessability of systems to deliver the desired outcome.

Internal Audit may also:

- assist in the investigation of suspected fraud or misappropriation within the Council and notify management and the Committee of the corrective action to be taken; and
- conduct other reviews as requested by the CEO or as a service to management to help improve operational efficiency and effectiveness.

4.5.2 Consulting and Advisory activities

Consulting and advisory services will be provided as defined in the International Standards for the Professional Practice of Internal Auditing. In providing consulting and advisory services, Internal Audit will maintain operational independence and will participate on relevant committees and working groups with a status of observer only. It is the responsibility of Council management to accept or reject advice provided by Internal Audit, to implement advice where considered appropriate and be accountable for decisions taken.

Internal Audit can advise Council management on a range of matters including:

New programs, systems and processes

- Providing advice on the development of new programs, systems and processes and/or significant changes to existing programs and processes, particularly including the design of appropriate controls

Risk Management

- Assisting management to identify risks and develop risk mitigation and monitoring strategies as part of the risk management framework; and
- Monitoring and reporting on the implementation and maintenance of the Council's Fraud and Control Plan.

Fraud Control

- Assisting management to identify the risks of fraud and develop fraud prevention and monitoring strategies.

In addition to the above, Internal Audit may be required to carry out special reviews from time to time at the direction of the CEO or the Committee.

The Internal Auditor is required to report any major restrictions on the scope of Internal Audit, impairments, resource issues and any conflicts of interests to the Chair of the Committee and the CEO.

4.5.3 Audit Support Activities

Internal Audit is also responsible for:

- assisting the Committee to discharge its responsibilities;
- monitoring the implementation of agreed recommendations arising from internal and external audit activities;
- disseminating across Council better practice and lessons learnt arising from its audit activities; and
- managing the audit function.

4.5.4 Follow-Up Activities

Internal Audit will be responsible for appropriate follow-up of audit engagement findings and recommendations.

4.6 Competence and Standards

Internal audit activities are conducted in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012* as well as supporting Council values, policies, directives and procedures.

Audit activities will also be conducted in accordance with relevant professional standards including:

- International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors (IIA);
- Standards relevant to Internal Audit issued by CPA Australia and the Institute of Chartered Accountants in Australia;
- IS Audit and Assurance Standards issued by ISACA (previously known as the Information Systems Audit and Control Association); and
- Standards issued by Standards Australia and ISO International Standards (if applicable) issued by ISO (International Organisation for Standardisation).

4.7 Relationship with External Audit

Internal Audit shall co-operate fully with the QAO and the appointed external auditor in respect of any internal audits undertaken by Internal Audit. Working papers together with any further explanations are to be made available in order to enhance the effectiveness of the total audit coverage and to minimise duplication.

To ensure that Internal Audit is aware of all matters associated with its functional responsibilities, Internal Audit is to be supplied with copies of all relevant correspondence received from external audit and QAO.

In the conduct of internal audit work, the Internal Auditor will:

- comply with relevant professional standards of conduct;

- possess the knowledge, capability, skills and technical proficiency relevant to the performance of their duties;
- be skilled in dealing with people and communicating audit, risk management and related issues effectively; and
- exercise due professional care in performing their duties.

The Council recognises the need for the Internal Auditor to be professionally trained and qualified and will facilitate their ongoing professional and technical development by sponsoring attendance in professional workshops, seminars and conferences.

4.8 Planning

The Internal Auditor will prepare prior to the end of each financial year, for the Committee’s consideration, a risk-based annual internal audit plan and a strategic 3 year rolling internal audit plan.

In accordance with s. 207(2) of the *Local Government Regulation 2012*, the internal audit plan will include statements about:

- the way in which the operational risks have been evaluated;
- the most significant operational risks identified from the evaluation; and
- the control measures that Council has adopted, or is to adopt, to manage the most significant operational risks.

The Internal Auditor will communicate the impact of resource limitations and any significant changes in the strategy and plan to the Committee.

4.9 Reporting

Internal Audit Reports

A report will be produced at the conclusion of each audit activity conducted to convey the results of the audit clearly, objectively and in a timely manner so as to facilitate appropriate corrective action.

The final audit report will be forwarded to the responsible officer in the form of a recommendation implementation plan with responses to be provided to the Internal Auditor within five working days or such longer period as may be determined between the respondent and Internal Audit. The final audit report with management responses will be tabled at the next scheduled committee meeting.

Responses will be recorded and any implementation milestones will be monitored and progress reported to the Committee.

Reporting to the Audit and Risk Committee

The Internal Auditor will report to each meeting of the Committee on:

- matters arising from previous meetings;
- audits completed;
- progress in implementing the approved annual internal audit work plan;
- progress in development of the strategic 3 year rolling internal audit work plan (annual reporting basis only);

- the status of the implementation of agreed internal audit and external audit recommendations; and
- resource issues impacting on Internal Audit’s ability to complete the approved internal audit work plan.

Where Internal Audit does not possess all the necessary experience/skills, additional internal or external resources may be utilised subject to approval by the CEO. When managing additional auditing resources Internal Audit shall take steps to identify and evaluate the significance of and manage any perceived or actual conflict of interest that may impinge on internal audit work.

4.10 Quality Assurance

Internal Audit will develop an internal audit manual that documents the policies and procedures for conducting audits and managing the internal audit function. The internal audit manual will contain local procedures consistent with applicable standards and will be adhered to by members of the internal audit function.

Internal Audit performance will be assessed annually based on key performance indicators endorsed by the Committee.

As part of a comprehensive quality assurance program, the Internal Auditor will arrange for an independent review of the efficiency and effectiveness of the operations of the internal audit function at least every three years.

5.0 CONTROLS

The internal audit function must conform to the Institute of Internal Auditor’s International Standards for the Professional Practice of Internal Auditing (Standards).

6.0 EFFECTIVE FROM

The Internal Audit Governance Policy was adopted by Bundaberg Regional Council on 19 July 2016.

This Policy is effective from 19 July 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Financial Accountability Act 2009

Local Government Act 2009

Local Government Regulation 2012

MD-8-003 Bundaberg Regional Council Audit and Risk Committee Charter

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Bundaberg Regional Council
 Organisational Services
 Issue Date:
 Review Date: 01-12-2015

Fraud and Corruption Management Policy

GP-3-084

Rev. 3 (Draft)

1.0 INTENT

The intent of this policy is to:

- prevent and manage the risk and exposure of fraud and corruption against Council, thereby contributing to the maintenance of the organisation's integrity and reputation.
- outline the strategies and activities Council has in place to prevent, detect, respond and monitor fraud and corruption.

Council recognises that fraud and corruption management is an integral part of good governance and risk management practice.

Council has a zero-tolerance stance on fraud and corruption and is committed to maintaining an organisational culture which will ensure that effective prevention, detection and response to fraud and corruption as an integral part of all Council activities, consistent with the Code of Conduct for Councillors Governance Policy (GP-3-041), Employee Code of Conduct Governance Policy (GP-3-031) and the law. It will investigate and prosecute cases of fraud and corruption to the full extent of the law.

Sound and effective fraud and corruption controls require commitment at all levels of Council and all staff and Councillors are encouraged to proactively prevent, detect and report any fraudulent and corrupt conduct.

2.0 SCOPE

Fraud and corruption can harm Council's credibility, the public's confidence, and Council's relationships with internal and external stakeholders.

This policy applies to all persons acting for or on behalf of Council including temporary, casual and permanent employees, labour hire agency resources, volunteers and Councillors. Fraud and corruption covers both the prospect of loss or improper gain or benefit, both financial and non-financial.

3.0 POLICY OBJECTIVES

The objective of the policy is to:

- protect Council's assets and reputation
- ensure a sound ethical culture of Council
- ensure Senior Management commitment to identifying risk exposures to fraud and for establishing procedures for prevention and detection
- ensure Councillors and staff are aware of the responsibilities in relation to ethical conduct.

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4.0 POLICY

Council is committed to:

- taking a risk management approach to the prevention, detection, response and monitoring, evaluation and reporting of fraud and corruption
- taking a pro-active stance in raising fraud and corruption awareness with Council
- reducing or removing the potential for fraudulent or corrupt conduct on the part of its employees, contractors, clients and suppliers
- detecting fraudulent or corrupt conduct through the systematic processes articulated in the Fraud and Corruption Control Plan
- investigating or otherwise formally enquiring into all instances of suspected fraudulent or corrupt activities as a result of detection processes, or as a result of receiving an allegation of fraudulent or corrupt activities
- managing, disciplining or facilitating the prosecution of those responsible for incidents of fraud and corruption as appropriate
- minimising and/or eliminating the risk of fraud and corruption
- monitoring, evaluating and reporting confirmed and suspected fraud ensuring the continuing organisational integrity and transparency of its operations.

Council staff and Councillors have a responsibility and an obligation to prevent, detect and report suspected or known incidents of fraud or corruption.

Council wishes to foster an environment that proactively encourages the reporting of the existence or perception of fraudulent and corrupt activity. Any person who reports fraud or corruption or the suspicion of fraud or corruption will be afforded, as much as is possible, confidentiality and the protections afforded a person who makes a disclosure pursuant to the Public Interest Disclosure Policy (GP-3-032).

4.1 Definitions

For the purposes of this policy and the Fraud and Corruption Control Plan, the following definitions apply:

Fraud

Dishonest activity causing actual or potential loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following, the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal purpose or the improper use of information or position for personal benefit.

(Adapted from the Australian Standard AS 8001-2008, Fraud and Corruption Control)

Corruption

Dishonest activity in which an employee of an organisation acts contrary to the interest of the organisation, in order to achieve some gain or advantage, or to avoid loss or disadvantage, for the employee or for another person or entity. Corruption

GP-3-084 Rev. 3 (Draft) Approved By: General Manager Organisational Services	Page 2 of 6
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can include, but is not limited to, behaviour such as fraud, deception, misuse of a position or authority.

(Adapted from the Australian Standard AS 8001-2008, Fraud and Corruption Control)

4.2 Fraud and Corruption Control Plan

This policy and Council's Fraud and Corruption Control Plan is based on AS 8001-2008 Fraud and Corruption Control and Crime and Corruption Commission 10 elements best practice control model.

Council's Control Plan is designed to:

- 1) Set out and explain the detail of how Fraud and Corruption Management will be undertaken by Council.
- 2) Assist all Council staff and Councillors to understand Council's fraud and corruption risk profile, the approach adopted to prevent, detect, respond and monitor, evaluate and report on suspected fraudulent and corruption activities.

Fraud and corruption is managed/controlled based on activities that fall into the following 3 stages and 10 elements:

Stages

Effective fraud and corruption management required the following stages:

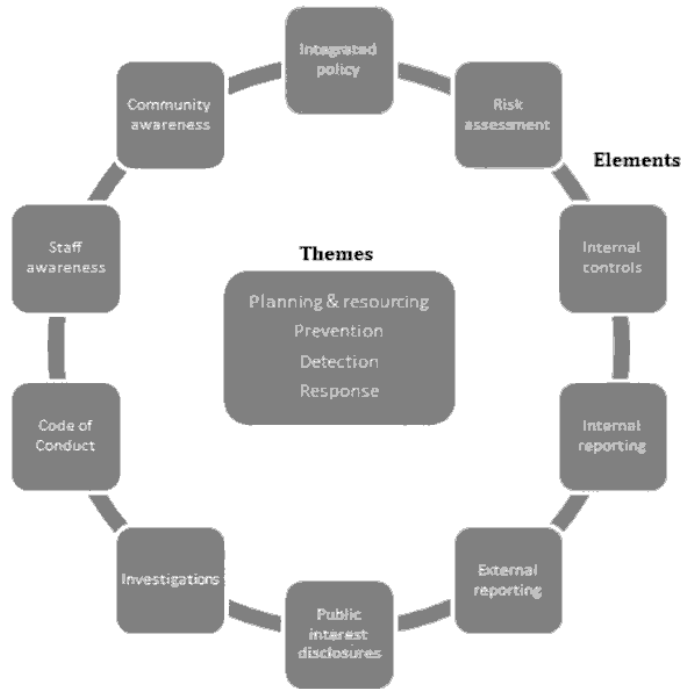
- Prevention
- Detection
- Response
- Monitoring, Evaluation and Reporting

Elements

Distributed across the Prevention, Detection and Response stages of fraud and corruption management are the following 10 elements:

- Council-wide integrated policy
- Risk assessment
- Internal Controls
- Code of Conduct
- Staff Education and Awareness
- Public Interest Disclosures
- Investigations
- Internal Reporting
- External Reporting
- Client and Community Awareness

The below is a diagram of Council's Fraud and Corruption Management & Control Framework.



4.3 Management and Staff Responsibilities

All Council staff and Councillors are required to be aware of the obligations set out in this policy and the Fraud and Corruption Control Plan. Councillors and staff have a responsibility to report fraudulent and corrupt conduct. Any person who suspects such conduct should immediately notify their supervisor. In situations where the Supervisor is suspected of involvement in fraudulent and corrupt conduct of the person is not comfortable reporting to their Supervisor, the matter should be notified to the next highest level of supervision or their General Manager, the Internal Ombudsman (Governance Manager) and/or Chief Executive Officer.

4.4 External Reporting

By law, certain allegations of corrupt conduct, which includes allegations of fraudulent or corrupt conduct, must be reported to the Crime and Corruption Commission (CCC). The Governance Manager / or delegate is the designated contact officer for the CCC and all reports to the CCC must be made by him or her. The Governance Manager must ensure that reports of fraudulent or corrupt conduct are made to the Queensland Audit Office and Queensland Police Service as appropriate.

4.5 Public Interest Disclosure

Council acknowledges that under the Public Interest Disclosure Act 2010, it has obligations to any person who makes a public interest disclosure. Those obligations may extend to a person who discloses fraud or corruption.

4.6 Investigations

There is a particular process that must be followed when investigating allegations of fraudulent or corrupt conduct. Matters will be reviewed by the Chief Executive Officer, General Manager Organisational Services or Governance Manager and an appropriate investigation will be undertaken.

5.0 CONTROLS

Fraud and Corruption Control Plan sets out the controls implemented by Council to prevent, detect, respond, monitor, evaluate and report on fraud and corruption.

6.0 EFFECTIVE FROM

The Fraud and Corruption Management Policy was adopted by Council on and is effective from 19 July 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

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

GP-3-031 Employee Code of Conduct Governance Policy

GP-3-109 Administrative Action Complaints Policy

GP-3-022 Public Interest Disclosure Policy

GP-3-002 Integrated Risk Management Governance Policy

MD-7-443 Bundaberg Regional Council Risk Management Framework

MD-8-003 Bundaberg Regional Council Audit and Risk Committee Charter

Fraud & Corruption Investigations Procedure

AS 8001-2008 Fraud and Corruption Control

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

Local Government Act 2009

Local Government Regulation 2012

Integrity Act 2009

Crime and Corruption Act 2001

Public Interest Disclosure Act 2010

Public Sector Ethics Act 1994

Right to Information Act 2009

**Item****19 July 2016**

Item Number:	File Number:	Part:
F2	.	GOVERNANCE & COMMUNICATIONS

Portfolio:

Organisational Services

Subject:

Park Drive, Moore Park Beach - Lease Renewal Moore Park Beach Tennis Club Inc
- Lot 3 on RP847129

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 Moore Park Beach Tennis Club Inc (the Club) currently hold a lease from Council over land described as Lease B on SP212148, in Lot 3 on RP847129 and located at Park Drive, Moore Park Beach. The current lease commenced on 1 July 2006 and expires on 30 June 2016.

Council received a request from the Club on 26 April 2016 to enter into a new 10 year lease under identical conditions as their current lease including the fee of \$55 per annum.

It was identified by Council's Parks section that a toilet block adjacent to the leased area was being used exclusively by the Club. There are an additional three public toilets located within 200 metres of the leased area (with one just 30 metres from the courts), and toilets also situated within the Moore Park Beach Community Centre. Council's Branch Manager Parks, Sport & Natural Areas, Geordie Lascelles has advised that the toilet facility adjacent to the leased area is surplus to Council's needs and therefore there is no requirement for Council to retain this facility.

The Club have been advised the toilet block is surplus to Council needs and an option was offered to the Club to extend the current leased area to include the toilet block and assume responsibility of them. The matter was discussed at a Club meeting held 4 June 2016. The Club has resolved not to include the toilet block within their lease area as they do not want the responsibility and costs involved with maintaining the toilet block.

Council's Parks section will investigate options for the demolition of the toilet amenities from an operational perspective and report to Council in due course.

Associated Person/Organization:

Moore Park Beach Tennis Club

Consultation:

Geordie Lascelles, Branch Manager – Parks, Sport & Natural Areas; Division 1 Councillor, Cr Jason Bartels; Portfolio Spokesperson, Cr David Batt.

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:

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

Communication Strategy:

Communication Strategy required:

- Not applicable
- Yes – Communications Team consulted

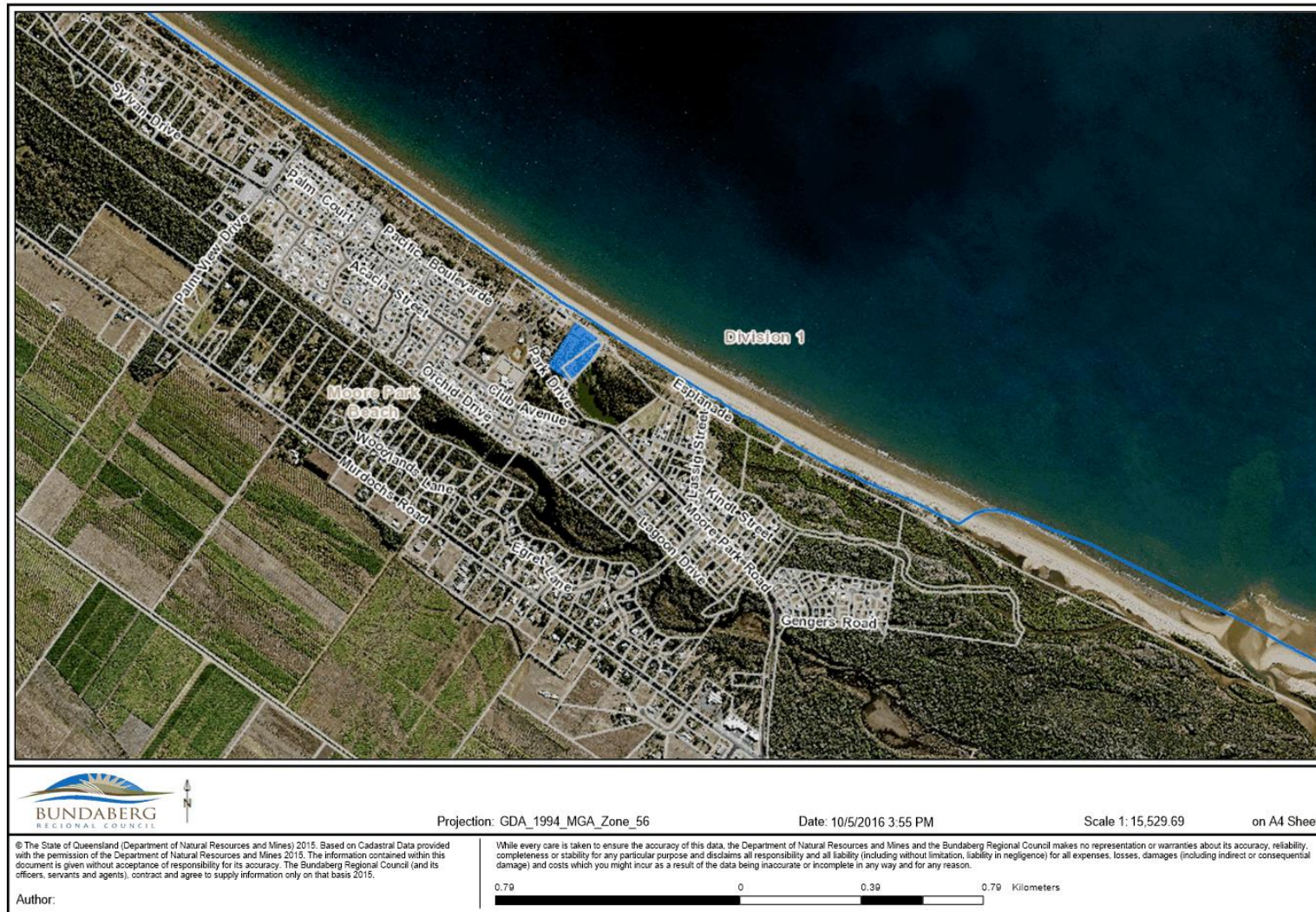
Attachments:

- 1 Aerial Photo (wide) - Moore Park Beach Tennis Club Inc
- 2 Aerial Photo (close) - Moore Park Beach Tennis Club Inc

Recommendation:

That the Chief Executive Officer be authorised to enter into a new 10 year lease with the Moore Park Beach Tennis Club Inc over land described as Lease B on SP212148, in Lot 3 on RP847129, located at Park Drive, Moore Park Beach, under identical conditions to the current lease.

Further, that a report be prepared on options for the future of the Toilet Block for further consideration by Council.





**Item****19 July 2016**

Item Number:	File Number:	Part:
K1	321.2015.43354.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

27 Kirbys Road, Kalkie - Development Permit for Reconfiguring a Lot (1 into 3 Lots)

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

Previous Items:

L5 - 27 Kirbys Road, Kalkie - Reconfiguring a Lot (1 into 3 Lots) - Planning Committee Meeting - 24 Nov 2015 11.00 am

Summary:

APPLICATION NO	321.2015.43354.1
PROPOSAL	Development Permit for Reconfiguring a Lot (1 into 3 Lots)
APPLICANT	RJ Bauer & KA Bauer
OWNER	RJ Bauer & KA Bauer
PROPERTY DESCRIPTION	Lot 6 on RP812667
ADDRESS	27 Kirbys Road, Kalkie
PLANNING SCHEME	Planning Scheme for Bundaberg City
ZONING	Non-Urban Zone (Local Area 6)
OVERLAYS	Acid Sulfate Soils, Bundaberg Airport
LEVEL OF ASSESSMENT	Impact
SITE AREA	20.24 ha
CURRENT USE	Single Dwelling Unit
PROPERLY MADE DATE	4 June 2015
STATUS	The 20 business day decision period ends on 4 November 2015
REFERRAL AGENCIES	Nil.
NO OF SUBMITTERS	One (1) Submitter
PREVIOUS APPROVALS	Nil.
SITE INSPECTION CONDUCTED	25 June 2015
LEVEL OF DELEGATION	Level 3

1. INTRODUCTION

1.1 Proposal

The proposed development under consideration is for a one (1) into three (3) lot subdivision, being for two 4000m² lots with 40 metre frontages in the site's north-eastern corner and the balance area of 19.44 hectares with a frontage of 357 metres in accordance with the attached proposal plan. The applicant has proposed that the two smaller lots be utilised for rural residential purposes with the provision of on-site water supply and wastewater treatment, and the balance area is to continue to be used for a residential dwelling and associated cattle grazing uses. Access for all parcels is proposed to be gained directly from Kirbys Road and may require culvert access across Kirbys Road table drain to facilitate the new lots.

1.2 Site Description

The subject site has a total area of 20.24 hectares with a 437 metre northern frontage to Kirbys Road and similar dimensions to all other boundaries. The site is currently used for cattle grazing and benefits from a single residential dwelling, connected to overhead power, on-site water supply and septic wastewater disposal. The current access to the site is via a piped crossing and gravel roadway.

The adjoining parcels are varying in size, utilised primarily for cattle grazing uses or agriculture. The site has a north-westerly fall from 10m AHD in the south-eastern corner to 7m AHD in the north-western corner, being the Kirbys Road frontage.

The topography of the subject land is generally level and the site is dissected by a number of lower lying areas and water courses. The majority of the subject land is identified as being below the localised Defined Flood Event within Council's flood mapping. Proposed lot 21 and 22 are dissected by drainage corridors.

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 Bundaberg City

Applicable Codes:

- Lot Reconfiguration Code
- Infrastructure Services Code
- Filling & Excavation Code
- Vehicle Parking & Access Code
- On-site Effluent Disposal Code
- City Planning Strategy
- Temporary Local Planning Instrument (TLPI) 1/2015

Applicable Planning Scheme Policies:

- Bundaberg Engineering Design Planning Scheme Policy
- Lot Reconfiguration Planning Scheme Policy

2.2 State Planning Instruments

The applicable State planning instruments for this application are:

- SPP July 2014;
- Wide Bay Burnett Regional Plan;

3. ISSUES RELEVANT TO THE APPLICATION

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

Temporary Local Planning Instrument (TLPI) 1/2015

The site is highly constrained by the Localised Defined Flood Event and contains drainage lines and water bodies. The proposed development does not comply with the requirements of the TLPI. The TLPI stipulates two key considerations for this type of proposed reconfiguration development, firstly that there is to be no intensification of residential uses within a flood affected area and secondly, that no new residential allotments are created below Defined Flood Level (DFL). Moreover, there is to be no fill within a flooded area whereby the development directly, indirectly or cumulatively changes the flood characteristics, causing potential adverse impacts external to the development site. Therefore, to facilitate these new lots, non-compliant filling would need to occur. It should be noted that a properly made submission was received during public notification from an adjoining property with valid concerns relating to the worsening of localised flooding issues that are already present and the treatment of stormwater in the proposed development.

To resolve site flooding issues, the applicant has provided a Site Base Stormwater Management Plan (SBSWMP) which advocates the construction of a 10m wide diversion drain to discharge flows, in the shape of a trapezoidal shaped swale with 4m wide flat invert and an overall depth of 0.5m. Upon review of the SBSWMP Council officers remain concerned that the proposed drainage channels do not adequately address the flood impacts of the site. Specifically, these proposed channels may have long term maintenance/ management impacts to Council. The drain would need to be concrete lined to be effective in diverting flows and in the long term is likely become an additional maintenance burden to Council as the drainage easement would be required to be an Easement in Gross in favour of Council. Council officers would insist that this is not a practical solution with a transfer of costs to the community. Additionally, broader easements in terms of addressing the full overland flow would be required.

No details have been provided by the applicant to detail the ongoing maintenance and management responsibilities of these drainage area. Additionally, the drainage solution provided by the applicant is not incorporated into the proposed plans of development.

City Planning Strategy – Bundaberg City Planning Scheme

The subject land is located within the Non Urban zone of the Planning Scheme. It is the opinion of the officers that the proposed development does not meet the key strategies and characteristics of the City Planning Strategy within the relevant planning scheme, namely:

- a. Non Urban Strategy, Key Strategies (7.1 – 7.5) and Preferred Settlement Pattern and Development Characteristics (1 – 3);
- b. Residential Strategy, Key Strategies (1.5) and Preferred Settlement Pattern and Development Characteristics (4, 7 and 8); and
- c. Development Servicing & Sequencing Strategy, Key Strategy (8.1) and Preferred Settlement Pattern and Development Characteristics (2).

These strategies and their primary measures for delivery, focus upon the need to protect agricultural land and ensure that Non Urban land is not fragmented or used for urban development during the life of the Scheme, particularly where an overriding and demonstrated need cannot be provided. Additionally these items state that urban form is to be consolidated and rural residential development is contrary to the desired environmental outcomes because of the need to protect GQAL, whereby such development does not represent an efficient use of land/services. Within their application and information response stages, the applicant provided narrative that small scale rural residential development is 'not an offensive outcome for the locality' with no demonstrated need justified or significant detail provided. It should be noted that as raised by the applicant, the subject parcel was included in 'Urban Footprint' of the *Wide Bay Regional Plan*, however this document no longer holds statutory weighting as the supporting material has been repealed. This designation, along with the Bundaberg Region Planning Scheme also foreshadows that despite the agricultural nature of the land at present, this locality is to be utilised as an urban growth area in the future years. Despite the applicant's representations there is no obvious or implied favour for the type of development proposed.

Bundaberg Region Planning Scheme

Whilst the applicant also correctly stated at the time of application (June 2015) that the Bundaberg City Planning Scheme was nearing the end of its 'life' due to the imminent introduction of a new scheme, this Bundaberg Region Planning Scheme (in effect as of 19 October 2015) proposes a 'Rural' zone for the subject parcel, also with a minimum lot size of 100 hectares and focus upon minimising further fragmentation. Despite the age of the Bundaberg City Plan, the new Planning Scheme provides a contemporary consideration of this locality and re-confirms its intent as a rural locality in the medium to long term. It is also noted that the proposed development does not meet the default minimum lot size for Rural Residential zoned lots outside of a precinct within this scheme which is 2 hectares. The proposed lot sizes are comparable to Rural Residential zoned parcels which can be fully serviced.

In addition to the proposal not being compliant with the new zoning or lot sizes, the subject parcel is included within the Rural and landscape protection area in the Kalkie-Ashfield local development area local plan within the new planning scheme. This is for the purpose of providing protection and enhancement of rural landscape, primary production and scenic amenity values, specifically maintaining the short to medium term productive use of agricultural land within the local development area.

Furthermore, the Specific Outcomes of Element 3 of the Strategic Framework within the Bundaberg Region Planning Scheme (Rural residential development), stipulates that rural residential development on land outside of that zoned Rural Residential may only occur under circumstances (i) to (ix). The proposed development would not comply with a number of these items, being (i) that there is no justified need for the additional rural residential development, (iii) development will fragment Agricultural Land Classification (ALC) land and (v) the physical suitability of the land is not being appropriate given the flooding constraints. Of particular importance is item (ix) which identifies that the location of this development will prejudice the use of the land for residential purposes in the future. Council's new Planning Scheme provides significant opportunities for Rural Residential growth in appropriate areas of the Region. The Strategic Framework commentary which provides support for the subdivision of rural land in a limited range of circumstances cannot be interpreted to support this development in this location.

Reconfiguring of a Lot Code

Despite the applicant representations, it is clear that the proposed development does not meet the stipulated minimum lot size of 40ha for the Non-Urban zone or the more contemporary 100ha minimum lot size in the Bundaberg Region Planning Scheme. In terms of performance criteria assessment against the Reconfiguring of a Lot code, the proposed lot sizes are capable of accommodating the necessary structures (P1), however the necessary infrastructure cannot be provided in accordance with relevant standards, i.e. on site sewerage above DFL and flood free access without filling the lot (P2). Moreover, the proposed reconfiguration does not comply with P4, which states that the creation of allotments must not result in increased risk of life or property as a result of flooding. It is clear from a balanced review of the Code that it does not favour subdivision of this type, in this locality, during the life of the Plan.

Good Quality Agricultural Land

The fragmentation of this Non Urban GQAL land does not meet the requirements of the relevant Non Urban City Planning Strategy (2.8) for protection of GQAL from incompatible development. The proposed development creates a further conflict of uses, prejudicing the future use of the land through development at an inappropriate scale. Council mapping indicates the subject land is wholly contained within a GQAL (Class B) category. The applicant has not provided expert technical review or information to support the sites exclusion from actual or potential agriculture.

Moreover in terms of future use of the proposed parcels, agricultural uses are as of right uses in this zone. The proposed lot configuration cannot provide for adequate buffers to future residential uses on these proposed lots (ie 40 m in width).

Additionally, the balance parcel rural access is poorly located in close proximity to new lots with no buffers or strategy proposed to reduce land use conflicts, particularly amenity impacts for the residential use and operational impacts for the rural use.

Outside Priority Infrastructure Area (PIA)

As indicated on the Acknowledgement Notice provided to the applicant on 9 June 2015, the proposed development is completely outside the priority infrastructure area and is inconsistent with the assumptions about the type, scale, location or timing of future development in the priority infrastructure plan.

Pre-lodgment advice

A pre-lodgment meeting was held on 18 November 2014 (Council ref: 338.2015.133.1) between the current Applicant and Council Development Assessment officers. The proposed reconfiguration of a lot development was more intensive (2 lots into 9 lots), however advice provided at that point is consistent with the assessment undertaken in this instance – that the proposed development could not meet the minimum lot size of 40 hectares for the associated zoning, the development was not consistent with current uses in that locality and that the subject site was included in the TLPI mapping and flood area.

Public Notification

The following matters were raised by submitters:

Grounds of Submissions		Considerations
1	The grounds of the submission are upon the treatment of existing waterways and localised flooding on the subject site and neighbouring parcels, whereby there is the potential worsening of the current situation, including already built-up driveways and natural water flows.	The grounds of the submission are valid. The proposed development does not meet the intent of the TLPI, proposing an intensification of uses and new residential lots in a flood area. To facilitate these new lots, non-compliant filling would also need to occur. It is acknowledged that the lodged SBSWMP indicates that the proposed drainage treatment (drain and fill) will provide flood immunity without adverse impacts on the adjoining lot, however can only be potentially facilitated where the ongoing maintenance and management cost is deferred to the community, resulting in an impractical solution.
2	The submissions also raised concern in relation to the volume of water to be carried within a proposed lined drain and the subsequent maintenance of this drain (Council, developer or purchaser). Moreover, if it is proposed to not be concrete lined then debris, weed and regrowth will become an issue and likely Council's burden to reinstate.	These concerns raised within the submission are also valid. The proposed solution to stormwater and flooding issues is not a long term viable solution. The drain would need to be concrete lined to be effective in diverting flows and will become an additional maintenance burden to Council.

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Engineering	22 June 2015
Water and Wastewater	4 June 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 15 business days from 10 September 2015 until 7 October 2015. The Applicant submitted documentation on 7 October 2015 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.

6. UPDATE

This report was originally tabled at the Planning Committee meeting held on 24 November 2015. It was resolved at this meeting that the item be deferred, pending further discussions between the applicant and Council, specifically about site drainage and ongoing maintenance responsibilities.

Since this date, a minor change has been undertaken to the development application by the applicant. This correspondence was formally received by Council 1 June 2016.

This change was considered minor as the type and intent of the development was not altered, the size of lots is substantially the same, the level of assessment was not altered and the change works towards further addressing a matter raised in the only submission received in terms of investigating stormwater/ drainage, therefore it is not likely that an additional submission would be received.

In parallel with the applicant amending the design of the proposed reconfiguration, an Infrastructure Agreement has been signed by Council and the developer to determine the establishment and maintenance of any stormwater infrastructure. As the Infrastructure Agreement was finalised prior to the recent change to the application (1 June 2016), officers are working with the applicant on a variation to the Infrastructure Agreement to reflect the amended layout.

Despite the changes to the proposed plan and arrangement for the management of stormwater/ flooding, officers note that the reasons for the recommendation for refusal have not changed. These amendments have not addressed the planning policy non-compliances at a State and local level as identified in the balance of this report.

Communication Strategy:

Communication Strategy required?

✓ Not applicable

Attachments:

- 1 Site Plan
- 2 Locality Plan
- 3 Amended Proposal Plan
- 4 Aerial Photograph
- 5 Flood Plan
- 6 Infrastructure Agreement

Recommendation:

That Development Application 321.2015.43354.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use/Reconfiguring of a Lot/Operational Works/Building Works for Reconfigure a Lot (1 into 3 Lots)

SUBJECT SITE

27 Kirbys Road, Kalkie, described as Lot 6 on RP812667

DECISION

Refused

1. SUBMISSIONS

There was one (1) 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. Judy & John Nowell	23 Kirbys Road, Kalkie, QLD, 4670

2. 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.

3. REFERRAL AGENCY

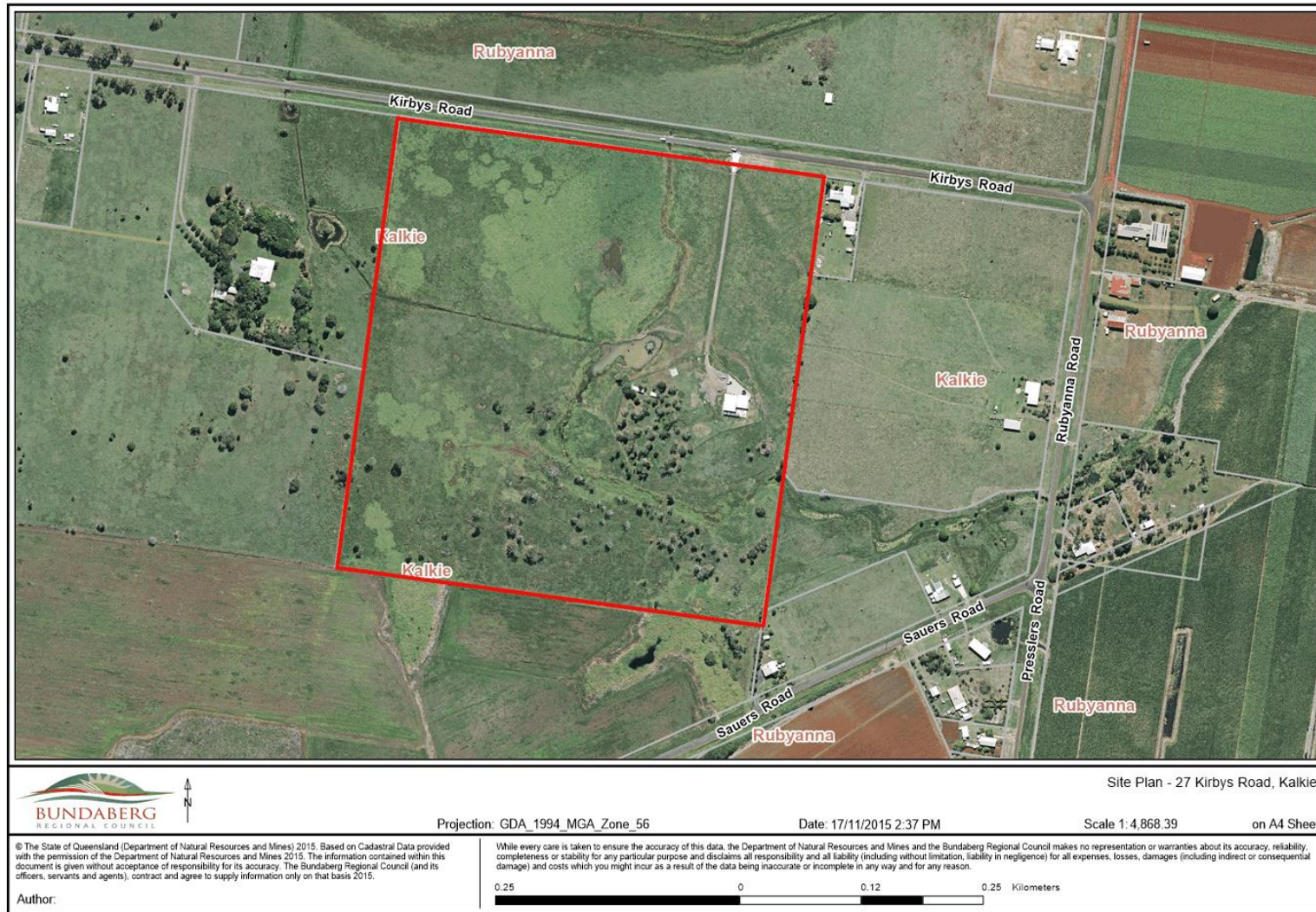
Not Applicable

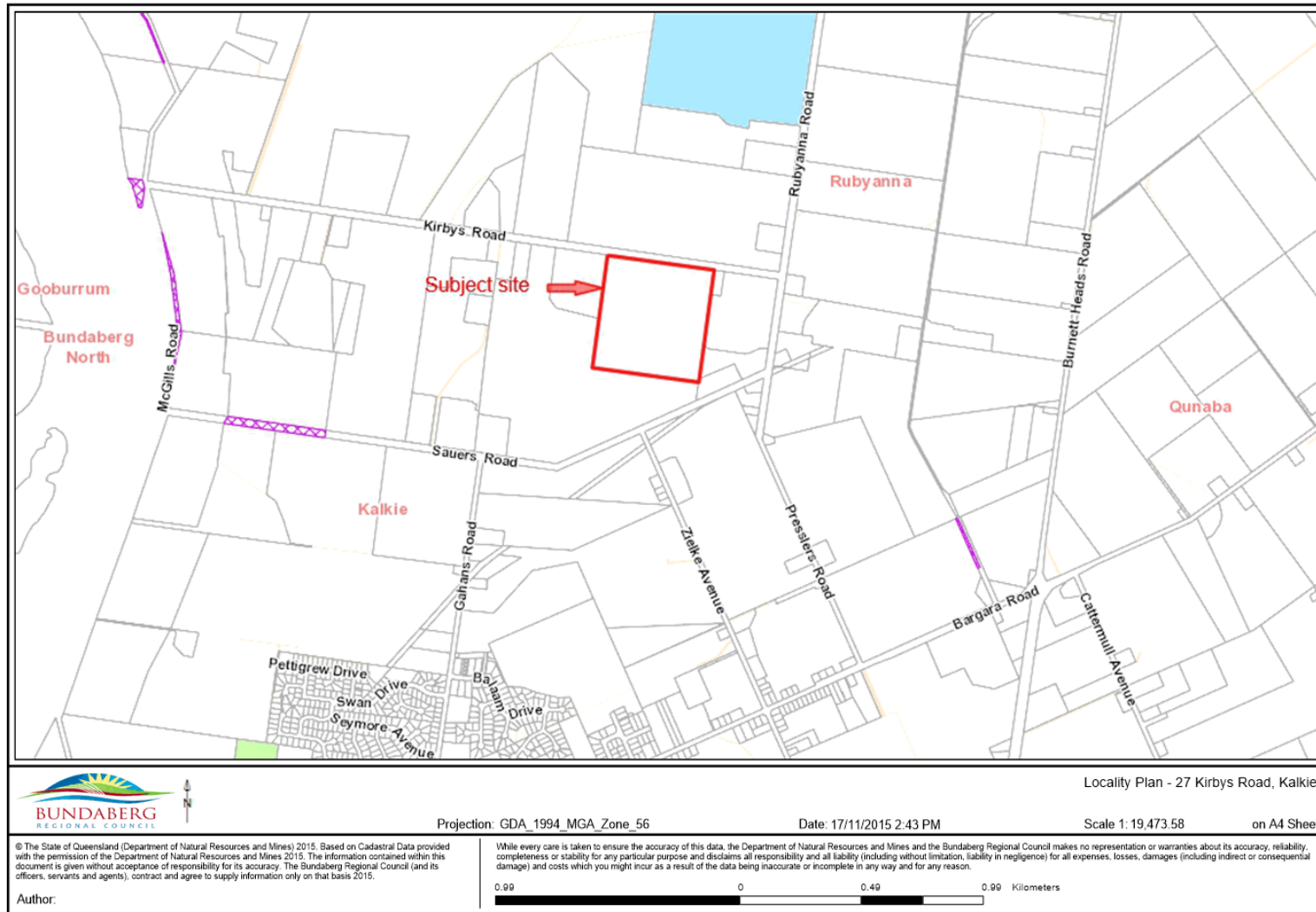
4. REFUSAL DETAILS

Reasons for Refusal

1. The proposed development is in conflict with the City Planning Strategy of the Bundaberg City Planning Scheme, specifically the Non Urban Strategy (2.8) and its Primary Measures, the Key Strategies 7.1 – 7.5 and Preferred settlement pattern and Development characteristics (1 -3), which all relate to the protection and retention of agricultural land, ensuring that Non Urban land is not fragmented or used for urban development particularly where an overriding and demonstrated need is not demonstrated.
2. The proposed development is in conflict with the City Planning Strategy of the Bundaberg City Planning Scheme, specifically the Residential Strategy (2.2) and its Key Strategy 1.5 and Preferred settlement pattern and Development characteristics (4, 7 and 8) which all relate to the consolidation of urban form by limiting the creation of rural residential lots,

- the exclusion of land subject to inundation from urban development and provision of appropriate services for future residential growth.
3. The proposed development is in conflict with the City Planning Strategy of the Bundaberg City Planning Scheme, specifically the Development Servicing & Sequencing Strategy (2.9), Key Strategy 8.1 and Preferred settlement pattern and Development characteristic 2, relating to the adequate provision of servicing and infrastructure.
 4. The proposed development is in conflict with the Lot Reconfiguration Code of the Bundaberg City Planning Scheme, including Performance Outcomes P1, P2 and P4 for matters relating to the provision of infrastructure in accordance with relevant standards and the creation of allotments that must not result in increased risk of life or property.
 5. The proposed development is completely outside the priority infrastructure area and is inconsistent with the assumptions about the type, scale, location or timing of future development in the priority infrastructure plan.
 6. The proposed development is in conflict with the Temporary Local Planning Instrument (TLPI) 1/2015, including Performance Outcomes PO1, PO2, PO3 and PO7. These outcomes relate to requirement for:
 - a. No intensification of development in flood affected areas;
 - b. No new lots in flood affected areas;
 - c. No filling of land in flood affected areas
 - d. No increase in risk to people or property due to the proposed development.
 7. The applicant has not demonstrated an overriding need for the proposed development in the location, given the availability of appropriately zoned land elsewhere in the Planning Scheme area.
 8. The proposed development is in conflict with the Bundaberg Region Planning Scheme, specifically the:
 - a. Purpose and Overall Outcomes Kalkie-Ashfield local development area local plan including its inclusion within the Rural and landscape protection area with the purpose of protecting and enhancing rural land;
 - b. Purpose and Overall Outcomes Rural Zone Code;
 - c. Specific Outcomes of Element 3 of the Strategic Framework (i), (iii), (v), (ix);
 - d. Purpose, Overall Outcomes and Performance Outcome PO3 of the Reconfiguring a Lot Code specifically noting the minimising of further fragmentation to Rural zoned land.
 9. The development cannot be reasonably conditioned to comply with the Bundaberg City Planning Scheme and associated instruments or the Bundaberg Region Planning Scheme 2015.
 10. There are insufficient planning grounds to support the development despite its identified conflicts with the applicable planning instruments.



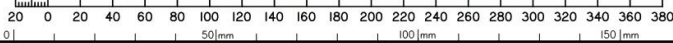


Sheet 1 of 2



Contours – AHD
Approximate only
derived from BRC ALS data

Scale 1:2500 - Lengths are in Metres.



Insite SJC
Town Planning | Surveying | Projects
67 Barolin Street
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PLAN OF PROPOSED LOT RECONFIGURATION

Lots 20–22
Cancelling Lot 6 on RP812667
27 Kirbys Road, Kalkie

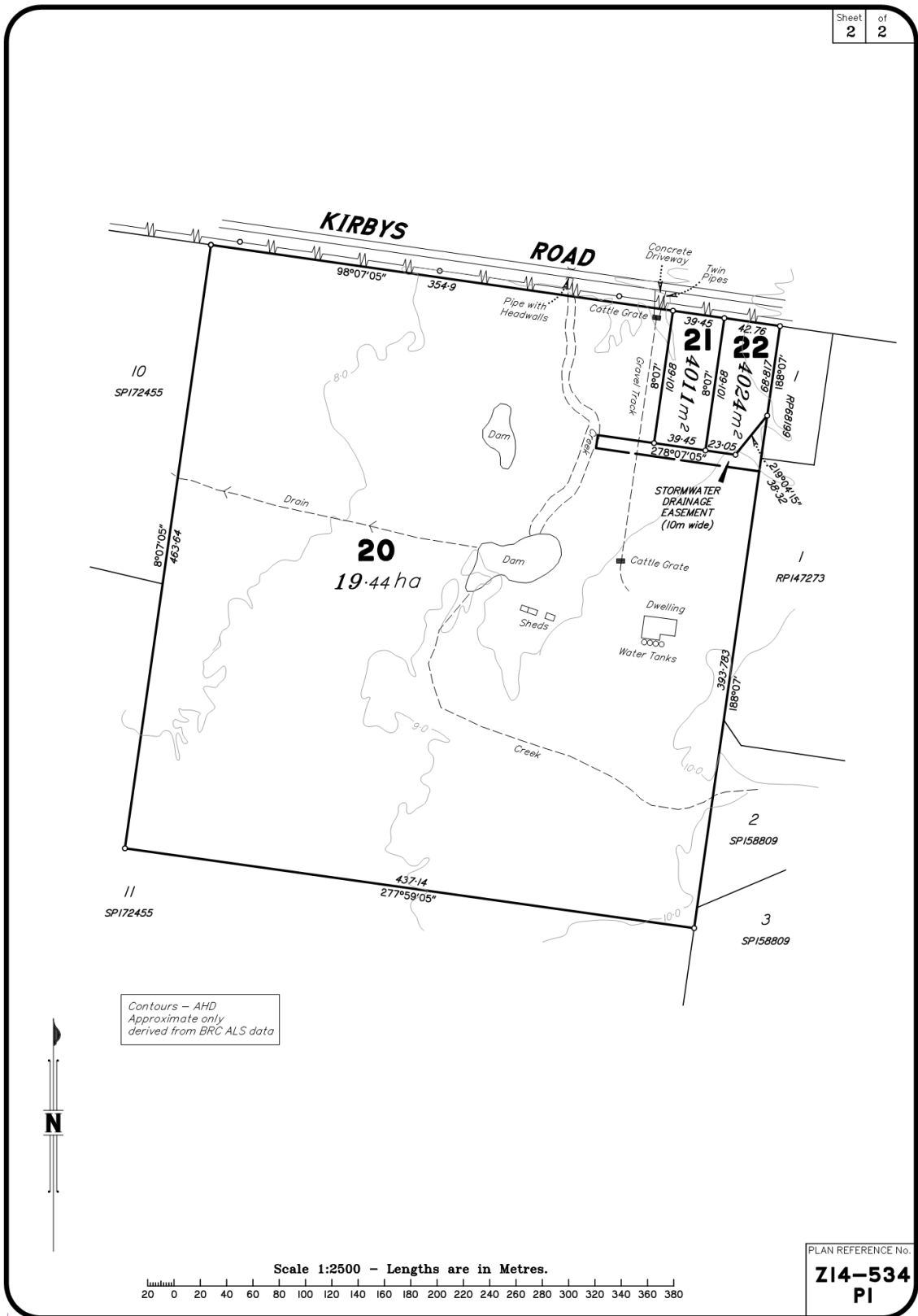
PARISH of **BUNDABERG**
COUNTY of **Cook**

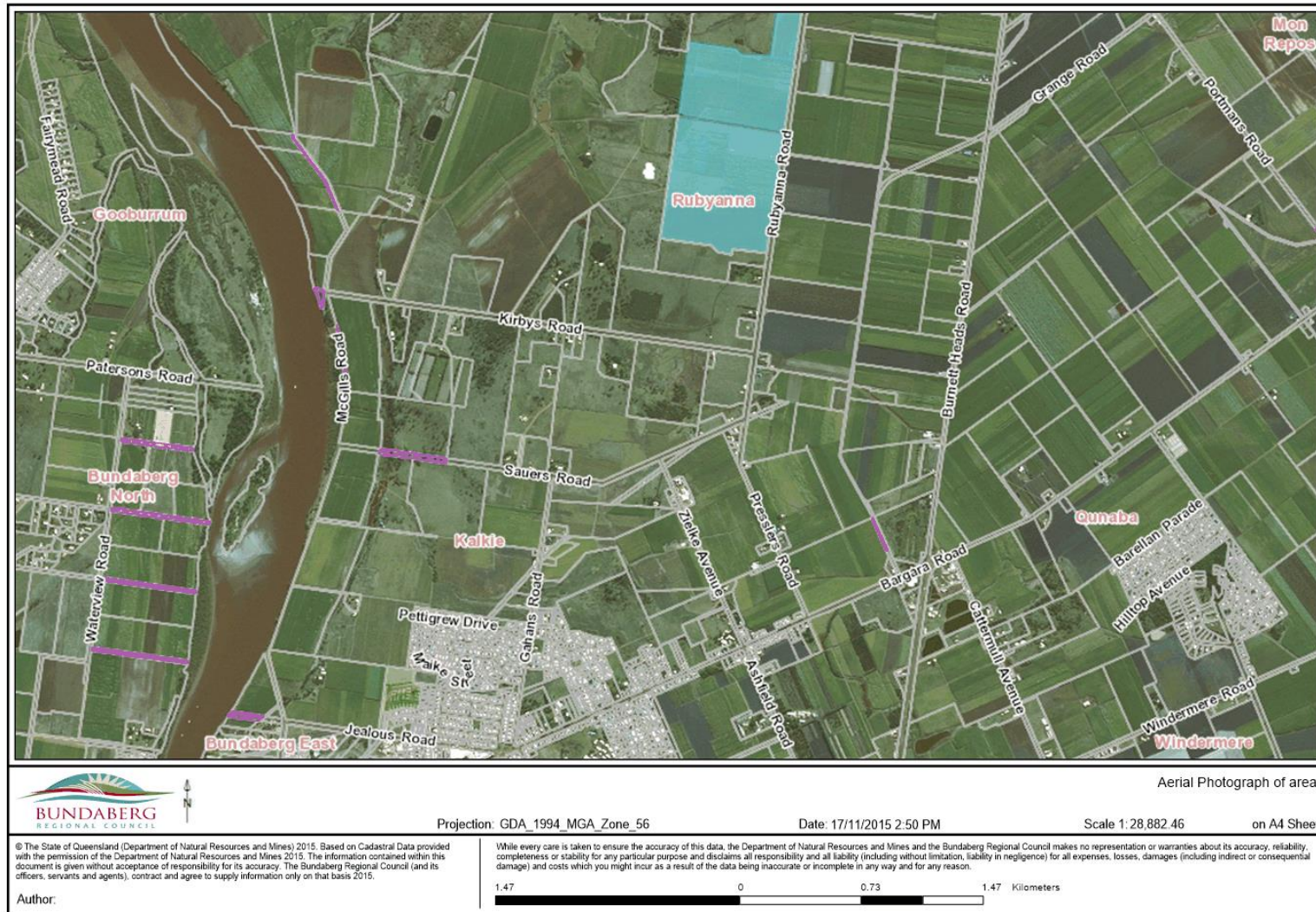
CLIENT: R & K Bauer
SCALE: 1:2500 at A3

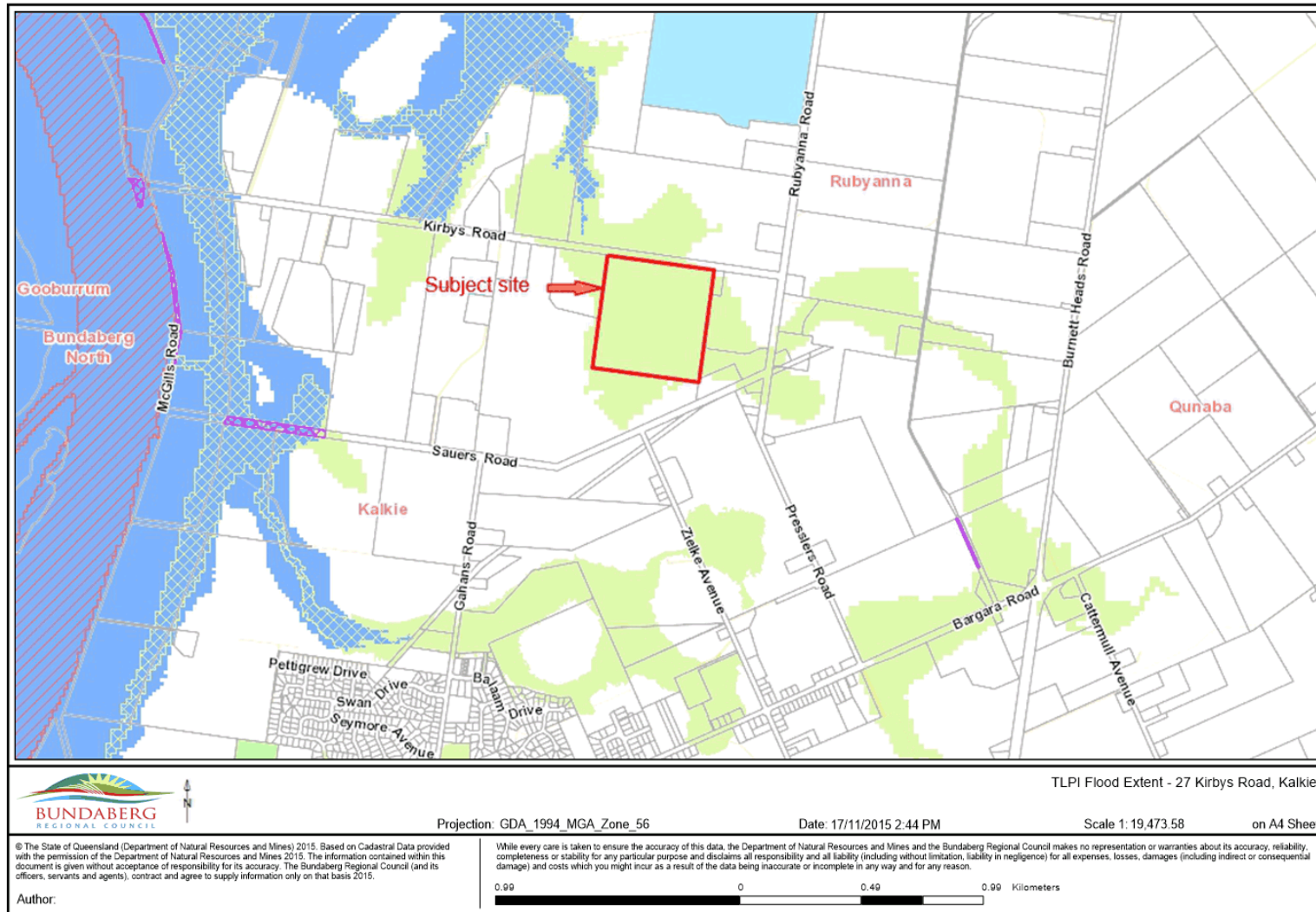
PROPOSAL PLAN ONLY
Not to be used for contractual purposes.
Areas & Dimensions are approximate only & subject to Council's Conditions of approval & final survey.

PLANNING SCHEME:
BURNETT SHIRE 2006
LOCALITY: KALKIE
LOCAL GOVERNMENT: BUNDABERG R.C.

DESIGN GIC	DRAWN RP	CHECKED GIC	PLAN REFERENCE No. Z14-534 PI
DATE June 2016	DATE June 2016	DATE June 2016	







Register reference 337.2016.168.1
Office Use Only

**Infrastructure Agreement
Diversion Drain Requirements**

R J Bauer & K A Bauer
Owner

Bundaberg Regional Council
Council



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Dated this 10TH day of MAY 2016

PARTIES

Owner: R J Bauer & K A Bauer of 27 Kirbys Road, Kalkie in the State of Queensland

Council: **BUNDABERG REGIONAL COUNCIL** of 190 Bourbong Street, Bundaberg in the State of Queensland

BACKGROUND

- A. The Owner made an application to the Council, dated 25 May 2015, to subdivide the Land into three (3) lots: being, two 4,000 m² lots in the north-eastern corner (proposed Lots 21 and 22) and the balance area (proposed Lot 20).
- B. The Land is located within the Council's declared Flood Hazard Area.
- C. The Owner intends to fill the front of proposed Lots 21 and 22 to provide a building pad (approximately thirty-seven metres wide and fifty metres deep on each lot) above the Defined Flood Level. The proposed filling will affect the flood characteristics external to the development.
- D. All fill for proposed Lots 21 and 22 is to be sourced from the Land.
- E. To ameliorate the issue of changed flood characteristics the Owner proposes to construct a Diversion Drain.
- F. The Owner has agreed to maintain the Diversion Drain for a period of twenty (20) years.
- G. The Owner has also agreed that they will not at any time make a Conversion Application in accordance with section 659 of the Act against the cost of all things to do with the construction and maintenance of the Diversion Drain.
- H. But for the provision of this Agreement, the Council would not consider the Development Application.
- I. The Council and the Owner have agreed that in the event that the Council approves the Development Application:
 - (a) the Owner will carry out and perform, pay and provide the works and things for which the Owner is responsible; and

(b) the Owner consents to the obligations under the Agreement attaching to the Land such that the obligations are binding on the Owner and the Owner's successors in title.

J. The parties have decided to enter into this Agreement to record the terms of their agreement.

AGREED TERMS

1 Definitions and interpretation

1.1 Definitions

In this document:

Term	Definition
Act	means the <i>Sustainable Planning Act 2009</i> .
Address for Notices	means, for each party to the Agreement: <ol style="list-style-type: none"> (a) its address or facsimile number shown in Schedule 1; (b) such other address or facsimile number as it has notified to the party giving it a Notice as its address or facsimile number for Notices under this Agreement; or (c) if it is not at the address or facsimile number the subject of paragraph (a) or paragraph (b) of this definition, its last principal place of business or facsimile number in Queensland known to the party giving it a Notice.
Adjustment Note	has the meaning given to that term in the GST Act.
AC	means an adopted charge and has the meaning in the Act.
AICN	means an adopted infrastructure charges notice or a negotiated adopted infrastructure charges notice or an amended adopted infrastructure charges notice given by the Council in respect of the Land for the Development under a Development Approval for the Development Application.

Term	Definition
AICR	means the Bundaberg Regional Council Adopted Infrastructure Charges Resolution (No. 1) 2015, or other future resolution of the Council adopted pursuant to section 630(1) of the Act.
Agreement	means this infrastructure agreement.
Business Day	means a day, other than a Saturday, Sunday or public holiday, in the locality to which a Notice is to be sent.
Chief Executive Officer	means the Council's Chief Executive Officer, including any person to whom the chief executive officer lawfully delegates his authority.
Conversion Application	has the meaning given to that term in the Act.
Commencement Date	means the date stated in Item 1 of Schedule 1.
Confirmation Report	means, in relation to a facsimile transmission, a transmission confirmation report produced by the sender's facsimile machine, which: <ul style="list-style-type: none"> (a) contains the identification code of the intended recipient's facsimile machine; and (b) indicates that the transmission was received without error.
Consideration	means consideration as defined in the GST Act (being, without limiting the ambit of that definition, anything given or done, voluntarily or not, in return for a Taxable Supply).
Council	means the Bundaberg Regional Council and its predecessors, successors, transferees and assigns.
Court	means the Planning and Environment Court of Queensland.
Default Notice	has the meaning given in clause 5.2.
Defined Flood Level	has the meaning under the <i>Temporary Local Planning Instrument 1/2015</i>
Developer	Deleted.

Term	Definition
Development	has the meaning given in the Act and is the development proposed under the Development Application.
Development Application	has the meaning given in the Act and as the circumstances require, includes the application made to the Council under the Act, as specified in Item 6 of Schedule 1.
Development Approval	has the meaning given in the Act and as the circumstances require, includes an approval of the Development Application.
Dispute	means a dispute between Council, the Owner and the Developer, arising from this Agreement.
Dispute Notice	means a Notice of a Dispute: <ul style="list-style-type: none"> (a) stating in reasonable detail the basis of the Dispute; (b) to which copies of all documents specified in those details are attached or bound; (c) identifying the provisions of this Agreement applicable to the Dispute; and (d) specifying the facts upon which the party giving the Notice relies, and its position upon the issue in the Dispute.
Diversion Drain	means an open drain as described in Schedule 2 and generally described and modified as follows: <ul style="list-style-type: none"> (a) a five (5) metre wide concrete lined drain commencing approximately 63.5 metres from Kirbys Road frontage for a distance of 15 metres along the eastern boundary of proposed Lot 22, then, (b) a ten (10) metre wide concrete lined drain, commencing at the end to the five (5) metre wide drain, along the eastern boundary of proposed Lot 22 and to its rear boundary, then, (c) a ten (10) metre wide drain contiguous with the ten (10) metre drain in proposed Lot 22 and traversing approximately 170 metre

Term	Definition
	along the rear boundary of proposed Lots 21 and 22 and wholly contained in proposed Lot 20, under an existing driveway to an existing water course contained in the aforesaid Lot.
Force Majeure	<p>means an event:</p> <ul style="list-style-type: none"> (a) being a decree of the Commonwealth Government or the State Government, an act of God, industrial disturbance, act of public enemy, war, international blockade, public riot, lightning, flood, earthquake, fire, storm or other event whether of a kind herein specified or otherwise; and; (b) which is not within the control of the party claiming Force Majeure; and (c) which could not have been prevented by the exercise by that person of a standard of foresight, care and diligence consistent with that of a prudent and competent person under the circumstances.
Flood Hazard Area	has the meaning under the <i>Temporary Local Planning Instrument 1/2015</i>
GST	has the meaning given to that term in the GST Act.
GST Act	means <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth).
Land	<p>means the land described in Item 5 of Schedule 1 and includes:</p> <ul style="list-style-type: none"> (a) any interest in, on, over or under the land; and (b) the airspace above the surface of the land and any interest in the airspace above the surface of the land; and (c) the subsoil of the land and any interest in the subsoil; and (d) any part or parts of the land; and (e) any interest created in respect of any of the above matters.

Term	Definition
Notice	means a certificate, demand, or notice to be made, given or served by a party under this Agreement.
Owner	means the persons described in and having its address at the place described in Item 4 of Schedule 1 and includes: <ul style="list-style-type: none"> (a) successors and permitted assigns in the case of a corporation, association or other body; (b) executors, administrators and permitted assigns in the case of a natural person; and (c) any person who enters into a deed of novation with the Council in respect of this Agreement.
Referee	means the person independent of Council, the Owner and the Developer and appointed: <ul style="list-style-type: none"> (a) by Council, the Owner and the Developer or the President of the Queensland Law Society pursuant to clause 7.5, and (b) to resolve a Dispute as an expert pursuant to clause 7.6.
Referral Notice	means a Notice of intention: <ul style="list-style-type: none"> (a) to refer a Dispute for determination by an independent person qualified to make the determination; and (b) to request the President of the Queensland Law Society to appoint the qualified person.
Relevant Period	has the meaning contained in section 341 of the Act.
Representative Member	has the meaning given to that term in the GST Act.
Request	Deleted.
Sell	includes transfer, dispose of, and alienate and Sale has the corresponding meaning.

Term	Definition
Supplier	means the person who makes a Taxable Supply under this Agreement.
Supply	has the meaning given to that term in the GST Act.
Tax Invoice	has the meaning given to that term in the GST Act.
Taxable Supply	has the meaning given to that term in the GST Act.

1.2 Interpretation

- (a) This Agreement begins on the Commencement Date.
- (b) In this Agreement, unless a contrary intention appears, reference to:
- (i) a section, clause, or paragraph is to a section, clause, or paragraph in this Agreement; and
 - (ii) the singular includes the plural and vice versa; and
 - (iii) any gender includes all other genders; and
 - (iv) a person includes a firm, a corporation, an association and a body, whether incorporated or not and a government or statutory body or authority; and
 - (v) legislation (including subordinate legislation) includes:
 - (A) statutory instruments made under the legislation; and
 - (B) consolidations, amendments, re-enactments or replacements of the legislation; and
 - (vi) writing includes any mode of representing or reproducing words in tangible and permanently visible form and includes facsimile transmission; and
 - (vii) this Agreement or any other document includes the document as varied or replaced and is not affected by any change in the identity of the parties.
- (c) The clause headings appearing in this Agreement are inserted for convenience of reference and do not affect the construction of this document.
- (d) If any words are italicised or otherwise printed differently, this has been done for convenience only and does not affect the construction of this Agreement.

- (e) Whenever more persons than one constitute a party all the covenants, agreements, conditions, restrictions and provisos on the part of that party contained or implied in this Agreement bind those persons jointly and each of them severally.
- (f) This Agreement is in all respects to be interpreted in accordance with the laws of the State of Queensland and the parties irrevocably and unconditionally submit to the non-exclusive jurisdiction of the courts of that state and any courts that have jurisdiction to hear appeals from them, and waive any right to object to proceedings being brought in those courts.
- (g) An inclusive definition or an example or particularisation of a provision, does not limit but may extend that definition or provision.
- (h) Where a word or expression is defined, other parts of speech and grammatical forms of that word or expression have a corresponding definition.
- (i) Reference to the period between two specified dates, times or periods includes each of those two dates, times or periods.
- (j) Reference to the numbers, provisions or items, in this or another document, between two numbers, numbered provisions or numbered items, includes each of those two numbers, numbered provisions or items.
- (k) All Schedules to this Agreement form part of this Agreement.
- (l) If a term is not defined in this Agreement, unless the context otherwise requires, it has the meaning given to it by:
 - (i) the Act; or
 - (ii) the Macquarie Dictionary in the absence of a definition in the Act.

2 Infrastructure Agreement

2.1 Application of the Act

This Agreement is an infrastructure agreement under the Act.

2.2 Agreement to bind successors in title

It is the intention of the parties that the obligations of the Developer under this Agreement will attach to the Land and be binding on the Owner and the Owner's successors in title in accordance with section 674 of the Act.

2.3 Obligations not affected by change of ownership

For the purposes of the Act, the obligations under the Agreement are not to be affected by a change in the ownership of the Land.

2.4 Agreement prevails if inconsistent with Development Approval

- (a) To the extent that any term of this Agreement is inconsistent with a Development Approval for the Development Application, this Agreement prevails.
- (b) To the extent that any term of this Agreement is inconsistent with an adopted infrastructure charges notice or a negotiated adopted infrastructure charges notice under the Act, this Agreement prevails.

2.5 Termination of this Agreement

This Agreement terminates if:

- (a) the Development Application is not Approved; or
- (b) a Development Approval for the Development Application has not been acted or relied upon.

3 Obligations of the Parties

3.1 Owner's Obligations

The Owner agrees:

- (a) to carry out and perform, pay and provide the works and things necessary to construct the Diversion Drain;
- (b) to carry out and perform, pay and provide the works and things necessary to maintain the Diversion Drain for a period of twenty (20) years from the date the plan of subdivision is registered;
- (c) that they will not at any time make a Conversion Application in accordance with section 659 of the Act against the cost of all things to do with Diversion Drain as described in items 3.1 (a) and (b); and
- (d) to pay the AC in accordance with the AICN.

4 GST

4.1 Character of payments

- (a) Except under this clause, the consideration for a Supply made under or in connection with this Agreement does not include GST.
- (b) Irrespective of clause 4.1(a), the Owner and the Council acknowledge that to the extent Division 82 of the GST Act applies to supplies made in return for a right to develop that such supplies do not attract GST.

4.2 Responsibility for payment

If a Supply made under or in connection with this Agreement is a Taxable Supply, then at or before the time the consideration for the Supply is payable:

- (a) the Recipient must pay the Supplier an amount equal to the GST for the Supply (in addition to the consideration otherwise payable under this document for that Supply); and
- (b) the Supplier must give the Recipient a Tax Invoice for the Supply.

4.3 Adjustment for input tax credits (reimbursement of expenses)

If any party has the right under this Agreement to be reimbursed or indemnified by another party for a cost incurred in connection with this Agreement, that reimbursement or indemnity excludes any GST component of that cost for which an Input Tax Credit may be claimed by the party being reimbursed or indemnified, or by its Representative Member, Joint Venture Operator or other similar person entitled to the Input Tax Credit (if any).

4.4 Adjustments by taxation authority

If the GST paid by the Supplier differs from the amount of GST borne by the Recipient because the Commissioner of Taxation has lawfully adjusted the value of a Taxable Supply:

- (a) the Recipient must pay the shortfall to the Supplier; or
- (b) the Supplier must refund the overpayment to the Recipient,

as the case requires.

4.5 Tax invoices and adjustment notes

- (a) The Supplier need not give the Recipient a Tax Invoice or Adjustment Note for a Taxable Supply under this Agreement if the Commissioner of Taxation has issued a written determination permitting the Recipient to issue its own Tax Invoice or Adjustment Note for the supply.
- (b) Otherwise, however, the Supplier must give the Recipient, in exchange for the Consideration, a Tax Invoice or Adjustment Note for the Taxable Supply.

4.6 Payment of prospective GST (performance securities)

The sum secured by a Bond must include the GST that would be payable were the money drawn and applied against the cost of discharging the relevant obligations.

5 Default

5.1 Events of default

A party defaults under this Agreement if it fails to discharge within the time specified (if any) an obligation by which it is bound under this Agreement.

5.2 Default Notice

In this clause 5, a Default Notice is a Notice from one party to another:

- (a) specifying in reasonable detail the default under this Agreement; and

- (b) requesting the defaulting party to rectify the default within the period specified in the notice, which period must be reasonable.

5.3 Entitlements upon default

- (a) For a Owner default that is rectifiable, if the Owner fails to comply with a Default Notice, Council may, as the case requires:
 - (i) rectify the default (if the default is a failure to perform work, properly or at all); and
 - (ii) recover the cost of carrying out any works or taking any actions directly from the Owner as a liquidated debt.
- (b) The Council's entitlements under this clause 5.3 are additional to its entitlements under legislation (including, to prevent doubt, the Planning Scheme), the general law and other clauses of this Agreement.

5.4 Suspension of time – dispute

If a Default Notice precipitates a Dispute, the period between the date upon which the Dispute Notice is given and the date upon which the Dispute is resolved in accordance with clause 7 is not to form part of the period limited for compliance with the Default Notice.

5.5 Council may act in public interest

- (a) Regardless of the existence of a Dispute, Council may undertake the work the subject of a Default Notice if it considers (acting reasonably) that delaying the work will or is likely to compromise public safety or will or is likely to inconvenience the public unreasonably.
- (b) If the Dispute is resolved by an agreement or a determination that the Owner is in default, the Owner is to comply with the Default Notice:
 - (i) within the period specified in the Default Notice, adjusted in accordance with clause 5.4; or
 - (ii) by the date otherwise agreed or determined upon resolution of the Dispute.
- (c) If the Council has undertaken the relevant work pursuant to clause 5.5(a), the Council may exercise its entitlements under clause 5.3 subject to a contrary agreement or determination upon resolution of the Dispute.
- (d) To prevent doubt, if the Dispute is resolved by an agreement or a determination that the Owner is not in default:
 - (i) the Owner may ignore the Default Notice; and
 - (ii) the Council must bear the cost of the work undertaken pursuant to clause 5.5(a) to the extent that the cost is not otherwise payable by the Owner, or recoverable from it, under this Agreement.

5.6 Council's right to enter land

Without limiting its entitlements under legislation or at general law, Council officers, agents, and contractors (including their sub-contractors) authorised by the Council to do so may enter the Land, with all necessary vehicles, plant, and equipment, to exercise the Council's rectification entitlements under this clause 5.

6 Force majeure

6.1 Notice of occurrence

A party unable to discharge an obligation under this Agreement because of Force Majeure is to give the other prompt Notice of the occurrence.

6.2 Content of notice

The Notice is to:

- (a) give full particulars of the Force Majeure event;
- (b) detail the likely impact of the event upon the discharge of its obligations under this Agreement; and
- (c) claim the benefit of this clause 6.

6.3 Mitigation of effect

The claimant is to take all reasonable steps to stem or mitigate the impact of Force Majeure upon it.

6.4 Suspension of obligations

- (a) If the claimant has complied with clauses 6.1 to 6.3, the obligation impacted by the Force Majeure is to be suspended until the impact ceases.
- (b) Clause 6.4(a) is not to be interpreted to prevent Force Majeure discharging this Agreement by frustration.

6.5 Absorption of losses

Subject to a contrary provision:

- (a) in this Agreement; or
 - (b) in any relevant policy of insurance obtained pursuant to this Agreement,
- the party that incurs or sustains them must bear the expenses or losses resulting from the Force Majeure.

7 Disputes

7.1 Statement of intent

The intent of this clause 7 is to provide a mechanism for:

- (a) ensuring that there is no want of certainty in this Agreement having regard to the necessity to facilitate and expedite the recording of the agreement between the parties without being able to incorporate herein full engineering specifications of the acts and works agreed to be performed undertaken carried out executed provided or done by either party to satisfy the obligations of the parties hereunder;
- (b) resolving, in a speedy and cost-effective manner, any dispute between the parties in relation to the meaning of any provision hereof or the scope, content or extent of their respective obligations hereunder, including disputes as to matters which of necessity cannot be agreed or specified at the present time and must be left to be agreed between the parties at a later time.

7.2 Exclusion of debt disputes

This clause 7:

- (a) does not apply to disputes over debts; and
- (b) does not apply to prevent the Council and the Owner applying to a court for urgent injunctive relief.

7.3 Notice of dispute

If a Dispute arises between the Council and the Owner any of the parties may give a Dispute Notice to the others.

7.4 Negotiation

- (a) The parties must seek in good faith to resolve a Dispute first by negotiation.
- (b) Within 14 days after a Dispute Notice is given, the parties are to meet, in person or by telephone, to conduct the negotiation.
- (c) If they cannot agree the time and place for a meeting, the following provisions apply:
 - (i) the venue for the meeting is to be at 190 Bourbong Street, Bundaberg; and
 - (ii) the meeting is to begin at 10.00am on the next Bundaberg Business Day after the 14-day period expires.

7.5 Appointment of referee

- (a) If:
 - (i) a party fails to attend the meeting, or withdraws from it; or
 - (ii) the meeting otherwise fails to achieve resolution of the Dispute,the parties may:

- (iii) apply or appeal to the Planning and Environment Court, if the issue in dispute is justiciable by that court under the Act; or
 - (iv) (otherwise) give a Referral Notice to each other, to precipitate determination of the issue in the Dispute by an independent, appropriately qualified referee.
- (b) If, within seven days after a Referral Notice is given, the parties do not agree who is to be the referee, the party who gave the notice is to:
- (i) request the President of the Queensland Law Society to make the appointment; and
 - (ii) for that purpose, send the President a copy of the Dispute Notice.
- (c) The referring party is to request the President:
- (i) to appoint a referee who possesses the qualifications, experience and standing necessary and appropriate to ensure the Dispute is resolved justly and efficiently; and
 - (ii) to inform the parties of the appointee's estimated fee for acting upon the determination.
- (d) To prevent doubt, if the issue in the Dispute requires the application of expertise in more than one discipline, the President may:
- (i) appoint as Referee a person appropriately qualified in one of those disciplines; and
 - (ii) appoint another person or other persons, appropriately qualified in the other discipline or disciplines, to give the Referee the expert assistance the Referee might require to facilitate expeditious and effective resolution of all issues in the Dispute.

7.6 Determination by Referee

- (a) In determining an issue in the Dispute, the Referee is to:
- (i) act as an expert, not an arbitrator;
 - (ii) act as quickly as the interests of a fair and proper resolution of the Dispute permit;
 - (iii) act bona fide, without bias and without reference to irrelevant considerations; and
 - (iv) endeavour to make the determination that serves best the nature and intent of this Agreement as an instrument that complements and effectuates the intent of the Development Approval for the Development Application.
- (b) Though bound to observe the rules of procedural fairness in resolving the Dispute, the Referee is not to be bound by the rules of evidence.

- (c) Generally, the Referee may investigate the Dispute in the manner the Referee considers appropriate and consistent with the Referee obligations under this clause 7.
- (d) In particular, the Referee may:
 - (i) receive submissions (verbal or written) from the parties;
 - (ii) interview persons the Referee considers might assist in resolving the issue in the Dispute;
 - (iii) seek information and documents the Referee considers are or might be relevant to an issue in the Dispute; and
 - (iv) inspect documents and consider information obtained.
- (e) The Referee must deliver the Referee's determination in writing, addressed to Council and the Owner.
- (f) The determination is to contain a full statement of the reasons for the Referee's decision, including:
 - (i) each fact considered relevant;
 - (ii) the weight given to each such fact;
 - (iii) the facts disregarded; and
 - (iv) the reasons for disregarding each such fact.
- (g) Unless, within 14 days after the Referee delivers the Referee's determination, a party applies to a court of competent jurisdiction to overturn or vary the determination, the determination is to be final and binding on the parties.

7.7 Costs of resolving dispute

- (a) The parties are to share equally:
 - (i) the President of the Queensland Law Society's fee; and
 - (ii) the Referee's fee for acting to resolve a Dispute; and
 - (iii) the fee of each expert appointed to assist the Referee.
- (b) However, each party must bear its own costs in connection with resolving the Dispute, including the cost of:
 - (i) preparing and delivering the Dispute Notice;
 - (ii) seeking to resolve the Dispute by negotiation;
 - (iii) referring the Dispute for resolution by a Referee; and
 - (iv) participating in the resolution process before the Referee.

7.8 Ouster of jurisdiction

- (a) To prevent doubt, no party may seek to invoke this clause 7 to oust the jurisdiction of a court competent to adjudicate a Dispute.
- (b) If any party applies to a court for the determination of an issue in a Dispute, after a Referral Notice has been given but before a Referee's determination is delivered, the proceeding for Referee determination is to cease pending the decision of the court.

8 Service

8.1 Notices (general)

- (a) This clause 8 governs a Notice unless a provision of this Agreement specifically provides otherwise.
- (b) A Notice must be in writing.
- (c) The party giving a Notice, or one of its officers, is to sign the Notice.
- (d) The recipient need not seek to establish the authority of a signatory to the Notice.
- (e) If a party is comprised of more than one person:
 - (i) a Notice by that party need not be signed by all of those persons if it expressly states that the signatory is, or signatories are, authorised by all of those persons to sign the Notice; and
 - (ii) the recipient need not enquire into the validity of the authorisation.

8.2 Service of notices

A Notice may be:

- (a) delivered;
- (b) posted; or
- (c) transmitted by facsimile,

to the intended recipient at its Address for Notices.

8.3 Receipt of notices

- (a) A Notice that is delivered personally or posted will be deemed received:
 - (i) if personally delivered, at the moment of delivery;
 - (ii) if posted to an address in Australia, two Business Days after posting;
 - (iii) if posted to an address outside Australia, five Business Days after posting.

- (b) A Notice sent by facsimile transmission will be deemed received at the time of receipt specified in a Confirmation Report, if the report discloses that the transmission was received at or before 5.00pm.
- (c) If the Confirmation Report discloses that the transmission was received after 5.00pm, the Notice will be deemed received at 8.30am on the Business Day following the date of receipt disclosed in the Confirmation Report.

9 Assignment by Owner

9.1 Assignment

The Owner may not, either absolutely or by way of security, assign their interests, rights or obligations under this Agreement:

- (a) Without the written consent of the Council; and
- (b) In a manner which is inconsistent with the provisions of this Agreement.

10 Novation of document upon sale

10.1 Restriction on the right to Sell the Land

The Owner is not to Sell the Land prior to the performance and fulfilment of the Owner's obligations under this Agreement except where the purchaser enters into a deed of novation of this Agreement with the Council whereby the purchaser becomes contractually bound to the Council to perform and fulfil the provisions of this Agreement or such of them as remain unperformed or unfulfilled by the Owner at the time of such Sale.

10.2 The Owner remains liable until Purchaser signs

Until the proposed purchaser executes and delivers the required deed of novation or in the event of a Sale being made otherwise than in compliance with clause 10.1:

- (a) the Owner remains liable for the performance and fulfilment of this Agreement as though no Sale had taken place; and
- (b) the Owner is to perform and fulfil such of its obligations under this Agreement as have not been performed and fulfilled immediately or at such other time or times as the Council stipulates, even if the time or times otherwise appointed for such performance and fulfilment have not then arrived.

11 Release of liability

In the event that the purchaser enters into a deed of novation or agreement which contractually binds the purchaser to the Council to perform the obligations under this Agreement, the Owner is to be forever released from the obligations under this Agreement.

12 General provisions

12.1 No merger

The covenants, conditions, provisions and warranties contained in this agreement do not merge or terminate upon completion of the transactions contemplated in this agreement but to the extent that they have not been fulfilled and satisfied or are capable of having effect, remain in full force and effect.

12.2 Entire agreement

This agreement constitutes the entire agreement of the parties as to its subject matter, and supersedes and cancels all prior arrangements, understandings, and negotiations in connection with it.

12.3 Further assurances

Each party agrees at its cost to do everything necessary to give effect to this agreement.

12.4 Warranty of authority

Any person signing this agreement:

- (a) as attorney of any party warrants to the other parties that at the date of execution that person has not received any notice or information of the revocation of the power of attorney appointing that person; and
- (b) as an authorised officer, agent or trustee of any party warrants to the other parties that at the date of execution that person has full authority to execute this Agreement in that capacity.

12.5 Amendment of agreement

- (a) Despite any provision of this agreement, Council and the Owner may at any time vary the terms of this agreement if:
 - (i) the Owner is the registered owner of the Land or part of the Land to which the variation relates; or
 - (ii) the registered owner has given written consent to the amendment.
- (b) No variation of this agreement is of any force or effect unless:
 - (i) it is in the form of a variation agreement and has been signed by the parties (or their successors in title); and
 - (ii) where relevant, the variation agreement complies with the requirements of the Act.

12.6 No waiver

- (a) The failure of a party at any time to require full or partial performance of any provision of this agreement does not affect in any way the full right of that party to require that performance subsequently.
- (b) The waiver by any party of a breach of a provision of this agreement is not deemed a waiver of all or part of that provision or of any other provision or of the right of that party to avail itself of its rights subsequently.
- (c) Any waiver of a breach of this agreement is to be in writing signed by the party granting the waiver, and is effective only to the extent specifically set out in that waiver.

12.7 Payment of costs

The Parties agree that each party shall be responsible for the payment of their own costs as they relate to the preparation of the Deed.

12.8 Place for payment of money

All money payable to a party under this agreement is payable free from all deductions at the party's Address for Notices.

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SCHEDULE 1
Agreement Details

- ITEM 1 Commencement Date** The day the last party signs this Agreement.
- ITEM 2 Council**
- Name of Council Bundaberg Regional Council
- Address 190 Bourbong Street, Bundaberg, 4670 in
the State of Queensland
- Facsimile No. (07) 41505410
- Email address: ceo@bundaberg.qld.gov.au
- ITEM 3 Developer**
- Name Deleted
- Address (or registered office if a
corporation)
- Facsimile No.
- Email address:
- ITEM 4 Owner**
- Name R J Bauer & K A Bauer
- Address (or registered office if a
corporation) 27 Kirbys Road, Kalkie QLD 4670
- Facsimile No.
- Email address: bigdadhomes@live.com.au
- ITEM 5 Land**
- Land located at 27 Kirbys Road KALKIE in the State of Queensland and
comprising the following: Lot: 6 RP: 812667
- ITEM 6 Development Application**
- The Development Application number 321.2015.43354.1, submitted to Council
on 25 May 2015 in respect of a subdivision of the Land from one (1) lot into
three (3) lots, being two (2) 4000 m² lots in the Land's north-eastern corner and
the balance area and as described in InsiteSJC Plan of Proposed Lot
Reconfiguration Z14-534 P.

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SCHEDULE 2

Empire Engineering Drawing CC – 3161 C03 Rev B

Execution

EXECUTED as a deed.

Signed by Peter Byrne, Chief Executive Officer of the **BUNDABERG REGIONAL COUNCIL** in accordance with the *Local Government Act 2009* on the 17th day of May 2016

^ Peter Byrne
Signature of

^ N Saunders
Signature of witness

^ HENRY SAUNDERS
Name of witness (print)

Signed by REUBEN BAUER on the 10th day of MAY 2016 in the presence of:

^ Reuben Bauer
Signature of R J Bauer

^ J Bauer
Signature of witness

^ JULIAN BAUER
Name of witness (print)

Signed by KYLIE BAUER on the 10th day of MAY 2016 in the presence of:

^ Kylie
Signature of K A Bauer

^ J Bauer
Signature of witness

^ JULIAN BAUER
Name of witness (print)





Item

19 July 2016

Item Number:	File Number:	Part:
Q1	A2616468	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

Portfolio:

Community & Environment

Subject:

Bundaberg Regional Sport and Recreation Advisory Group

Report Author:

Gavin Steele, General Manager Community & Environment

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Community - 4.1.1 A safe, active and healthy community

Background:

The Bundaberg Region Sports and Recreation Advisory Group (BRSRAG) was established as a result of a key recommendation of the Bundaberg Regional Sport and Recreation Strategy. The advisory group, comprised of community Sport and Recreation representative members and key Council personnel meet four (4) times per calendar year.

Objectives of the BRSRAG are to:

- Provide strategic advice and input relating to the development Council's Sport and Recreation strategies and policies;
- Engage in discussions regarding "special interest" sport and recreation topics as determined by Council;
- Participate in the ongoing consultation, review and implementation of sporting and recreational strategic documents; and
- Provide input into Council's processes relating to sport and recreation where requested eg provide feedback regarding projects to be considered by Council for submission to grant programs.

A review of the current Terms of Reference was conducted at the BRSRAG meeting dated 19 May 2016. The following recommendations to the Terms of Reference were proposed:

- That the Bundaberg Region Sports and Recreation Advisory Group (BRSRAG) be referred to as the Bundaberg Region Sports and Recreation Reference Group (BRSRRG) to align with other Council sub committees eg Bundaberg Regional Cycle Reference Group
- That the term of appointment be amended from a two (2) year appointment to a three (3) year appointment.
- The inclusion of an Education Queensland – Bundaberg District School representative (1) as an appointment member.

The Bundaberg Region Sports and Recreation Reference Group BRSRRG would comprise up to but no greater than nine (9) members, including:

- Council representatives (3) - Sport, Recreation, Venues & Disaster Management Portfolio Councillor, Branch Manager Parks, Sport and Natural Areas, Coordinator Sport and Recreation;
- Department of National Parks, Recreation, Sport and Racing Local Advisor (1);
- Education Queensland - Bundaberg District School Sport Representative (1);
- Sporting and Recreation Association representatives (actively supporting a sporting code within the Bundaberg Region);
- Facility Managers, Program Deliverers or General Community (represent a broader aspect of Sport and Recreation in the region).

Expressions of Interest (EOI) will be called for four (4) membership positions.

The current membership group were appointed at Council's meeting of 4 February 2014 for a two (2) year appointment. Under the current Terms of Reference the sunset clause is now evoked requiring Expressions of Interest to join the Bundaberg Region Sports and Recreation Advisory Group from the community.

NOTE: After consideration by Council, it was decided the term of appointment to the group be 4 years.

Associated Person/Organization:

David Field, Coordinator Sport and Recreation

Consultation:

Bundaberg Region Sport and Recreation Advisory Group

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:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 BRSRAG Minutes of Meeting - 19 May 2016
- 2 BRSRAG Terms of Reference - Current
- 3 BRSRAG Terms of Reference - Amended

Recommendation:

That:

- 1. the minutes of the Bundaberg Regional Sport and Recreation Advisory Group held on 19 May 2016 be received and noted;**
- 2. the amended Bundaberg Region Sport and Recreation Reference Group Terms of Reference be adopted; and**
- 3. Expressions of Interest be called from the Community to join the Bundaberg Region Sports and Recreation Reference Group for a period of 4 years.**



BUNDABERG REGIONAL SPORT AND RECREATION ADVISORY GROUP – MINUTES / MEETING ACTION PLAN

Date	19 May 2016	Start Time:	10.00 am	Finish Time:	12.00 pm
Venue	School of Arts, Meeting Room 2R – 184 Bourbong Street, Bundaberg				
Meeting Chair	Cr. David Batt	Minute Taker:	Sandie Borg		
Attendees	Dave Field (BRC), Tony Castro (Across The Waves Sports Club), Sandie Borg (BRC), Linda Kleinschmidt (NPSR), Cr. David Batt (BRC), Brad Grogan (Community), Phill Sellwood (YMCA).				
Apologies	Gavin Steele (BRC), Geordie Lascelles (BRC).				

No	Item	Discussion	Action Required	Responsible	Date Due
1	Welcome	Cr. David Batt welcomed all to the meeting. Minutes of February meeting accepted as a true and correct record, proposed by: Tony Castro, seconded by Phill Sellwood. Apologies recorded and accepted.			
2	Business from previous Minutes	<p>Bundaberg Regional Sport and Recreation Strategy –New Strategy Bundaberg Regional Sport and Recreation Strategy Review to be uploaded to Council webpage.</p> <p>The new Bundaberg Regional Sport and Recreation Strategy will commence it in 2017. The first part of the Strategy will be completed in-house.</p> <p>Community Infrastructure Application Fees “Infrastructure Support Funding Program” – supported by the group to offer a fee waiver for sports club development projects (e.g., Council to provide 20% of Sports Club development application fee as waiver). The aim is to align the fund to NPSR Infrastructure funding Program. Cr. David Batt advised that Council currently provides a 50% exemption to not-for-profit groups on Development Application approvals.</p> <p>Disability Audit Tool Draft Disability Audit tool for Sports Clubs ready to finalise – awaiting final feedback from Sport and Recreation Services prior to finalisation and upload to Council’s Sport & Recreation web pages.</p>	<p>Upload Reviewed Strategy to Council’s Sport & Recreation Webpage</p> <p>Seek Budget approval in 2016/17 Budget</p> <p>Investigate options for an “Infrastructure Support Funding Program”. Consultation required with Council’s Planning Services</p> <p>Audit tool finalisation due - awaiting final feedback from State Sport & Recreation Services prior to upload</p>	<p>Sport & Recreation Team</p> <p>Dave Field</p> <p>Dave Field/Dave Batt</p> <p>Linda Kleinschmidt Dave Field</p>	<p>July 16</p> <p>Ongoing</p> <p>July 16</p>



BUNDABERG REGIONAL SPORT AND RECREATION ADVISORY GROUP – MINUTES / MEETING ACTION PLAN

	<p>STANDING ITEM/ BRSRAG priorities</p>	<p>BRC Multi-Purpose Facility Update Stage 1 construction works underway.</p> <p>The group agreed to the following items representing key directions for the Group:</p> <ol style="list-style-type: none"> Get sports groups aware of the benefit of the Strategy, particularly in linkage to their funding applications; Multi Sports facilities– look at making the most of existing sports facilities across the region; Encourage local sports to embrace multi-sports facilities and collaboration Review the benefits and limitations of linkage between Education Qld and Sports Associations to promote greater access to and use of spare sports / community facility resources. *Note: linkage between schools and Sports Associations are done on a school by school basis (discretion of the Principal) and is not co-ordinated state-wide by the Dept of Education. Protecting sporting facilities from future land encroachment raised with the Planning Department. Protect infrastructure, particularly noisy outdoor areas, from future encroachment is on the Planning Scheme agenda. # Remains an ongoing item of discussion with Council's Planning Dept. 	<p>to Council's Sport & Recreation web pages.</p> <p># All five items are standing items for the Groups review and consideration.</p>	<p>Reference Group</p>	<p>Ongoing</p>
<p>3.</p>	<p>Sports Awards</p>	<p><i>Regional Sports Awards – Future direction/ Group Recommendation</i></p> <p>The Bundaberg Regional Sports Award was dropped by the prior Council due to capacity issues and budgetary constraints. The below recommendations were made by the group:</p> <ol style="list-style-type: none"> Another party / Organisation run the Awards, Council provide a financial contribution to sponsor a Sports Award category in recognition of the achievements of our regions athletes, officials and volunteers so that the Award recipient obtain the benefit of this recognition of their 	<p>Discuss the consideration of the Bundaberg Regional Sports Awards with the GM Community and Environment for further consultation with Council .</p>	<p>Council Representative</p>	<p>Ongoing</p>



BUNDABERG REGIONAL SPORT AND RECREATION ADVISORY GROUP – MINUTES / MEETING ACTION PLAN

		<p>and RumRuckers Rugby Union Club and Western Suburbs Netball Club. It is anticipated that Wests Netball Club will soon drop off this group.</p> <p>Lighting Project – now urgently needed for this multi-sports precinct. Costly project approx. \$18,000 required for the project. Junior Rugby League are a financial club and have sought further financial contributions from the other clubs towards the lighting. So far, only the Cricket Club have indicated a capacity to financially support this.</p> <p>Advisory Group Review: The group discussed the role of the Advisory group and considered some administrative changes to the structure of the group. Dave Field advised that the term of the two year appointments have now fallen due and that the Sunset Clause be evoked as per the Terms of Reference</p> <p>TOR - Bundaberg Regional Sport & Recreation Group: A review of the Terms of Reference was conducted by the group with the following recommendations for council consideration:</p> <ul style="list-style-type: none"> • Change of name from the Bundaberg Regional Sport and Recreation Advisory Group to the Bundaberg Sport and Recreation Reference Group. • Extending the term of group appointees from 2 years to 3 year terms. • Fixed appointments to include a Department of Education School Sport representative. Other panel members are invited via EOI invitation process. <p>Group Strategic Direction: The group discussed its direction and the following priorities were identified. The group will:</p> <ol style="list-style-type: none"> 1. Provide direction to Council as to regional priorities for funding projects at Bundaberg Regional grass roots sport level, 	<p>sport user groups that currently use Jubilee Park Oval.</p> <p>Group Recommended to change the reporting structure to a Reference Group. Dave Field to develop the report to go to Council.</p>	<p>Dave Field</p>	<p>July 16</p>
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BUNDABERG REGIONAL SPORT AND RECREATION ADVISORY GROUP – MINUTES / MEETING ACTION PLAN

		<p>2. Provide an advocacy role for Bundaberg Regional sports groups to Council and other levels of Government</p> <p><i>Note: Council do provide 50% exemption to not-for-profit groups on Development Application approvals.</i></p> <ul style="list-style-type: none"> ➤ To assist the group to function effectively, applications made by local sports group to State Sport and Recreation Services for funding need to come to this group, to prioritise and support the applications for funding. ➤ The group discussed benefit of raising its profile and to better promote itself within the Regional Sports community to increase awareness of its role. <p>Sports Grounds Water Allocation – Community Services- Water Obligation Council provides water allocation to a number of sporting organisations under it Community Services Obligation (Water).The current allocations are based on hectare size and does not consider type of activity and participation rates.</p> <p>The group suggested that an investigation of the current Community Service Obligation (water) be undertaken and look to a model to reflect usage/participation/sport type instead of size of sports grounds.</p> <p>Infrastructure Funding Program <i>Get Playing Plus</i> - NPSR Infrastructure Program (min \$300,000 – max \$1.5M) – No update available on status of the funding Program at this time. EOI's closed 28 April.</p> <p>NPSR – Get Playing Spaces & Places <i>Get Playing Spaces & Places</i> - Funding Program for Sports Clubs opens soon 1 July – 1 Sept (up to \$100,000 GST exclusive). For new & upgraded Sport & Recreation facility upgrade projects. https://www.qld.gov.au/recreation/sports/funding/getinthegame/getplaying/</p> <p>NPSR – Sport and Recreation Workshops Sport & Recreation Qld have a Grant Writing Workshop scheduled for first few weeks of July. Details to be provided for distribution to the group and across our networks.</p>	<p>Dave Field to investigate other LGA's Community Service Obligation models for water allocation.</p> <p>Collect usage rates over the past 3 years and assess allocation against water usage and discuss with Rates and Water for the potential to have a model that supports the community more effectively</p>	Dave Field	Ongoing
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BUNDABERG REGIONAL SPORT AND RECREATION ADVISORY GROUP – MINUTES / MEETING ACTION PLAN

		<p>Proposed – may offer a Facility Management Workshop for sports clubs in the future. TBA.</p> <p>NPSR – Sport and Recreation Funding Update for Clubs Linda advised she is aware of the following clubs intention to apply for funding for facility upgrades related to the upcoming NRSR Funding Programs.</p> <ul style="list-style-type: none"> • Isis Tennis Club - There are four courts with the two lower ones in need of upgrade to synthetic grass, but they don't have tenure over land. • Isis Pistol and Rifle Club – will apply again for a safety wall. • Bargara Bowls – will apply for permanent structure for the bowling club. <p>Bundaberg Regional Council Update <i>Nature Play Forum:</i></p> <ul style="list-style-type: none"> • Council are working in conjunction with QORF, NPSR (Sport & Recreation Services Qld Advisor) to bring a nature Play Forum to Bundaberg. New theory based on nature deficit syndrome. Forum and Presentation at the brothers Sports Club on 15 June from 6pm – 9pm, aimed at early childhood sector, TAFE students, teachers, CQU. Focus is on introducing these targeted groups to the benefits for children of nature based / outdoors play. • Z Card sample Cycle Routes distributed to group members. A Project coordinated between Council and the Bundaberg Regional Cycle Reference Group • Move it expo – coming up on June 4. • Council is currently working on a healthy environment Project – Signage & Wayfinding – across Council initiative and funded via the PHN. It is in draft format but will distribute to the group for their awareness of its progress. 			
			Dave Field to work with Council's leasing Officer to investigate a Right to Occupy for the Club – as it is a Council owned facility.	Dave Field	Ongoing
5.	Next Meeting	Thursday 18 August 2016, 10am – 12pm Venue: School of Arts, Meeting Room 1M – 184 Bourbong Street, Bundaberg			



TERMS OF REFERENCE – BRSRAG

Objectives

The BRSRAG is required to

- Provide strategic advice and input relating to the development Council's Sport and Recreation strategies and policies;
- Engage in discussions regarding "special interest" sport and recreation topics as determined by Council;
- Participate in the ongoing consultation, review and implementation of sporting and recreational strategic documents and
- Provide input into Council's processes relating to sport and recreation where requested e.g. provide feedback regarding projects to be considered by Council for submission to grant programs.

Selection Process

Membership of the BRSRAG will consist of members approved and appointed by Council.

The BRSRAG will comprise up to but no greater than nine (9) members, including:

- Council representatives x (3);
- General Community representative (1);
- Sporting and Recreation Association representatives;
- Facility Managers, Schools, Program Deliverers and
- Department of National Parks, Recreation, Sport and Racing representative (1).

Membership representation is described below:

- Council representatives – Sport, Recreation and Venues Portfolio Councilor, Branch Manager Parks, Sport and Natural Areas, Coordinator Sport and Recreation;
- General Community representatives – This representative is enthusiastic about sport and recreation yet they may not be affiliated with a specific sporting, recreation or leisure group;
- Sporting and Recreation Association representatives – Actively support a sporting code within the Bundaberg Region and
- Facility Managers, Schools, Program Deliverers – Represent a broader aspect of Sport and Recreation in the region.

It is expected that each member will attend a minimum of 70% of BRSRAG meetings annually. If a member attends less than 70% of meetings annually, Council has the ability to appoint a replacement member if deemed necessary.

Application for membership to the BRSRAG will be assessed by a panel consisting of Council representatives on the BRSRAG and two Council officers. The decision by Council will be final with no review provision.





Applications will be assessed based upon their interest, knowledge and expertise relating to:

- Sporting and recreation infrastructure;
- Community capacity building, particularly the importance of volunteerism;
- Sporting, recreation, leisure, and health and fitness trends;
- Sporting and recreation networks
- A working knowledge of sport and leisure within the Bundaberg Region and
- The provision of sport and recreation within a Local Government context.

In the event of a member resigning from the BRSRAG, a written letter of resignation is to be made to the Chairperson.

Council reserves its right to truncate the term of the BRSRAG.

Delegated Authority and Decision Making

- The BRSRAG acts in an advisory capacity only and does not represent Council or make decisions on behalf of Council.
- The BRSRAG may determine and form (through its membership) specific purpose committees to undertake research on behalf of Council.

Quorum

A quorum will be fifty per cent (50%) of the BRSRAG membership plus one.

Meeting Procedure

The BRSRAG will meet four (4) times per calendar year and additional meetings will be scheduled if required.

Voting

All representatives appointed to the BRSRAG have equal voting rights and the Chairperson will have a second vote in the event of a tie.

Pecuniary Interest

Representatives can not vote on recommendations on matters that directly relating to their area of interest. E.g. Surf Life Saving - recommendation on Bundaberg Surf Club.

Operation

- Bundaberg Regional Council Parks, Sport and Natural Areas Services will coordinate the administration of the BRSRAG, including preparation of meeting agenda and minutes;
- As with all Advisory Groups, members are not permitted in any way to purport to represent Council on the views of Council to the media;
- Bundaberg Regional Council Community Engagement and Media Relations Governance policies apply to the BRSRAG;
- The BRSRAG may agree to hear submissions/presentation from sporting and recreation groups who may wish to address the BRSRAG;
- Minutes are to be made available on Council's Website, and issues of note will be reported to Council.





Chairperson

The position of Chairperson will be Council’s Recreation Portfolio Spokesperson.

If the Chairperson is not present at a meeting, any other Council representative shall be appointed Chairperson. In the absence of any other Council representative/s, the BRSRAG shall appoint a Chairperson for the purpose of conducting the meeting.

Agendas and Minutes

Agendas and Minutes must be prepared for each meeting of the BRSRAG. The Agenda must be provided to members of the BRSRAG not less than 5 working days before the time fixed for the holding of the meeting.

Items and correspondence for agenda are to be submitted in writing. (Late items – as determined by the Chairperson).

The Chairperson must arrange for minutes of each meeting of the committee to be kept.

The minutes of a BRSRAG meeting must

1. contain details of the proceedings and resolutions made;
2. be self explanatory;
3. be clearly expressed and

4. in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

Minutes must be approved by the Chairperson before being published or distributed and then formally endorsed at the subsequent meeting.

Reporting

Recommendations are to be submitted in writing through the Branch Manager Parks, Sport and Natural Areas and General Manager of Community and Environment who can approve, review or reject submissions to Council.

The BRSRAG is required to prepare a formal report on an annual basis. The report must be formally adopted by the committee and should directly reflect the objectives and performance measures of the committee. The report will then be presented to Council detailing the outcomes of the committee.

Conduct and Interest Provisions

Conduct and interest provisions will be determined in accordance with the committee types defined in the Council Committee Policy.

Sunset Clause

The BRSRAG will sunset two years after the appointment to the BRSRAG.



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Bundaberg Regional Council

Bundaberg Regional Sport and Recreation Reference Group (BRSRRG)

Terms of Reference

1. OBJECTIVE

The BRSRRG is required to

- Provide strategic advice and input relating to the development Council's Sport and Recreation strategies and policies;
- Engage in discussions regarding "special interest" sport and recreation topics as determined by Council;
- Participate in the ongoing consultation, review and implementation of sporting and recreational strategic documents and
- Provide input into Council's processes relating to sport and recreation where requested e.g. provide feedback regarding projects to be considered by Council for submission to grant programs.

It also serves as a forum for consultation and discussion on specific issues that impact on sport and recreation providers.

2. SELECTION PROCESS

Membership of the BRSRRG will consist of members approved and appointed by Council.

The BRSRAG will comprise up to but no greater than nine (9) members, including:

- Council representatives (3) - Sport, Recreation, Venues & Disaster Management Portfolio Councilor, Branch Manager Parks, Sport and Natural Areas, Coordinator Sport and Recreation;
- Department of National Parks, Recreation, Sport and Racing Local Advisor (1);
- Education Queensland - Bundaberg District School Sport Representative (1);
- Sporting and Recreation Association representatives (actively supporting a sporting code within the Bundaberg Region);
- Facility Managers, Program Deliverers or General Community (represent a broader aspect of Sport and Recreation in the region).

Expressions of Interest (EOI) will be called for four (4) membership positions.

The BRSRRG members will be appointed for a 4 year term.

It is expected that each member will attend a minimum of 70% of BRSRRG meetings annually. If a member attends less than 70% of meetings annually, Council has the ability to appoint a replacement member if deemed necessary.

Application for membership to the BRSRAG will be assessed by a panel consisting of Council representatives on the BRSRAG and two Council officers. The decision by Council will be final with no review provision.

Applications will be assessed based upon their interest, knowledge and expertise relating to:

- Sporting and recreation infrastructure;
- Community capacity building, particularly the importance of volunteerism;
- Sporting, recreation, leisure, and health and fitness trends;
- Sporting and recreation networks
- A working knowledge of sport and leisure within the Bundaberg Region and
- The provision of sport and recreation within a Local Government context.

In the event of a member resigning from the BRSRRG, a written letter of resignation is to be made to the Chairperson.

Council reserves its right to truncate the term of the BRSRRG.

3. DELEGATED AUTHORITY and DECISION MAKING

- The BRSRRG acts in an advisory capacity only and does not represent Council or make decisions on behalf of Council.
- The BRSRRG may determine and form (through its membership) specific purpose sub groups to undertake research on behalf of Council.

Meeting Procedure

The BRSRRG will meet four (4) times per calendar year and additional meetings will be scheduled if required.

Voting

No formal voting rules apply. As the Reference Group has an advisory role, its' recommendations are made by consensus and no recommendation is deemed to be a decision of Council. Matters are to be referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.

Operation

- Bundaberg Regional Council Parks, Sport and Natural Areas Services will coordinate the administration of the BRSRRG, including preparation of meeting agenda and minutes;
- As with all Advisory Groups, members are not permitted in any way to purport to represent Council on the views of Council to the media;
- Bundaberg Regional Council Community Engagement and Media Relations Governance policies apply to the BRSRRG;
- The BRSRRG may agree to hear submissions/presentation from sporting and recreation groups who may wish to address the BRSRRG;
- Minutes are to be made available on Council's Website, and issues of note will be reported to Council.

Chairperson

The position of Chairperson will be Council's Sport, Recreation, Venues & Disaster Management Portfolio Spokesperson.

If the Chairperson is not present at a meeting, any other Council representative shall be appointed Chairperson. In the absence of any other Council representative/s, the BRSRRG shall appoint a Chairperson for the purpose of conducting the meeting.

Agendas and Minutes

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Recommendations are to be submitted in writing through the Branch Manager Parks, Sport and Natural Areas and General Manager of Community and Environment who can approve, review or reject submissions to Council.

The BRSRRG is required to prepare a formal report on an annual basis. The report must be formally adopted by the committee and should directly reflect the objectives and performance measures of the committee. The report will then be presented to Council detailing the outcomes of the committee.

Conduct and Interest Provisions

Conduct and interest provisions will be determined in accordance with the committee types defined in the Council Committee Policy.

Sunset Clause

The BRSRRG will sunset four years after the appointment to the BRSRRG.