



**AGENDA FOR ORDINARY MEETING
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG
ON TUESDAY 11 OCTOBER 2016, COMMENCING AT 10.00 AM**

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**Item****11 October 2016**

Item Number:	File Number:	Part:
F1	.	GOVERNANCE & COMMUNICATIONS

Portfolio:

Organisational Services

Subject:

Council Policy Adoption

Report Author:

Christopher Joosen, Governance Manager

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

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

Previous Items:

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

Background:

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

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

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

- Burial on Private Property Policy
- Cemetery Management Policy
- Commemorative Plaques and Memorials Policy
- Eat Safe Bundaberg Region Policy
- Employee Code of Conduct Policy
- Environmental Policy
- Equal Employment Opportunity Policy
- Quality Policy
- Recordkeeping Policy
- Water Leak Relief Policy

Consultation:

Councillors, General Managers, various Council officers

Legal Implications:

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

Policy Implications:

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

Financial and Resource Implications:

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

Risk Management Implications:

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

Attachments:

- 1 Burial on Private Property Policy
- 2 Cemetery Management Policy
- 3 Commemorative Plaques and Memorials Policy
- 4 Eat Safe Bundaberg Region Policy
- 5 Employee Code of Conduct
- 6 Environmental Policy
- 7 Equal Employment Opportunity Policy
- 8 Quality Policy
- 9 Recordkeeping Policy
- 10 Water Leak Relief Policy

Recommendation:

That:-

1. the:

- **Burial on Private Property Policy** (adopted by Council at its meeting of 2 February 2016) **be rescinded; and**
- **Burial on Private Property Policy** (as detailed on the 2 pages appended to this report) – **be adopted.**

2. the:

- **Cemetery Management Policy** (adopted by Council at its meeting of 2 February 2016) **be rescinded; and**
- **Cemetery Management Policy** (as detailed on the 17 pages appended to this report) – **be adopted.**

3. the:

- **Commemorative Plaques and Memorials Policy** (adopted by Council at its meeting of 20 May 2016) **be rescinded; and**
- **Commemorative Plaques and Memorials Policy** (as detailed on the 2 pages appended to this report) – **be adopted.**

4. the:

- **Eat Safe Bundaberg Region Policy** (adopted by Council at its meeting of 19 May 2015) **be rescinded; and**
- **Eat Safe Bundaberg Region Policy** (as detailed on the 8 pages appended to this report) – **be adopted.**

5. the:

- **Employee Code of Conduct Governance Policy** (adopted by Council at its meeting of 30 June 2014) **be rescinded; and**
- **Employee Code of Conduct** (as detailed on the 17 pages appended to this report) – **be adopted.**

6. the:

- **Environmental Governance Policy** (adopted by Council at its meeting of 15 December 2009) **be rescinded; and**
- **Environmental Policy** (as detailed on the 3 pages appended to this report) – **be adopted.**

7. the:

- **Equal Employment Opportunity Governance Policy** (adopted by Council at its meeting of 22 July 2014) **be rescinded; and**
- **Equal Employment Opportunity Policy** (as detailed on the 6 pages appended to this report) – **be adopted.**

8. the:

- **Quality Policy** (adopted by Council at its meeting of 1 September 2009) **be rescinded; and**
- **Quality Policy** (as detailed on the 2 pages appended to this report) – **be adopted.**

9. the:

- **Recordkeeping Governance Policy** (adopted by Council at its meeting of 15 April 2008) **be rescinded; and**
- **Recordkeeping Policy** (as detailed on the 3 pages appended to this report) – **be adopted.**

10.the:

- **Water Leak Relief Policy** (adopted by Council at its meeting of 17 April 2013) **be rescinded; and**
- **Water Leak Relief Policy** (as detailed on the 6 pages appended to this report) – **be adopted.**

Bundaberg Regional Council
Community & Environment
Issue Date:
Review Date: 04-02-2017

Burial on Private Property Policy

GP-3-125

Rev. 2 (Draft)

1.0 INTENT

The intent of this Policy is to set forth requirements and parameters in which Council would consider approving the burial of human remains on private property.

2.0 SCOPE

This Policy applies to applications for burial of human remains on private property.

3.0 POLICY OBJECTIVES

To ensure that any burial on private property within the Bundaberg Region conforms to:

- Statutory requirements;
- Applicable Australian Standards; and
- Applicable Local Laws.

4.0 POLICY

- 1) An application can be made to Council for a permit that allows for the disposal of human remains outside a cemetery. Note: This is not a burial application.
- 2) A permit would grant approval to the owner of the land to have an area established for the future burial of a person on private property.
- 3) Council would consider issuing a permit for the establishment of an area for the burial of a person outside of a cemetery when the following have been addressed:
 - The person wishing to be buried on the property must have a linear family connection with the occupiers of the land where the remains are being buried and the linear connection would need to be continuous. A minimum of third generation may be used as a guide.
 - The property where the remains are to be buried is a minimum of 20 hectares (49 acres) and must be classed as rural under the Council's Planning Scheme.
 - The burial plot must be at least 100 metres from buildings of any nature, water courses and adjoining properties.
 - The property owner where the burial plot is to be located is to provide Council a written undertaking to establish a registered easement on the property that allows for access to the site from a gazetted road and a 20 square metre area surrounding the plot. The owner has a period of 6 months to have the registered easement created on the property.
 - A bond of \$5,000 is to be paid to Council to ensure registration of easement. Should the owner of the land default, the bond shall be forfeited to Council. The bond will be refunded on confirmation of the registration of the easement.

GP-3-125	Rev. 2 (Draft)	Approved By: General Manager Community & Environment	Page 1 of 2
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- The issuing of the permit is contingent on the fact that the land is not flood prone land, meets beach protection requirements, and is not in a known land slide area or other area that would be unsuitable for private burial.
- 4) Council reserves the right to refuse any application at its discretion.
- 5) The permit will outline the procedures and necessary documentation required for the application to bury a person. Applicable fees will apply at time of burial.

5.0 CONTROLS

Currently controls are imposed by the *Land Act 1994* and Subordinate Local Laws - SLL1.9 - Operation of Cemeteries.

Should there be any legislative changes in the future in relation to the Local Law or the Land Act, Council reserves the right to make alterations to this Policy and associated procedures which may apply.

6.0 EFFECTIVE FROM

The Burial on Private Property Policy was adopted by Council on 11 October 2016.

This Policy is effective from 11 October 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Subordinate Local Laws - SLL1.9 - Operation of Cemeteries

Land Act 1994

Bundaberg Regional Council
Community & Environment
Issue Date:
Review Date: 04-02-2017

Cemetery Management Policy

GP-3-116

Rev. 2 (Draft)

1.0 INTENT

The intent of the Policy is to set forth the management framework for the Cemeteries under the care and control of Council and covers:

- Management of Cemeteries;
- Offences;
- Monuments;
- Conservation and Heritage; and
- Closed Cemeteries.

2.0 SCOPE

This Policy applies to the 11 Council operated and maintained cemeteries:

Operational Cemeteries:

- Apple Tree Creek Cemetery - Gazetted 19/07/1879 - CK2675/281 - 7.039 hectares - Drummond Street, Apple Tree Creek
- Boolbunda Cemetery - Gazetted 20/04/2001 - CP905335/90 - 0.81 hectares - Mine Road, Boolbunda
- Booyal - Gazetted 20/04/1929 - CK271/88 - 2.78 hectares - German Charlies Road, Booyal
- Bundaberg General and Lawn Cemetery - Gazetted 17/12/1904 - CP880940/295 - 18.9375 hectares - 91 Takalvan Street, Bundaberg
- Childers Lawn Cemetery - First burial was undertaken in 1985 - CK2931/241 - 4.96 hectares - 64 Huxley Road, Childers
- Cordalba Cemetery - Gazetted 5/09/1896 - W39798/368 - 3.807 hectares - Corner Cemetery and Irwin Roads, Cordalba
- Gin Gin General and Lawn Cemetery - Gazetted 22/06/1889 - SP243477/214 - 5.518 hectares Cemetery Road, Gin Gin

Closed Cemetery Reserves:

- Avondale Cemetery - Gazetted 17/02/1900 - CK1913/76 - 1.11 hectares - Avondale Road, Avondale
- Comonju/Currajong Cemetery - Gazetted 2/08/1902 - BON1268/121 - 0.7054 hectares - 121 Currajong Farms Road, Skyring Reserve
- Invicta Cemetery - Gazetted 11/02/1899 - CK2636/97 - 0.52 hectares - Boughtons Road, Bucca
- South Isis Cemetery - Gazetted 9/10/1897 - W39995/262 - 8.094 hectares - Aerodrome Road, Isis River

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3.0 POLICY OBJECTIVES

To keep records and oversee burials as determined by legislation and to properly manage and maintain cemeteries and to protect their historical aspects.

4.0 POLICY

4.1 DEFINITIONS

In this policy:

- "*Adult*" means any person older than the age of 10 years and one day.
- "*Applicant*" means the person making an application for a burial or memorial right or for a work permit or other Council consent.
- "*Appropriate Fee*" means a fee determined by Council and listed in the Annual Fees and Charges Register (RG-7-002).
- "*Ashes*" means the processed remains recovered from the cremation of a body.
- "*Baby*" means any person up to 5 years of age.
- "*Body*" means a human body or any part thereof.
- "*Burial Place*" means a grave site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.
- "*Burial Right Holder*" is the original owner/purchaser of the right of the burial. The recognised owner of the right of burial is that person currently entered into the cemetery's burial register. In some cases, the Burial Right Holder refers to a surviving member of the person's family, their executor or administrator, Power of Attorney, their heir or successor. Ownership may be formally transferred or bequeathed by a Will.
- "*Cemetery*" or "*cemeteries*" means an area containing one or more burial places. When used as generic term it can apply to lone graves, family plots and larger collections, such as those under Council's control.
- "*Child*" means any person from 5 years up to 10 years of age.
- "*Council*" means Bundaberg Regional Council.
- "*Exhumation*" means the removal of the remains of a dead person or still-born child from a grave.
- "*General Manager*" means the person who is responsible for the Council portfolio containing Cemeteries.
- "*Memorial Wall*" means an area of the cemetery that is established for the memorialisation of cremated remains.
- "*Monument*" means any structure, tombstone, plaque, headstone, masonry, metal work, kerbing or railing, casting or item placed over, in or around a burial site used for commemorative purposes.
- "*Monumental Mason*" means a tradesman, mason or person possessing the skills to carry out monumental masonry work.

- "*Regional Supervisor Cemetery Operations*" means the individual within Council who is delegated the responsibility for the administration and operational control of cemeteries.
- "*Register*" means Council's formal repository of data containing all the details of a burial, memorial site, interment right or burial right.
- "*Reservation*" means a Right of Burial.
- "*Retrieval*" means the removal of the cremated remains of a dead person or still-born child from a grave, niche or garden.
- "*Right of Burial*" means the right to the holder to inter human remains in a burial space or place a memorial upon a gravesite. There is no entitlement to any 'real estate' or property as such.
- "*The Policy*" means this policy.
- "*Transfer of Right of Burial*" means the holder for the time being may transfer the right of burial in accordance with the rules of the cemetery and the transfer takes place when payment is made and details are entered into the burial register.

4.2 **MANAGEMENT OF CEMETERIES**

4.2.1 **Planning, Conduct and Maintenance of Cemeteries**

Council will make such provision as it considers necessary for the following:

- The setting aside of sections for different types, religious denominations and classes of burials.
- The establishment of standards of construction and design for monuments and structures, and conditions of entry for funeral directors, monumental masons, their workmen and contractors and other service providers associated with work in the Cemeteries.
- The size, multiple use and location of burial places.
- Interments.
- The erection or the installation of structures.
- The improvement and maintenance of cemeteries.
- The supply of goods and services incidental to the conduct of burials, monuments and other matters relating to cemeteries.
- The conduct of religious or other ceremonies of burial, disposition or commemoration.
- The preservation, conservation and promotion of cemetery sites presently in use as places of community significance in terms of their architectural, heritage, social and genealogical content.
- The promotion and interpretation of cemeteries through the installation of signage, brochures and other interpretive materials.
- The liaison with community groups and other organisations to carry out works relevant to the improvement, maintenance and promotion of cemeteries.
- The establishment of regulations and prohibitions in respect to all areas of operation of Council cemeteries by service providers and the community.

4.2.2 Operating Hours

Burials and exhumations shall take place only during the hours approved by Council and in accordance with the Land Act 1994 and Regulations.

Burial hours are:

- Between 7.30am and 4.30pm Monday to Friday.
- Additional fees will be incurred outside these hours.
- By arrangement with the Regional Supervisor Cemetery Operations on Saturdays, Sundays, public holidays (except Good Friday, Anzac Day and Christmas Day).
- As the Regional Supervisor Cemetery Operations may determine.

In this Policy, approval for any activity can be given by Council or a nominated representative of Council.

The cemetery is open to the public daily from sunrise to sunset or as Council may determine. No person except a person authorised by Council may be on the Cemetery grounds at any other time.

4.2.3 Register of burial places and interments

Council shall ensure that:

- A register of burials, as required by and in accordance with the *Land Act 1994* and Regulations, is kept in respect of all burial places and other memorials.
- Each burial must be recorded in the burial register immediately after the service.
- Registers may be amended to remove or correct inaccuracies.
- The Council will, on application made by any person, make available to the person a copy of an entry made in the burial register for the applicable fee (Fees and Charges Register - RG-7-002).

4.2.4 Reserve - Right of Burial

Council may grant a Right of Burial in a cemetery open to the public where:

- The applicant completes the Reserve Application Form (FM-7-075) and pays all fees associated with this process.
- A register of Rights of Burials (reservations) is maintained. Each such register is kept in written, printed or electronic form and must contain sufficient information to allow for simple cross-referencing of entries by: surname, address, site number, section and location.
- A person claiming ownership of a Right of Burial must, if necessary, prove their ownership to Council.
- Right of Burial information can only be provided to burial right holders upon written application and proof of ownership may be required.
- Council must ensure that reservation information is kept strictly confidential and not given out to any person(s) who does not have the

legal right to that information. The registers can be used as verification that a right of burial has been granted in respect of any burial or memorial.

- Each register entry must contain the name and address of the owner of the Right of Burial.
- Council will issue to the owner a certified copy of a Reserve Application Form (FM-7-075) clearly showing:
 - The owners name and address;
 - The amount paid;
 - The date of issue; and
 - A description of the physical location of the grave.
- Any fees relating to a Reservation - Right of Burial must be paid in full before ownership of Right of Burial applies.
- In the event that reservations are cancelled by notification, through an application to relinquish a reserve (Application to Relinquish Reserve – FM-7-077), from the rightful owner, or their authorised representative, Council will pay 75% of the original fees paid.
- In the event that Council has conclusive proof that an owner of a right of burial will have no need for a plot, that plot may be transferred to another party with written approval from the rightful owner.

4.2.5 Rights Under Right of Burial

A holder of a Right of Burial has:

- An exclusive right to bury or inter human remains in the ground allotted; and
- The use of the monument beam provided by the cemetery (within the lawn sections) to erect a monument.
- A burial right holder may only use the ground allotted to bury human remains or inter cremated remains.
- The burial rights holder does not have the right to on-sell their allotted plot. If the plot is no longer required, the burial rights holder will need to complete the Application to Relinquish Reserve (FM-7-077) and submit to Council to surrender the reserved plot.

4.2.6 Refusal to Grant Right of Burial

Council may:

- Without giving any reason refuse to grant a Right of Burial to any person if, in the opinion of Council the grant would create a monopoly or encourage dealings in such Burial Rights as a business rather than as an affordable service to the public, or within the bounds of normal free trading (Note: the intention of this clause is to prevent anyone, or persons, purchasing bulk numbers of burial areas in order to 'corner the market'); or
- Limit the number of burial rights issued to a person.

4.2.7 Order for Burials and Cremations

a) Burials are not to take place unless the following forms have been completed and submitted for processing:

- Application for Interment/Placement (FM-7-073)
- Deceased Information Form (FM-7-074)
- Burial Contract Provisions (FM-7-775)

b) The Interment/Placement Application (FM-7-073) will be approved when:

- All details have been supplied;
- Fees have been received;
- Death certificate and/or Cremation Certificate has been provided; and
- All requirements under the Land Act 1994 and Regulations have been met.

c) Once approved Council will issue an acknowledgement to the Funeral Director/Funeral Holder.

d) Once all these requirements have been met, a Burial Specification Sheet (FM-7-093) will be completed and provided to the Cemetery Leading hand to action.

e) Burials shall be in accordance with the Land Act 1994 and Regulations.

4.2.8 Burial Plots

A grave must be covered unless a Funeral Director or Cemetery Staff Member is present at the grave site. A grave must be backfilled as soon as practicable on the same day as the interment.

4.2.9 Exhumation, Removal and Re-interment

A person must not cause, suffer or permit non-cremated human remains to be:

- Exhumed or removed from an interment site in the cemetery without the required consent. Prior to consent being considered the applicant is required to complete the following forms and submit for approval:
 - Application for Removal & Exhumation (FM-7-088)
 - Exhumation Request for Consent (FM-7-087)

Forms are still required to be completed where a Coroner has issued a warrant for the exhumation of human remains.

A person must not contravene or fail to comply with a condition of a consent under this clause.

4.2.10 Opening of Interment Sites

A person/s must not, without formal consent of the General Manager, open, or cause, suffer or permit the opening of an existing interment site in the cemetery for the purpose of interring additional human remains.

This consent is not required if:

- A Right of Burial has been issued over the grave site.
- Only cremated remains are interred at the site.

Note: When an interment site is opened, if unidentified human remains are found, Council shall take all measures to confirm identification of these remains - the grave is to be backfilled and the grave covered.

4.2.11 Compliance with Council Policies

A person must comply with the *Land Act 1994* and Regulations and these Council Policies where:

- They wish to inter a corpse in the cemetery;
- They wish to re-open an interred grave; or
- They wish to remove a body from the cemetery.

Every grave within the cemetery must be dug by an employee or contractor of Council or Cemetery.

4.2.12 Flowers and Ornaments - General

Flowers can be placed near graves/memorials. Fresh or limited artificial flowers are welcome tributes. These should be housed in the approved containers provided.

Visitors are encouraged to remove such items when they become unsightly, weathered or wither.

Floral tributes, both fresh and artificial, or other items that encroach on neighbouring memorials or graves will be removed without notice. Glass vases, jars or other non approved receptacles, ornaments, photo frames, candles, toys, solar lights, windmills and wind chimes etc are not permitted and will be removed.

The grounds will be kept neat and tidy by removing withered or weathered floral arrangements and any tributes deemed unsuitable or unsightly. This will be carried out at Council's discretion. Ornaments re-located by cemetery staff may be retrieved from the administration office building. The cemetery reserves the right to dispose of items two weeks after being removed. These items are not to be placed back on the grave or memorial.

4.3 OFFENCES

It is an offence to do any of the following within a cemetery:

- Damage, deface, interfere with, or alter burial places or monuments.
- Film or photograph within the cemetery for the purpose of commercial use. Prior approval must be sought from Council for filming of any kind.
- Bury, inter or exhume any human remains, whether cremated or not without written authority of Council.
- Enter or remain in a cemetery between sunset and sunrise unless by prior arrangement.

- Cause or permit an animal that is not under the person's control to enter or remain in a cemetery. Dogs to be kept on a leash at all times.
- Take part in any gathering, meeting or assembly, except for the purpose of religious or other ceremony or burial or commemoration.
- Engage in trade or commerce or other work without prior Council approval.
- Distribute any circular, advertisement, paper, drawn or photographic matter.
- Carry on a business or advertise the same.
- Erect a commercial sign.
- Drive a vehicle at a speed of more than 20 kilometres per hour.
- Drive a motor vehicle within the cemetery in a dangerous or careless manner of without reasonable consideration of others.
- Drive a vehicle or a vehicle and trailer having an unladen weight of more than (3) tonnes without the prior approval of the Regional Supervisor of Cemetery Operations.
- Drive a vehicle through a cemetery for the purpose of travelling between places outside of the cemetery.
- Drive or park a vehicle on any known burial place, verge or plantation or in a manner that is likely to impede traffic.
- Teach, learn or practice driving a vehicle.
- Camp or reside on any land.
- Possess or drink an alcoholic or intoxicating beverage.
- Urinate or defecate, other than in a public toilet.
- Discharge a firearm (except at a military funeral).
- Bring into or leave any garden waste, oil drums, rubbish, refuse, scrap metal, rock, soil, sand or any other such substances.
- Remove any dead timber, logs, trees, flora, whether standing or fallen.
- Kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced.
- Plant any tree, shrub, ground coverage or other plant in the ground or placement of an unsecured pot.
- Picking of flowers and plants within the cemetery is prohibited.

Note: Offenders may be prosecuted under the relevant Local, State or Federal Law.

Part of the reason for these prohibitions is to ensure that surrounding memorials/ structures and Council's assets are not damaged. If it is found that there is a breach of these prohibitions, and in particular, the weight of vehicles is exceeded, Council reserves the right to seek recovery for the cost of repairs necessary. These costs are to be recovered from the service provider or individual responsible for the work and Council is entitled to refuse entry into any of the Council cemeteries by that service provider until the cost of those repairs are recovered.

Council has the discretion to take any appropriate action in respect of offences which may include prosecution under the *Land Act 1994* and Regulations and in respect to cemetery service providers to refuse subsequent entry to its cemeteries until the matter is resolved to the satisfaction of Council.

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4.4 **MONUMENTS AND INSCRIPTIONS**

The Burial Right Holder or memorial applicant must maintain any memorial erected on a gravesite in a safe and aesthetically pleasing condition.

A person shall not, in a Council cemetery:

- 1) Make any inscription or carry out any adornment, unless it is approved in writing by Council and made or carried out to the standard required by Council.
- 2) Construct or install any monument (temporary or otherwise), memorial, foundation, vault, table, headstone, gravestone, or other structure, unless it is:
 - A material and design approved in writing by Council.
 - Carried out to the standard of workmanship required by Council and where appropriate has building certification.
 - Constructed in accordance with Australian Standards Association AS4204 'Monuments and Headstones' (1994).
 - Within the general sections of a cemetery - a maximum height of 1200mm from ground level - with the exception of vaults.
 - The maximum height of vaults or the monument on a vault is 1700 mm for a single height vault or 1900mm for a double height vault.
 - A vault that complies with design, construction, materials and components as specified in Australian Standard AS 4425 - 1996 Above Ground burial structures.
 - In accordance with any Technical Specifications - Headstones, Monuments, Vaults, Plaques, Photos and Vases as available.

Application for the approval of any monument or memorial shall be:

- Made in writing to Council on one or more of the following forms for approval:
 - Grave Conversion and/or approval to Erect on a Grave (FM-7-089)
 - Notice of Intent to Construct or Erect (FM-7-090)
 - Headstones, Plaques, Monuments & Vaults (FM-7-091)
- Accompanied by sketches, drawings to scale and other particulars of the design that may be required by Council.
- Where the application relates to an inscription, be accompanied by a copy of the proposed inscription wording.
- Council may issue approval to undertake monumental work to any person it considers to be suitably qualified to undertake such work.
- A monumental mason must provide proof annually that they have current public liability insurance.
- Any person may apply to work as a monumental mason in a cemetery, provided the application is in writing.
- Monumental masons or tradespeople must repair all damage they may cause while working to the satisfaction of Council.
- Council may suspend or cancel approval of any person undertaking monumental work by giving notice in writing.
- All relevant fees are to be paid.

Council may refuse any design for a monument as it may determine. Standard monument / plaque configurations for each Cemetery are set out in the table below:

Table 1: Council Standard Memorial Specifications		
Location	Size	Material
Bundaberg and Childers Lawn Section 1	450Wx450Hx72 min-75max in thickness	<ul style="list-style-type: none"> Granite - Etched or Traditional V-sunk lettering As an alternative to the above a Bronze plaque or Etched Safety Glass plaque may be recessed into the granite.
Bundaberg Childrens Lawn	300Wx380Hx60	<ul style="list-style-type: none"> Granite - Etched or Traditional V-sunk lettering As an alternative to the above a Bronze plaque or Etched Safety Glass plaque may be recessed into the granite.
Bundaberg Rose Garden	400Wx200Hx20	<ul style="list-style-type: none"> Granite - Etched or Traditional V-sunk lettering As an alternative to the above a Bronze plaque or Etched Safety Glass plaque may be recessed into the granite.
Bundaberg Memorial Walls	Various Sizing dependant on site maximum size 380Wx280H	Bronze
Bundaberg Ashes Gardens	Various Sizing dependant on site maximum size 380Wx280H	Bronze

Table 1: Council Standard Memorial Specifications		
Location	Size	Material
Bundaberg General Vault Area	Single vault1200W x 2700L x 1700H Single height & double width vault3000W x 2700L X 1700H Double height vault1200W x 2700L x 1900H	Granite
Childers Lawn Section 2	450Wx450Lx 50mm at front rising to 120 at rear	<ul style="list-style-type: none"> Granite - Etched or Traditional V-sunk lettering As an alternative to the above a Bronze plaque or Etched Safety Glass plaque may be recessed into the granite.
Childers Memorial Wall 1 and Gin Gin Memorial Wall 1	165Wx229H	Bronze
Childers Memorial Wall 2 and Gin Gin Memorial Wall 2	Single Niche180Wx 229H, Double Niche Back Plate 180Wx450H Det Plate150Wx190H	Bronze
Apple Tree Creek General Vault Area	Single vault1200W x 2700L x 1700H Single height & double width vault3000W x 2700L X 1700H Double height vault1200W x 2700L x 1900H	Granite

Table 1: Council Standard Memorial Specifications		
Location	Size	Material
Gin Gin Lawn	600W x500Lx50mm at front rising to 120 at rear	<ul style="list-style-type: none"> Granite - Etched or Traditional V-sunk lettering As an alternative to the above a Bronze plaque or Etched Safety Glass plaque may be recessed into the granite.
Gin Gin Ashes Gardens <ul style="list-style-type: none"> Outer Garden Inner Garden 	<ul style="list-style-type: none"> 400Wx200Hmax 180Wx180H min 380Wx280Hmax 	<ul style="list-style-type: none"> Granite or Bronze Plaque affixed to concrete plinth Bronze plaque affixed to Granite Rock.
Return Service Sections	410Wx350Hx380Wx280H	Granite or Concrete Desk Bronze Plaque

No trade inscription shall be allowed on any masonry work unless approved, in writing, by Council. Additional Information:

- Lawn Headstones Apple Tree Creek Lawn Section, Bundaberg Lawn Sections and Childers Lawn Section 1 are erected upright and are attached to the concrete beam with copper dowel 13mm diameter . A full face or second inscription headstone must be a solid stainless steel dowel 10mm diameter. Dowel is a minimum of 120mm length = 60mm into headstone and 60mm into beam.
- Lawn Headstones Gin Gin and Childers Lawn Section 2 are sloping granite desks which are placed and adhered into the recessed section on the beam. Minimal adhesion for first inscription is used to allow for removal for second inscription.
- The sizing of all memorials in any location and manufactured of any material are subject to approval by the Regional Supervisor Cemeteries Operations. Table 1 is a guide and is subject to change.

4.4.1 Removal Of Structures, Inscriptions And Adornments

Council may:

- Remove, demolish, alter or require the removal, demolition or alteration of any structure, inscription and adornment ; or

- Erase, correct, or require the erasure or correction of wording of any inscription that has been constructed, installed, made or carried out without the written consent of the Council or otherwise than in accordance with an approval given by Council.
- Where any work that has been approved, is not completed within a reasonable time Council may remove or demolish such partially finished work as it deems necessary to preserve sanctity and the fabric of the cemetery and public safety.

4.4.2 Maintenance of Structures

The ownership of monuments or other structures is deemed to be with the Burial Right Holder or if there is no Burial Right Holder, the person or persons who caused the monument or structure to be constructed.

- Council shall not be responsible for the upkeep, maintenance, repair etc of any monument or structure.
- The Burial Right Holder (or applicant) is responsible for the upkeep, maintenance and repair of the monument.
- Council may act to remove, alter or require the removal, demolition or alteration of any structure or adornment which has become dilapidated or unsightly.
- No cleaning agents, solvents, etc cause any detrimental effect to the memorial plaque/headstone/monument, concrete surrounds, neighbouring memorials or grassed areas.
- The memorial plaque/headstone/monument has been in good order when received from the supplier and installed. It is reasonable to expect that any concerns are reported to Council within 60 days of the installation being complete.
- Where any work has commenced and is not completed within a reasonable time (normally four weeks where there has not been an excess of poor weather) Council shall issue a written notice seeking completion of works within eight weeks. Where this notification is not complied with, Council may remove or demolish such partially finished work as it deems necessary to preserve the appearance of the cemetery and public safety.
- Cut or artificial flowers are to be placed in vases approved by Council which excludes those made of glass or similar breakable material.

Council may remove any trees, shrubs or other vegetation from any gravesite or part of the cemetery where, in it's opinion is in the interest of the cemetery to do so.

4.4.3 Removal and Replacement of Structures On Request

Where notice to open a grave for a lawful purpose is given, Council may authorise the removal of any part of the structure to enable the safe opening of the grave.

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The responsibility for the removal of any monuments or memorial for the purposes of lawfully opening a grave site will be the responsibility of the Burial Right Holder or if no Burial Right Holder exists, the person or persons applying for the deceased's interment.

4.4.4 Unsafe Monuments

Any monument identified as posing a safety risk will be accorded a category ranking:

Category 1

Monuments over 1.75 metres in height that:

- Are likely to collapse or fall over at any time
- Have significant sections or parts separating from the main monument irrespective of cause (subsidence, deterioration etc).

Repair of monuments

- The area surrounding the monument is to be immediately secured with barriers and danger signs.
- Council will make reasonable efforts to contact the burial right holder or family representative and instruct same to take immediate steps to repair the monument.
- If contact has not been made with the "burial right holder" or family representative within 14 days, Council will take steps to make the monument safe.

Note: Making the monument safe will (usually) consist of laying the headstone down on a sound base of the grave.

Category 2

Monuments 1.75 metres or less in height that:

- Are likely to collapse or fall over at any time
- Have significant sections or parts separating from the main monument irrespective of cause (subsidence, deterioration etc).

Repair of monuments

- The area surrounding the monument is to be immediately secured with barriers and danger signs.
- Council will make reasonable efforts to contact the burial right holder or family representative and instruct same to take immediate steps to repair the monument.
- If contact has not been made with the "burial right holder" or family representative within 28 days, Council will take steps to make the monument safe.

Category 3

The following will apply to monuments that are affected by subsidence and are leaning by more than 10 degrees, but are otherwise deemed to be in sound condition.

Identification and Reporting

- Any identification of unsafe monuments and consequent actions under this clause will be thoroughly documented and supported with photographs. All actions will be recorded on file and against the respective cemetery register entry.

Subsidence

- Where subsidence is evident, Council will fill and compact the ground in the normal manner.

Repair of Monument

- Council will not repair monuments and will only act to ensure public safety.
- Council will make reasonable efforts to contact the burial right holder or family representative and instruct same to take immediate steps to repair the monument.
- Council will continue to monitor the site until such time as the monument is identified as Category 1 or Category 2. The appropriate procedure will then be activated.
- Council reserves the right to remove the monument for safety reasons.

4.4.5 Lawn Section

In addition to the items covered in Section 4.4.12:

- Monument to be installed within 6 months of the burial.

4.4.6 Garden Section

In addition to the items covered in Section 4.2.12:

- Only cut flowers are left at ashes placements in the only cut flowers are left at ashes placements in the Garden Section and are placed in vases of a type approved by Council that are not made of glass or other breakable material.

4.4.7 General / Monumental Sections

In addition to the items covered in Section 4.2.12:

- Timing for the erection of monuments is left to the discretion of the Monumental Mason. The Mason needs to ensure that appropriate soil bearing capacity is established for the construction of a sound foundation prior to the installation of the monument. It is recommended that no construction be undertaken within six (6) months of the burial. This is to allow for subsidence.

4.4.8 Memorial Walls

Council will ensure that:

- Council maintains, preserves, and repairs walls.
- Only cut or artificial flowers of suitable size are left in attachments on Memorial walls.
- No attachment, structure or other structure is to be erected or constructed on a Memorial wall other than by permission of Council at its absolute discretion. Refer Table 1.
- Only one individual's ashes remains shall be contained in a single niche, two persons remains can be contained in a double niche.
- Removal of ash remains for relocation shall only be subject to approval by Council after written application (Application for Removal & Exhumation - FM-7-088) and when all legal obligations have been complied with.
- Where removal of ashes is approved, the applicant must pay all fees and charges as listed, along with the cost of repair for any damage to the structure resulting from the removal of ashes and plaques.

Council shall permit a memorial plaque over each niche in the Memorial Wall.

The Burial Right Holder shall ensure that:

- The design and type of plaque is consistent with the reasonable requirements determined by Council in the table provided previously. Refer Table1.
- Council will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a Memorial wall.

4.5 CONSERVATION AND HERITAGE

Council recognises that burial grounds and cemeteries are places of significance to the community by virtue of their architectural, botanical, social or genealogical significant, and will provide reasonable assistance to community groups and interested parties who seek to promote or research cemetery issues.

4.6 CLOSED CEMETERIES

No further burials will be allowed in cemeteries within the Bundaberg Regional Council area which have been closed, except in accordance with the guidelines.

5.0 CONTROLS

Currently controls are imposed by the Land Act 1994 and Subordinate Local Laws - SLL1.9 - Operation of Cemeteries. Should there be any legislative changes in the future in relation to the Land Act or Local Laws, Council reserves the right to make alterations to this Policy and associated procedures which may apply.

6.0 EFFECTIVE FROM

The Cemetery Management Policy was adopted by Council on 11 October 2016.

This Policy is effective from 11 October 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Land Act 1994

Land Regulation 2009

Subordinate Local Laws - SLL1.9 - Operation of Cemeteries

AS 4204-1994: Headstones and cemetery monuments

FM-7-074 Cemetery Deceased Information Form

FM-7-075 Cemetery Application to Reserve Grave/Niche/Garden Placement

FM-7-077 Cemetery Application to Relinquish Reserve

FM-7-088 Cemetery Application for Removal and Exhumation

FM-7-089 Cemetery Grave Conversion and/or Application to Erect on a Grave

FM-7-090 Cemetery Notice of Intent to Construct or Erect

FM-7-091 Cemetery Application for Headstones, Plaques, Monumentals and Vaults

FM-7-093 Cemetery Burial Specification Sheet

FM-7-775 Cemetery Burial Contract Provisions

FM-7-073 Cemetery Application for Interment or Placement

RG-7-002 2016/2017 Fees and Charges Register

FM-7-087 Cemetery Exhumation Request for Consent

Bundaberg Regional Council
Community & Environment
Issue Date:
Review Date: 23-06-2017

Commemorative Plaques and Memorials Policy

GP-3-019

Rev. 3 (Draft)

1.0 INTENT

To provide guidelines for the approval, construction, placement and maintenance of commemorative plaques and memorials throughout the Bundaberg Regional Council area.

2.0 SCOPE

This Policy applies to all areas under the control of Council.

3.0 POLICY OBJECTIVES

To ensure that commemorative plaques and memorials are approved to a standard size, format and location for the Region. This Policy will allow for the installation of plinths and the placement of plaques on particular items of park furniture.

4.0 POLICY

4.1 Application form to be submitted to Council detailing the reasons for the request to install a commemorative plaque, bench or table setting and wording for plaque.

4.2 Commemorative plaques are to recognise community groups or donations by community groups only, or as directed by Council.

4.3 Memorial seating or table settings can be utilised to recognise individuals.

4.4 Plaques are supplied by Council to conform to the correct dimensions applicable to the design construction standard and materials as specified hereunder by Council.

4.4.1 For plinths, the minimum plaque size of 100mm x 100mm and maximum plaque size of 300mm x 300mm.

4.4.2 Plaques and plinths will be supplied by Council at cost to the applicant.

4.4.3 Plaques on bench seats or table settings with bench seats are attached to the back of the bench seat.

Plaque size cannot exceed 180mm x 180mm in size.

4.5 The plaque shall be kept in good condition to the satisfaction of Council. Responsibility for maintenance of plaque shall remain with the applicant for a period of 10 years, after which time repairs are at the expense of the applicant and the memorial may be moved or removed.

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- 4.6** The application must nominate the desired site for the plaque or memorial, however, the location of the approved site will be at Council's discretion.
- 4.7** Plaques and memorials may be relocated to another site at a later date if necessary due to redevelopment or other unforeseen circumstances. The applicant will be notified of Council's intention to relocate the plaque and memorial and be given the opportunity to nominate a secondary site, however the location of the new site will be at Council's discretion.
- 4.8** Plaques and memorials are not in perpetuity.
- 4.9** Only one plaque shall be awarded per organisation or individual per location with new commemorative plaques for recurring events to replace old or existing plaques.
- 4.10** For memorials to deceased individuals, a Deceased Information Form (FM-7-074) must be submitted with the Application for Commemorative Plaque or Memorial (FM-7-397).
- 4.11** Council does not accept responsibility for allowing the installation of a plaque or memorial that, at a later date, incurs a dispute between relatives or the community.

5.0 CONTROLS

Not applicable.

6.0 EFFECTIVE FROM

The Commemorative Plaques and Memorials Policy was adopted by Council on 11 October 2016.

This Policy is effective from 11 October 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

FM-7-397 Application for Commemorative Plaque or Memorial

FM-7-074 Cemetery Deceased Information Form

Bundaberg Regional Council
Community & Environment
Issue Date:
Review Date: 06-07-2016

Eat Safe Bundaberg Region Policy

GP-3-120

Rev. 3 (Draft)

1.0 INTENT

The purpose of this document is to provide an overarching policy document for Council's implementation of *Eat Safe Bundaberg Region*, the food safety rating scheme that issues food businesses within the Bundaberg Regional Council area a food safety rating based on an assessment undertaken by a Council officer authorised under the *Food Act 2006*.

2.0 SCOPE

This Policy applies to all employees, contractors and operators of premises licensed as a food business under the *Food Act 2006*.

3.0 POLICY OBJECTIVES

The objective of the policy is to ensure that the Eat Safe Bundaberg Region food safety star rating scheme is implemented and carried out consistently.

4.0 POLICY

4.1 Eat Safe Bundaberg Region — The scheme

Food safety risks can be managed and mitigated with good food hygiene practices and documented procedures that are followed. Food business operators are also expected to be able to demonstrate the management of food safety risks to Council at any time.

The *Eat Safe Bundaberg Region* scheme will see all licensed food businesses [excluding Mobile Food Businesses, Category 1 (minor operations e.g. water carriers) and Category 4 (restricted premises)] within the Bundaberg Region issued with a food safety 'rating' based on an assessment conducted by Council under the *Food Act 2006* and incorporating industry best practice. Incentives of the voluntary scheme include a reduction in annual fees for top performers and the marketing and promotion of good operators. The scheme is scheduled to commence on 1 July 2014.

For Council, *Eat Safe Bundaberg Region* will improve the way Council currently undertakes food audits by enabling Council to strongly target poor performers who fail to maintain adequate standards in food safety. Public health standards will be enhanced across the region by managing resources and ensuring that Council balances the various components of the regulatory framework to bring about a more holistic and inclusive response to enforcement and regulation.

4.2 Participation in *Eat Safe Bundaberg Region*

Currently Council conducts routine audits of licensed food premises under the *Food Act 2006*. *Eat Safe Bundaberg Region* will see every licensed food business

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(excluding water carriers and Category 4: restricted premises), that has its annual fees paid up-to-date, issued with a food safety rating as a result of the food safety standards and good management practices such as document control, observed at the time of audit. Businesses rating of 3 or more stars (*refer to Table 1 below for descriptions of the star ratings*) will be able to elect to display the rating issued. The display of the rating at the food business will also indicate when the rating was issued.

The scheme will increase the profile of participating businesses by publishing results and business details on Council's website. It will also provide transparency in the audit process and reward those participating businesses that exceed minimum standards for food safety and reducing the regulatory burden on top performers.

4.2.1 Businesses Excluded From Eat Safe

Selected businesses will, by default, not be provided with a Eat Safe rating due to their itinerate nature, complexity in ensuring a thorough and timely inspection and a general lack of demand by businesses and the community for these kinds of licenses to participate in the program.

Note: Council may consider any written request to include a particular exempted business into the program should they strongly wish to participate.

The following lists the businesses types and categories excluded from the Eat Safe Scheme:

- All Mobile Food Vans—#only 1 business has taken part in the program since the introduction of Eat Safe on the 1 July 2014 until 31 March 2015. Many vans are inspected at events where, due to crowds and #time constraints, officers are unable to thoroughly assess records and interview personnel to obtain an adequate rating. Many vans use their license across Queensland and only attend 1 event in the region a year making it further difficult to arrange for a inspect.
- Category 1 — businesses have been excluded from the scheme as they only handle, prepare, package or serve minimal amounts of food. Examples are#Domestic Water Carrier, Child Care Centre who only cut fruit. Since the introduction of Eat Safe on the 1 July 2014 until 31 March 2015 only 7 businesses have taken apart in the program.
- Category 4 — restricted premises only prepare minimal non-potentially hazardous foods from domestic kitchens and pay a reduced fee, therefore they too are excluded from the Scheme.
- All Temporary Food Stalls — can be categorised as an Category 5 (Event Only License), Category 7 (Primary Produce Event Only) or Category 1. They will not be included in the Scheme as like Mobile Vans, they are difficult to inspect and only operate at limited times of the year.

4.3 Performance

4.3.1 Ratings

The rating will be shown in the number of stars and follow the below description:

☆☆☆☆☆	Excellent performer – Fully compliant with the Food Safety Standards and overall very high standard of food safety management <u>practices</u> .
☆☆☆☆	Very good performer – High standard of compliance with the Food Safety Standards and overall good standard of food safety management <u>practices</u> .
☆☆☆	Good performer – Good level of compliance with the Food Safety Standards and overall acceptable standard of food safety management <u>practices</u> .
☆☆	Poor performer – Low level of compliance with the Food Safety Standards with more effort required.
0 Stars	Non-compliant performer – A general failure to comply with the Food Safety Standards with major effort required to rectify issues.

Table 1 – Eat Safe Bundaberg Region Rating System

Food safety ratings or stars are determined from the findings during the food safety audit using the Food Safety Audit Proforma to record the food business's practices and procedures in handling and preparing food. Any non-compliance issues noted are documented and the final results calculated to give the food business a star rating.

This Proforma document has two separate elements:

- *Section A – Compliance Details* (food safety requirements outlined in the *Food Act 2006* and the *Food Safety Standards*); and
- *Section B – Good Management Practices* (a list of management documents that premises are able to use that identify and control food safety hazards in the handling of food).

These documents are an extension of food safety requirements and exist as best practice guidelines for food premises.

Scores from both *Section A* and *Section B* are added together to calculate the overall star rating. To be eligible to participate in the display of the star rating, food businesses must achieve and maintain a minimum of three stars. Food businesses identified as having major non-compliance or critical issues will be unable to participate in *Eat Safe Bundaberg Region* due to the potential risk they pose to the public.

Major non-compliance includes very unclean premises, no hand washing facilities, and/or poor personal hygiene. Critical non-compliances will be attributed to those instances that pose the highest risk (e.g. temperature control of food, potential food contamination) to producing safe food. Non-compliances identified in Section A may result in enforcement action being

taken by Council against the operators of that particular food premises. The rating received after a primary audit will remain in effect until the next primary audit unless it is overturned by an *audit review* or superseded by a reassessment audit (Please refer to Section 5. Review and Reassessment Process for further information). Businesses with a rating of 0 or 2 stars will only be able to progress to a 3 star rating at their next primary audit.

This is due to the primary audit frequency and the importance of low performers being inspected and audited regularly to ensure they are maintaining minimum food hygiene standards. It is important to note, that those businesses that progress through a number of ratings after one audit (for example, 0 stars to 3 stars) may be subject to a higher frequency of audits to ensure that the standards are maintained.

4.3.2 Poor Performers

From a regulatory perspective, food businesses are assessed not only against legislation, but also the businesses efforts to apply best practice approaches and efforts made to mitigate any risks to public safety that may be present. Food businesses that are identified as poor performers during the audit process (i.e. those that score a 2 or 0 star rating) will face appropriate enforcement action from Council and also be unable to partake in the marketing and promotional component of *Eat Safe Bundaberg Region*.

It is important to note that there are some businesses that score a 2 star rating may be able to continue operating. This is because they are taking appropriate steps to remedy any food safety risks and the non-compliance identified is not considered critical in nature. These businesses deemed suitable to continue operating will be met with a higher frequency of primary audits to ensure they have addressed any non-compliances and maintain acceptable standards.

A business that scores a 0 or 2 star rating will face the appropriate enforcement action from Council to sufficiently reduce the risks to public health that have been identified. This may include the issuing of notices, fines and in serious cases, immediate suspension or cancellation of licences or prosecution. In relation to businesses that score a 2 or 0 star rating, any enforcement action taken by Council should be proportionate to the offence and also take into consideration the efforts made by the licence holder to comply with the minimum standards relating to food safety.

4.4 Food Safety Primary audits

4.4.1 The Audit Process – Primary audit

Primary audits will be conducted depending on the rating achieved (*Please refer to Table 2 – Timeframes of Primary Audits*). That is, food businesses that achieve a high star rating will experience a reduced primary audit regime while those poor performers will be subject to more frequent primary audits to ensure compliance with minimum standards for food safety.

A primary audit is a routine examination of the operations of a food business against the *Eat Safe Bundaberg Region's* assessment criteria to determine

the rating of a food business. Evidence of food safety performance is collected through visual inspections, discussions with staff, examination of documentation, and observations of business activities.

Timeframes for Primary Audits	
5 Stars	At least every 24 months
4 Stars	At least every 18 months
3 Stars	At least every 12 months
2 Stars	At least every 9 months
0 Stars	At least every 6 months

Table 2 – Timeframes for Primary Audits

Any necessary requirements or recommendations for improvements in food safety practices will be documented and provided to the operator in an inspection report, with clarification provided around any issues or findings to ensure that risks or non-compliances are rectified within the timeframes set. Further enforcement action may be taken if it is identified that a business does not take the appropriate remedial action in the time specified. Council may also conduct subsequent, unannounced audits, with additional audits potentially arising through complaints received by Council or targeted compliance surveys undertaken.

4.4.2 Self Auditing

To help ensure compliance levels are maintained, food businesses that score a rating of 4 or 5 stars will be asked to perform self-audits. When Council receives a self-audit from a food business, an authorised officer will check that they satisfy the appropriate criteria to continue operating under the existing star rating. A self-audit process will be developed by Council

4.5 Review and Reassessment Process

A key component of *Eat Safe Bundaberg Region* is the review and reassessment process relating to rating decisions. This formal process will enable licensees of participating food businesses to formally request Council to review the primary audit and rating with an assurance from Council that their request will be handled in a consistent and equitable manner.

4.5.1 The Audit Review

An audit review is a formal process where, at the request of the business, a rating can be re-examined. The application for an audit review must be made within five working days from the date the licensee became aware of the primary audit result.

When determining whether an audit review is appropriate, Council will consider a number of factors. It will be required that sufficient evidence

supporting the review be provided as well as details of improvements that may have been implemented since the audit was undertaken.

The audit review, a desktop assessment, will be undertaken by a more senior officer than the original auditor and can either – confirm the original rating, require a reassessment audit be undertaken (at no cost to the applicant) or substitute another rating for the original. While the review process is taking place, the original rating decision will apply until a review decision has been reached. If an audit review is deemed appropriate, it will be undertaken at no cost to the requesting food business operator.

4.5.2 The Reassessment Audit

Licensees will be able to apply for a reassessment audit by paying a set fee, which can be taken earlier than the dates set out in the primary audit schedule. This provides an incentive for licensees who will have the opportunity to improve their star rating earlier than scheduled.

Reassessment audits will be presented to licensees on full implementation of *Eat Safe Bundaberg Region* from 1 July 2014 and are available to be conducted three (3) months after a rating is issued. It is important to note that businesses with a rating of 0 or 2 stars will only be able to progress to a 3 star rating after a reassessment audit is undertaken.

4.6 Fee Structure

The broad principle underpinning the scheme is that incentives should be provided for good operators, that is, those achieving high results from the audits conducted. These incentives will include a percentage reduction in fees. Furthermore, poor performers will face disincentives such as proportionally higher fees for lower ratings.

The licence fee will be aligned with the rating awarded to the business. The lower fee (attributed to higher performing food businesses) is a direct result of the fewer audits being required whereas a lower rating will trigger a higher frequency of audits. In particular, the renewal fee attributed to a specific premises will be based on the lowest grade assigned to a premises during the 12 month renewal period. This approach was adopted to cater for the subsequent inspections required to follow up previously identified non-compliances and will also work in instances where the food premises improves in rating (i.e. 3 to a 5 star rating). It is also important to note that as the number of businesses within each star rating will vary from year to year, the fee model must be flexible enough to manage this change.

4.7 Education Campaign and Communication Strategy

Working in collaboration with key industry stakeholders, promotion of the scheme will take place through the marketing campaign developed. The campaign will focus on targeting industry (food businesses) and the general public (consumers), with key messages focused on:

- Food Businesses (approx 500 food businesses)
 - General information about scheme, participation and benefits/incentives to them.

- Specific information about food rating and how they can improve their rating
- Fee structure
- Appeals Process
- Consumers
 - General information about the scheme and what the information means
 - How to access the information

4.8 Display of information

Those businesses awarded a rating of 3 stars or above will be eligible to enter the scheme and rewarded with free publicity and promotion by Council by displaying their rating and food business' profile details to the community via Council's website. This profile will be a detailed description of the food business and include the star rating, address, and contact details. They will also receive various marketing material (stickers, certificate) with their awarded rating to display at their premises. Those operators of food businesses that achieve 3 star rating or more but do not wish to participate in the scheme, will only have their trading details (name, location, and contact details) displayed on the website. Similarly, only the trading details will be shown for businesses awarded a 2 star rating.

4.9 Privacy implications

With the introduction of *Eat Safe Bundaberg Region*, food businesses that score a rating of 3 or higher and choose to participate in the display component of the scheme will be able to have their rating published on the Bundaberg Regional Council website. Those businesses that score a 2 star rating or below, or choose not to participate in the scheme, will only have minimal information available from the website and also not be provided with marketing materials to display their rating.

Council may review enquiries regarding the food rating of various businesses. All information collected will be managed in accordance with the *Information Privacy act 2009* and the *Right to Information Act 2009*. It is pointed out that relevant information is collected pursuant to the *Food Act 2005* and this Act, at section 272, has a provision relating to 'Confidentiality of Information'.

The release of information may be considered as supporting a purpose of the Food Act, "To ensure food for sale is safe and suitable for human consumption".

Accordingly participants may expect that an enquiry of the star ratings of premises be made available to the public.

4.10 Ceasing to display a rating

A licensee may choose to cease the display of their rating at any time. Council will request confirmation in writing and will remove the rating and detailed information from the website relating to that food premises within 10 business days of notification.

4.11 Change of ownership

If a food premises that was participating in the scheme changes ownership, this will trigger a primary audit to occur. After this audit, a new rating will be assigned and

the new operator informed of it and provided with an agreement form to participate in the scheme, as per the audit process. The rating assigned to a particular food business is not transferable.

5.0 CONTROLS

Council's Environmental Health Services will maintain a register and website of all licensed food businesses under the *Food Act 2006*.

6.0 EFFECTIVE FROM

The Eat Safe Bundaberg Region Policy was adopted by Council on 11 October 2016.

This Policy is effective from 11 October 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

MD-7-477 Eat Safe Proforma Audit Guidelines

MD-7-478 Operational Guideline - Display of Eat Safe Bundaberg Region Star Ratings

PD-7-371 Procedure - Business not listed on Eat Safe Bundaberg Region Website

PD-7-372 Procedure - Distribution of Eat Safe Bundaberg Region display materials

PD-7-370 Procedure - Eat Safe Bundaberg Region Audit Review Application

PD-7-364 Procedure - Eat Safe Bundaberg Region Star Rating and Display Materials Complaints

PD-7-369 Procedure - Incorrect Business Information on Eat Safe Website

PD-7-373 Procedure - Request for additional Eat Safe Bundaberg Region display materials

CK-4-171 Eat Safe - Audit Review

FM-7-695 Eat Safe - Food Business Audit Review Request

FM-7-702 Eat Safe - Agreement to Display Food Safety Rating

FM-7-696 Eat Safe - Food Business Reassessment Audit Request

FM-7-697 Eat Safe - Self Audit

XD-8-138 Eat Safe Bundaberg Guide

XD-8-139 Eat Safe Bundaberg - Self Auditing

XD-8-140 Eat Safe Bundaberg - Templates for Food Businesses

Food Act 2006

Bundaberg Regional Council
 Organisational Services
 Issue Date:
 Review Date: 19-01-2017

Employee Code of Conduct

GP-3-031

Rev. 6 (Draft)

1.0 INTENT

A Code of Conduct is a set of standards and behaviours related to the way we do our work. It puts a responsibility on each of us to use sound judgement while at work.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us. Nothing in this Code interferes with your rights as a private citizen or a ratepayer.

The Code does not cover every situation. However, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations it does not cover. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your colleagues and Council.

2.0 SCOPE

All Council employees, (regardless of their employment status or position) must be familiar with and follow the spirit and content of the Code of Conduct. The Code also applies to contractors and volunteers.

The Code is concerned with our conduct and behaviour as Public Officials:

- 1) As individuals at work.
- 2) Outside the workplace where particular behaviour may be directly related to our employment and Council activities.
- 3) In other circumstances where our actions may impact on the reputation and activities of Council such as social media.

3.0 POLICY OBJECTIVES

Council conducts its business with integrity, honesty and fairness and complies with all relevant laws, regulations, codes and corporate standards. Everyone working for Council must follow the highest standards of behaviour when dealing with customers and each other. Our Supervisors must encourage a culture where ethical conduct is recognised, valued and followed at all levels. Council actively supports its employees to:

- 1) Work safely.
- 2) Be customer focused.
- 3) Use technology and assets effectively.
- 4) Adapt to changes.
- 5) Improve their capabilities.
- 6) Contribute to Council's Community, Corporate and Operational Plans.

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4.0 POLICY

4.1 Legislative Principles and Corporate Values

The *Public Sector Ethics Act 1994* identifies four ethics principles fundamental to good public administration that guide our behaviour as Public Officials. The four principles are:

- 1) integrity and impartiality;
- 2) promoting the public good;
- 3) commitment to the system of government; and
- 4) accountability and transparency.

The *Local Government Act 2009* requires Council's actions to be consistent with the following local government principles:

- i) Transparent and effective processes and decision making in the public interest.
- ii) Sustainable development and management of assets and infrastructure and delivery of effective services.
- iii) Democratic representation, social inclusion and meaningful community engagement
- iv) Good governance of and by local government.
- v) Ethical and legal behaviour of Councillors and local government employees.

These legislated principles, together with Council's corporate values, form the basis of this Code. They apply to all employees and guide our thinking, actions and decision-making.

Our corporate values are:

- i) Honesty and integrity.
- ii) Respect and tolerance.
- iii) Accountability and transparency.
- iv) Open communication.
- v) Trust and empathy.
- vi) Common sense.

4.2 Integrity and Impartiality

Section 6 of the *Public Sector Ethics Act 1994* states:

"In recognition that public office involves public trust, public service agencies, public sector entities and public officials seek to promote public confidence in the integrity of public sector and:

- a) *are committed to the highest ethical standards; and*
- b) *accept and value their duty to provide advice which is objective; and independent, apolitical and impartial; and*
- c) *show respect towards all persons, including employees, elected representatives and the general public; and*

- d) *acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and*
- e) *are committed to honest, fair and respectful engagement with the community."*

4.2.1 Conflict of Interest

When making decisions, you must declare any real or apparent conflict of interest that could affect your objectivity when carrying out your duties.

A conflict of interest:

- i) Involves a conflict between your official duties and responsibilities in serving the public interest and your private interests.
- ii) Can arise from avoiding personal losses as well as gaining potential personal advantage whether financial or otherwise to yourself, relatives and friends.

If you believe you have a conflict of interest, whether real or perceived, inform your Supervisor promptly. Until the matter is resolved, make sure you are not part of any decision-making processes related to the matter.

Where required by Chapter 8, Part 5 of the *Local Government Regulation 2012* you may be required to supply details of interests to the Chief Executive Officer or Mayor to be included in a Register of Interests and ensure particulars contained in the Register remain correct.

4.2.2 Influences on decision-making

You must not improperly influence any person to try to obtain any advantage or favours. All decisions need to be, and be seen to be, fair and transparent. This can be achieved in a number of ways, including clear record-keeping and showing how decisions are made.

You must:

- i) Ensure that any contacts with lobbyists complies with the *Integrity Act 2009*.
- ii) Not misrepresent your qualifications, experience, or expertise in any recruitment and selection process.
- iii) Not use your position within Council to influence other government agencies to make a decision in your favour on a personal issue.

4.2.3 Accepting gifts and benefits

Occasionally you could be offered gifts or benefits from people with whom you do business.

Under Section 199 of the *Local Government Act 2009*, it is an offence for an employee to ask for, or accept, a fee or other benefit for doing something as a local government employee. However, this does not apply to remuneration by Council or a benefit that has a nominal value.

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The acceptance of gifts or benefits of a nominal value may be permitted in limited circumstances, however as a rule you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a real, potential or perceived Conflict of Interest or be seen to be receiving a bribe.

The test to apply is whether you could be (not whether you are) influenced by your private interests in carrying out your official duties, or whether people are likely to believe that you could be influenced. For example, ask yourself if accepting the gift or benefit could suggest that the giver may or would receive favourable treatment. All employees who receive a gift or benefit above a nominal benefit of \$100 should advise their Supervisor.

Where required by Chapter 8, Part 5 of the *Local Government Regulation 2012*, senior staff (including the Chief Executive Officer and Councillors) must ensure that gifts are recorded in their Register of Interests.

4.2.4 Employment Outside Council

You need to obtain approval before you perform paid work outside Council, by advising your Supervisor in writing. If you perform paid work outside of Council, you will need to satisfy Council that:

- i) No conflict of interest exists or develops between your private employment and official duties.
- ii) Your private employment does not reduce the performance of your duties, including from a safety or fatigue management perspective.
- iii) Your private employment does not involve the use of Council resources (physical, technological or intellectual).
- iv) Under Section 198 of the *Local Government Act 2009*, if you seek to be employed by more than 1 local government at the same time, the approval of each local government is required.

4.2.5 Public Comments on Council Business

As a general rule, Councillors comment publicly on Council business. Council business can be topical, sensitive and controversial.

Staff communications with the media are subject to the following protocol:

- i) The Chief Executive Officer is the only staff member authorised to make comment to the media.
- ii) Subject to (a) above, other employees may make comment to the media if the authority is delegated by the Chief Executive Officer.

You must also ensure that to the extent that you collect, handle or give access to personal information, you comply with the Privacy Principles outlined in the *Information Privacy Act 2009*.

4.2.6 Advice given to Elected Officials

Councillors may ask local government employees for advice for the purpose of assisting the Councillor to carry out their responsibilities under the *Local Government Act 2009*.

Employees have a responsibility to provide relevant advice as requested by a Councillor and must ensure that it is thorough, responsive, objective, independent, apolitical and impartial. Where an employee believes that a request by a Councillor is not in accordance with the Councillor Access to Information Policy (GP-3-012), they must discuss this with their General Manager.

4.2.7 External Activities

Council supports and is committed to ensuring staff are free to engage in a trade union, party-political, professional, interest group or a charity activity of their choosing.

However you must ensure that your participation in such activities does not:

- i) Cause a Conflict of Interest.
- ii) Unduly restricts the performance of your duties with Council.
- iii) Intrude on Council's confidence in you to give objective, independent, apolitical and impartial advice.
- iv) Involve taking part in political affairs whilst on duty.
- v) Use Council IT systems including internet, email or workplaces for political messages or circulating defamatory or disparaging remarks against individuals, groups or Council itself.

If you comment publicly in connection with external activities, you must make a clear distinction between your opinion as a member of the external organisation and your opinion as a Council employee. You must not:

- i) Use your role in Council or Council information to advance your standing within an external organisation or to the benefit of an external organisation.
- ii) Provide Council information to other groups or related persons, except where this information is publicly available.

4.2.8 Behaviour Towards Each Other

We must treat others with trust, respect, honesty, fairness, sensitivity and dignity.

Employees who supervise or manage other staff have a special responsibility to model this kind of behaviour, and to ensure the people they supervise understand the standard of performance and behaviour expected of them at work and when dealing with ratepayers and the public.

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Council values diversity and expects all its employees, contractors or volunteers to:

- i) Accommodate and respect different opinions and perspectives.
- ii) Manage disagreements by rational debate and discussion.

You must not behave towards other people in a way that could be perceived as intimidating or bullying.

Effective teamwork builds a productive workplace culture. Team members must work co-operatively with co-workers and actively take part in team activities.

4.2.9 Non-Discriminatory Workplace

Council is an equal opportunity employer and will ensure that its practices do not discriminate based on:

- i) Race/ethnicity.
- ii) Gender or gender identity.
- iii) National origin.
- iv) Marital status.
- v) Sexual preference\lawful sexual activity.
- vi) Age.
- vii) Disability\impairment including infectious disease.
- viii) Industrial activity.
- ix) Physical features.
- x) Pregnancy.
- xi) Family responsibilities or breast feeding.
- xii) Religious beliefs or political conviction.

You also have a responsibility to ensure that discrimination is not part of your practices in dealing with ratepayers and the public. If you witness discriminatory behaviour you have a positive obligation to report it to your Supervisor or your Supervisor's Manager, if it involves your Supervisor.

For further information, please refer to the Equal Employment Opportunity Policy (GP-3-011) and Workplace Harassment and Bullying Operational Policy.

4.2.10 Sexual and other forms of Workplace Harassment

Council is committed to the prevention of any form of sexual harassment, victimisation or bullying in the workplace, including at social functions. You are expected to proactively contribute to a workplace which is free from sexual harassment, victimisation and bullying.

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Some examples of behaviour which may constitute either sexual harassment or bullying include:

- i) Acting towards or speaking to a person in a manner that threatens or vilifies that person.
- ii) Deliberately excluding a person from relevant work activities or functions.
- iii) Making jokes, suggestive comments or offensive gestures related to a person's race, appearance, colour, ethnic origin, disability, gender, sexual characteristics.
- iv) Distribution or display of sexually explicit material (including via email) which may be offensive including posters, pictures, racist or sex cartoons.
- v) Persistent questions about a person's private life.
- vi) Demands for sexual favours, either directly or by implication.
- vii) Unwanted and deliberate physical contact.

4.3 Promoting the Public Good

Section 7 of the *Public Sector Ethics Act 1994* states:

"In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of the Queensland, public service agencies, public sector entities and public officials accept and value:

- a) *Their duty to be responsive to both the requirements of government and to the public interest.*
- b) *Their duty to engage the community in developing and effecting official public sector priorities, policies and decisions.*
- c) *Their duty to manage public resources effectively, efficiently and economically.*
- d) *To achieve excellence in service delivery.*
- e) *To achieve enhanced integration of services to better service clients."*

4.3.1 Customer Service

You are expected to:

- i) Provide excellent customer service.
- ii) Treat members of the public equitably and with honesty, fairness, sensitivity and dignity.
- iii) Deal comfortably and calmly with difficult situations and people
- iv) Treat complaints from customers, ratepayers, the community or staff seriously and respond to constructive feedback as an opportunity for improvement.

Customers have a right to complain or criticise Council and Council expects its employees to show respect towards complainants. Whilst you must make all reasonable efforts to help customers lodge complaints, if you think a situation is threatening or intimidating, you are entitled to withdraw or seek

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help from your Supervisor. Council will support any employee who believes they are under threat from a member of the public.

4.3.2 Fairness to Suppliers

Council's contracting activities are regulated pursuant to Section 104 of the *Local Government Act 2009*. Council has procedures and delegations of authority for various stages of procurement of goods and services. You must comply with the Sound Contracting Principles as defined by Section 104(3) of the *Local Government Act 2009* when seeking suppliers for goods or services.

If you have been approved to be involved in offering contracts or buying goods or services, you must be sure you:

- i) Have taken reasonable, fair and consistent steps to allow all potential suppliers to bid for work.
- ii) You do not incur liability or enter into any contract or alter the terms or conditions of any contract which Council has already entered, unless you are authorised to do so.

Refer to the Purchasing Policy - Acquisition of Goods & Services (GP-3-048) for more information.

4.3.3 Public Money

You must maintain high standards of accountability if you collect and use public money. You are not to borrow or use Council money for private purposes. This also applies to items such as taxi vouchers.

4.3.4 Intellectual Property

You need to ensure your actions do not breach or infringe the *Copyright Act 1968*, by unlawfully using the intellectual property of any individual or organisation.

You must respect the copyrights, trademarks and patents of suppliers and other organisations, which includes that you do not reproduce or quote suppliers' material unless your licence allows it. Similarly you must not store or copy audio, video or image files printed media and software on Council assets without an appropriate licence or approval.

Any original work, invention or production you have contributed to with Council remains the property of Council. Similarly, you must not publish or disclose any matters relating to Council's intellectual property without appropriate authority.

4.3.5 Concern for the Environment

We all share the responsibility to protect our natural environment, to create healthy surroundings for our community, and to manage the impacts of air, water, land and noise pollution. This includes individual responsibility for our own actions:

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- i) Taking care in disposing of waste and using and storing chemicals.
- ii) Reducing energy consumption and waste.
- iii) Applying high standards of environmental protection across the region.

In performing your duties, you must comply with your general environmental duty and where applicable, your duty to notify of environmental harm, Chapter 7, Part 1, *Environmental Protection Act 1994*.

4.4 Commitment to the System of Government

(1) In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, employees:

- a) accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government;
- b) are committed to effecting official public sector priorities, policies and decisions professionally and impartially;
- c) accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

(2) Subsection (1) does not limit the responsibility of an employee to act independently of government if the independence of the employee is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

4.4.1 Acting within the Law

You are expected to comply with applicable legislation, awards, certified agreements, Council policies and local laws.

You have the right and responsibility to respectfully question how you do your work, particularly if you think there is an imminent risk to the safety of yourself or others, or if there is a better way of doing something. When you have recorded your suggestion or concern you are required to work as directed by your Supervisor except where there is an imminent risk to safety.

If you are charged with or are subject to an indictable offence, or conviction, or are subject to a summary conviction, you must immediately report the circumstances to your Supervisor.

Corrupt Conduct

Under the *Crime and Corruption Act 2001*, corrupt conduct is conduct by anyone that adversely affects a public agency or public official so that the performance of their functions or the exercise of their powers:

- i) is not honest or impartial, or
- ii) knowingly or recklessly breaches public trust, or
- iii) involves the misuse of agency-related information or material.

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4.4.2 Acting in accordance with delegations and signing documents

If you are requested to take an action on behalf of the Chief Executive Officer or Council, prior to exercising any power, you must refer to the Register of Delegations - Chief Executive Officer to Employee or Contractor of Council (RG-1-002) to ensure you have the appropriate delegations assigned to you.

4.4.3 Raising concerns

You have the right to raise concerns with your Supervisor about Council policies, practices or priorities where they impact on your employment. You must:

- do this in a reasonable and constructive way.
- take responsibility for your comments and views.
- accept that Council has the right to determine its policies, practices and priorities.
- comply with all reasonable and lawful instructions.
- act with honesty and good faith.

Vexatious or frivolous complaints may be managed as acts of misconduct in accordance with the Discipline and Termination Operational Policy.

4.4.4 Privacy

Council maintains information about individuals, businesses and commercial issues which is private and sensitive and could be harmful to a person's interests if released. Employees should:

- Only access personal information and records they need to perform their official duties.
- Ensure the collection, storage and use of personal information is in accordance with the Privacy Principles in the *Information Privacy Act 2009*.

You can maintain privacy by:

- Not discussing work matters with person not entitled to know.
- Taking responsibility to safeguard confidential files and information.
- Ensuring information is only used in the manner for which it was collected.

It may be appropriate to share information based on your personal and professional experience. However, you must ensure you don't breach Council's privacy obligations including via social media outlets such as Facebook, YouTube etc.

Section 200(5) of the *Local Government Act 2009* makes it an offence for a Council employee to release information that the person knows or should reasonably know, is information that is confidential to Council or Council wishes to keep confidential. Information may on occasion be sought from Council by an employee or members of the public under the *Right to*

Information Act 2009. If you receive such a request, please refer it to your Supervisor or the Governance Manager.

4.4.5

4.5 Accountability and Transparency

Section 9 of the *Public Sector Ethics Act 1994* states:

In recognition that public trust in public office requires high standards of public administration, Employees —

- a) *are committed to exercising proper diligence, care and attention;*
- b) *are committed to using public resources in an effective and accountable way;*
- c) *are committed to managing information as openly as practicable within the legal framework;*
- d) *value and seek to achieve high standards of public administration;*
- e) *value and seek to innovate and continuously improve performance;*
- f) *value and seek to operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials.*

4.5.1 Using Council Assets

All staff share responsibility for looking after Council's assets which include property, plant, equipment, information systems, computing resources, goods, products and surplus materials.

If you are in charge of assets, you must take good care of them whilst they are in your possession or use. It is an offence to misuse assets or allow anyone else to misuse them. Your responsibility includes ensuring assets are properly stored, maintained and secured against theft. For information on how this relates to Council vehicles refer to Council Vehicle Usage Policy (GP-3-005).

Assets may only be used for official Council business. You can use telephones on a reasonable basis for local calls that you cannot make conveniently outside of working hours. Prior to leaving Council employment, you must return all equipment and work-related documents.

4.5.2 Diligence, care and attention

Council aims to conduct its business with integrity, honesty and fairness and to achieve the highest standards in service delivery. You contribute to this aim by carrying out your duties honestly, responsibly, in a conscientious manner, and to the best of your ability.

This includes:

- i) Maintaining punctuality and not being absent during work time without reason.
- ii) Giving priority to official duties over personal activities during work time.

- iii) Not wasting time chatting about personal matters and interrupting other staff.
 - iv) Helping Council achieve it's mission and goals by acting to improve systems and practices.
 - v) Conducting yourself in a way so that others gain confidence and trust in the way Council does business.
 - vi) Not allowing your conduct to distract or prevent others from working.
- If you are responsible for supervising others, you must also ensure that:
- i) You model the values and principles in this Code and ensure staff within your area of responsibility comply.
 - ii) Your work and the work of those you supervise contribute to the achievement of Council goals.
 - iii) Employee performance is monitored and staff are given constructive and regular feedback on their performance. Employees are provided with information that is vital for effective work performance.
 - iv) The opinions of employees are respected and considered.
 - v) Resourcing for a work team is neither excessive or inadequate for the job.
 - vi) Staff who collect, handle or disburse public money are properly supervised.
 - vii) Employee work times, overtime, allowances and absences are correctly recorded on timesheets.

4.5.3 Attendance at and absence from duty

You are expected to follow Award and policy provisions and Council's Certified Agreement in terms of attendance at work and leave.

Staff are not to be absent without approval and must record work leave periods accurately. Absence without approval and reasonable excuse can create concerns for your safety and lead to unproductive time for others. Staff have an obligation to promptly notify their Supervisor as soon as practicable upon becoming aware that they are going to be absent.

The Supervisor will advise the manner in which team members should advise them of any absences. Failure to promptly notify can result in deductions in salary for the period of absence.

4.5.4 Self-development

Section 13 of the *Local Government Act 2009* states all employees have an obligation to be proactive in the continual improvement of all aspects of their work performance.

You have a responsibility to maintain and improve work performance and that of your team in the delivery of customer service. You have a continuing responsibility to maintain and enhance your skill and expertise in your area of employment.

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Council will assist by providing equitable access to training and development opportunities. This may include accessing study assistance, learning new work duties, participating in project work or undertaking internal or external training.

4.5.5 Workplace Health and Safety

We are all committed to zero harm in the way we conduct our business. Council will endeavour to ensure that staff are free from:

- i) Death, injury or illness caused by the workplace or plant or substances for use at work.
- ii) The risk of death, injury, or illness caused by the workplace, plant or substances for use at work.

You must exercise a duty of care to ensure your own safety, health and welfare in the workplace. You also have a duty of care to both fellow employees and members of the public. As a staff member you are obliged to:

- i) Comply with instructions given for workplace health and safety.
- ii) To use personal protective equipment for your use if you have been properly instructed in its use.
- iii) Not to willfully or recklessly interfere or misuse anything provided for workplace health and safety.
- iv) Not to willfully injure yourself or place at risk the safety of any other person.
- v) Identify hazards and manage risks to health and safety.
- vi) Perform all work safely and follow safe work practices.
- vii) Take corrective action to 'make safe' the workplace and implement improvements.
- viii) Participate in rehabilitation and return to work programs if required.

We must keep the workplace drug and alcohol free if we are to maintain the health and safety of all staff. The use of drugs and alcohol adversely affects productivity, attendance and on-the-job safety.

You must not:

- i) Use, possess or be impaired by the effects of illegal drugs or alcohol while on duty.
- ii) Come to work impaired by the effects of alcohol or drugs.
- iii) Consume alcohol while on duty or in the workplace (except at an authorised social activity).
- iv) Gamble or bet on Council premises (except for authorised sweeps and tipping competitions).
- v) Smoke anywhere within Council's buildings, in Council vehicles, in enclosed spaces or within 4 m of any entrance to an enclosed space.

For more information refer to the Alcohol and Drug Policy (GP-3-097).

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4.5.6 Dishonest Acts

A dishonest act is any misrepresentation, falsification, deception, or concealment made to obtain an advantage or inappropriate, improper or illegal result, whether acting alone or in concert with others.

Acts that are considered to be dishonest include, but are not limited to:

- i) Conspiring with others, whether inside or outside the Council to gain a benefit
- ii) Misuse or falsification of Council expense allowance, Credit Card or Fuel Card or business account.
- iii) Unauthorised, concealed or other inappropriate use of Council assets, services or resources.
- iv) Creation or use of false or misleading documents, timesheets, records, tapes, computer data, electronic mail, voice media or information of any kind.
- v) Intentional violation of Local Laws, internal controls, regulations or Procedures, including sabotage.

4.5.7 Personal Benefit

The use of a person's position to seek, encourage the offer of, or accept any form of personal benefit or gift in connection with his/her role may compromise, or be seen to compromise his/her capacity to perform their duties impartially.

Employees should not:

- i) Seek or accept a bribe or other improper inducement;
- ii) Use confidential Council information to:
 - Gain improper advantage for themselves or for any other person or body.
 - Improperly cause harm or detriment to any person, body or Council.
 - Seek or accept (directly or indirectly) from any person or body an immediate or future gift or benefit for themselves or for any other person or body, relating to their duties with Council.

The term "gift" includes:

- i) Transfer of money.
- ii) Transfer of property of a professional or charitable nature or otherwise.
- iii) Provision of service free of charge or at a reduced rate.
- iv) Loans of money.
- v) Sale of virtual property with a sale price below proper valuations.
- vi) Travel.
- vii) Hospitality, including meals, entertainment and accommodation.

The term "gift" **does not** include:

- i) Items given associated with the giving of gifts in accordance with social custom. These items may include token gifts of appreciation or of a symbolic nature such as ties, cuff links, pens, provided that the value of any such item shall not exceed a wholesale value of \$100 at the time of purchase;
- ii) The provision of hospitality which is within the bounds of normal customary hospitality.

If a staff member is presented with a gift in accordance with social custom which exceeds a wholesale value of \$100 at the time of purchase, the staff member must advise the Chief Executive Officer as soon as possible. Without limiting the discretion of the Chief Executive Officer in any way, Council may, depending on the nature of the gift, decide to:

- i) Keep the gift for its own use.
- ii) Display the gift at an appropriate venue.
- iii) Donate the gift to a community organisation.
- iv) Sell or exchange the gift.
- v) Allow the original recipient to keep it.

In all cases, if the acceptance of any offer of a gift or benefit, no matter how nominal in value, could in any way be seen to compromise a person's capacity to perform his/her duties impartially or to create an obligation, the offer should not be accepted.

4.6 Breaches of the Code

A breach of the Code damages business effectiveness, public perception of Council and work relationships.

Any act or lack of action by an employee that contravenes the Code may result in Council taking disciplinary action which may include dismissal.

Suspected breaches will be dealt with on a case by case basis.

Suspected "Official Misconduct" must be referred to the Manager, General Manager or Chief Executive Officer. In cases where a suspected breach is under investigation, an employee may be suspended from duty until an investigation has been completed.

Where you believe on reasonable grounds that you possess information about another employee's conduct that relates to:

- 1) Official misconduct.
- 2) Maladministration that adversely affect's a person's interests.
- 3) A substantial misuse of public resources.
- 4) A substantial and specific danger to public health and safety to the environment.

You have the right to make a Public Interest Disclosure to a proper authority in accordance with the *Public Interest Disclosure Act 2010*. Please contact the

Governance Manager, General Manager or Chief Executive Officer if you wish to make a disclosure.

Public Interest Disclosure

A public interest disclosure (PID) is a disclosure about a suspected wrong doing or danger in the public sector.

Proper Authority

The PID Act creates a number of "proper authorities" to give disclosers a choice about where to direct their PID:

- i) every public sector entity is a proper authority if the disclosure is about the conduct of that entity or it's employees
- ii) any public sector entity with the power to investigate or remedy the PID matter is a proper authority, such as a local government.

5.0 CONTROLS

6.0 EFFECTIVE FROM

The Employee Code of Conduct was adopted by Council on 11 October 2016.

This Policy is effective from 11 October 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Copyright Act 1968

Crime and Corruption Act 2001

Environmental Protection Act 1994

Information Privacy Act 2009

Integrity Act 2009

Local Government Act 2009

Local Government and Other Legislation Amendment Bill 2012

Local Government Regulation 2012

Public Sector Ethics Act 1994

Public Interest Disclosure Act 2010

Right to Information Act 2009

GP-3-005 Use of Council Vehicles Governance Policy

GP-3-011 Equal Employment Opportunity Governance Policy

GP-3-015 Workplace Harassment and Bullying Governance Policy

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GP-3-048 Purchasing Policy - Acquisition of Goods & Services

GP-3-084 Fraud and Corruption Management Policy

GP-3-097 Alcohol and Drug Policy

RG-1-002 Register of Delegations - Chief Executive Officer to Employee or Contractor of Council

T5-5-062 Employee Code of Conduct Take 5

MD-7-007 Employee Code of Conduct Take 5 - Answers

GP-3-012 Councillor Access to Information Policy

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Bundaberg Regional Council
Community & Environment
Issue Date:
Review Date: 23-03-2017

Environmental Policy

GP-3-023

Rev. 3 (Draft)

1.0 INTENT

Council, as an organisation, recognises its environmental obligations, both locally and globally and aims to achieve the highest environmental standards in corporate planning and in the performance of our operations within all projects, work-sites and workplaces.

2.0 SCOPE

This Policy applies to all employees, contractors, visitors, suppliers, volunteers, general public and others who visit our workplace.

3.0 POLICY OBJECTIVES

To ensure that Council's strategic and operational activities are planned and conducted in such a manner as to minimise, and where possible avoid, adverse effects on the environment and social surroundings.

Council aims to be proactive in the:

- Reduction and/or elimination of Environmental Risks.
- Promotion of the requirements of Environmental Legislation and its associated Regulations, Codes of Practice and Standards.
- Development and promotion of strategies and practices in the areas of environmental hazard identification and risk management.
- Elimination and prevention of the risk of environmental harm due to the workplace or workplace activities.
- Provision of adequate resources and regulatory training.
- Protection and enhancement of natural and cultural heritage.

4.0 POLICY

4.1 Council and staff will operate in accordance with the following strategies and initiatives.

4.1.1 Environmental Responsibility in compliance with statutory and other requirements, prevention of pollution, training of our personnel and continual improvement in our environmental performance.

4.1.2 Communication, consultation and cooperation within Council, with stakeholders and the community at large on environmental issues and performance.

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4.1.3 Protection and Enhancement of Environmental Values including biodiversity, flora, fauna, aquatic systems, natural resources and natural and cultural heritage.

4.1.4 Pursue Ecologically Sustainable Development using strategic planning and development schemes and policies with particular attention being paid to issues recognised as those with a potential climate change risk.

4.1.5 Resource Optimisation including minimisation, reuse, recycling and efficient use of water, waste and energy.

4.2 In implementing this Policy, Council will endeavour to:

- ensure that environmental considerations form part of business planning and decision-making processes;
- identify and assess environmental risk arising from Council activities;
- strive towards ISO:14000 accreditation;
- promote a culture of responsible environmental management, including investigation of proven emerging technologies;
- comply with applicable environmental laws while aspiring to higher standards;
- promote environmental awareness, standards, responsibility and skills for our employees through education and training programs;
- set and regularly review/audit environmental objectives and targets; including environmental management programs, plans and systems;
- monitor the effects of our activities on the environment and take action to address effects where necessary, and
- encourage and recognise employee contribution to achieving environmental excellence.

5.0 CONTROLS

Council's Community & Environment section are to oversee the effective implementation and management of this Policy.

Any changes required during the annual revision of this Policy are to be submitted to the Council for approval. Risk management issues are to be reported to the Chief Executive Officer.

6.0 EFFECTIVE FROM

The Environmental Policy was adopted by Council on 11 October 2016.

This Policy is effective from 11 October 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

MD-3-003 Environmental Policy Statement

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Bundaberg Regional Council
Organisational Services
Issue Date:
Review Date: 16-01-2016

Equal Employment Opportunity Policy

GP-3-011

Rev. 5 (Draft)

1.0 INTENT

Council aims to provide a workplace which is progressive, vibrant, connected and sustainable.

Council is committed to creating a work environment which is free from discrimination where all members of staff are treated with courtesy and respect.

By treating our employees on the basis of merit, it enables Council to more effectively use the diverse skills and experience of our employees and so contribute to efficiency and help to better serve our community.

2.0 SCOPE

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

It applies to staff:

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

This policy sets out the process for the resolution of grievances in relation to alleged discrimination, vilification or victimisation. The grievance procedure in the Bundaberg Regional Council Certified Agreement 2011 is the mechanism for the resolution of grievances in relation to the interpretation or implementation of the Bundaberg Regional Council Certified Agreement 2011.

3.0 POLICY OBJECTIVES

The objectives of this Policy are to:

- a) Ensure that staff are not unlawfully discriminated against at any time in their employment.
- b) Provide equal opportunity in all aspects including conditions of employment, recruitment, remuneration, development, promotion and separation.
- c) Ensure that at all times decisions are made on the basis of an individual's merit with reference to the job requirements.
- d) Conform to current legislation.

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4.0 POLICY

4.1 **Equal Employment Opportunity**

Council is an equal employment opportunity employer.

Council is committed to providing *equal employment opportunity* to all potential and existing employees. At all stages of the employment relationship, staff will be treated on the basis of merit and valued accordingly to how well they fulfil their duties.

Council will make decisions about employees or applicants for roles on the basis of their individual abilities, aptitudes, qualifications, skills and experience for the role in question.

Applicants for high risk positions, whether they are external applicants or existing staff need to undergo a pre-employment medical to ensure they are fit to perform the inherent physical requirements of the role. The *Work Health and Safety Act 2011* requires Council to provide a safe and healthy work environment for staff.

4.2 **Discrimination**

Discrimination is treating an employee less favourably than another employee or group of employees in the workplace because of one or more of the attributes outlined below:

- a) Sex, relationship or parental status.
- b) Pregnancy and breastfeeding.
- c) Age.
- d) Race.
- e) Impairment.
- f) Religious or political beliefs.
- g) Union activities.
- h) Lawful sexual activity.
- i) Gender identity.
- j) Sexuality.
- k) Family responsibilities.
- l) Association with someone else who is identified because of one of the above attributes.

Indirect discrimination can also happen whereby treating every body the same can be unfair because it disadvantages a whole group of people.

Discrimination in the workplace as outlined above is unlawful, and will not be tolerated.

Vilification

Vilification is inciting hatred, serious contempt or severe ridicule of others because of their race, religion, gender identity or sexuality. It is a public act and incites others to hate, to have serious contempt for or seriously ridicule individuals or groups because of their race, religion, gender identity or sexuality.

It can be illegal to act in a public way that shows hatred to someone because of their race, religion, sexuality or gender identity.

Victimisation

Victimisation is the unfair treatment of someone because they are included or are a witness to a complaint. It can be illegal to treat someone unfairly because they are included in a complaint or are witness to a complaint.

4.3 Principles

All staff contribute to the creation of a discrimination free and inclusive workplace and a healthy workplace culture.

All employment practices will be based on the merit of the individual against specific job requirements. Council will:

- a) Manage and make decisions about employees or potential employees on the basis of their abilities, aptitudes, qualifications, skills and experience.
- b) Implement and monitor effective Human Resources policies and procedures.

The *Anti-Discrimination Act 1991* outlaws discrimination on the basis of race, sex, marital status, sexual preference, physical and or intellectual impairment in employment and in the provision of goods and services.

Council considers discrimination and vilification to be unacceptable behaviour which will not be tolerated under any circumstances. Discrimination and vilification is disruptive to the well-being and performance of staff. Council encourages all employees to report discrimination or vilification in the workplace.

What can you do?

If you believe discrimination or vilification is occurring in the workplace, you have the right to make a complaint.

If you feel you are being discriminated against or vilified and are not comfortable dealing with the problem yourself or your attempts to do so have not been successful, you should raise the issue with:

- Your Supervisor.
- Your Supervisor's Manager, if involves your Supervisor.
- A member of the Human Resources team.

If you witness unreasonable behaviour you should bring the matter to the attention of your Supervisor as a matter of urgency. If you raise a matter, Council has a responsibility to investigate and take appropriate action.

How we will respond

If discrimination or vilification is reported or observed, we will take the following steps:

- a) The responsible Supervisor will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
- b) If the issue cannot be resolved or the behaviour is considered to be of a serious nature, an impartial person may be appointed to investigate. This may be a member of the Human Resource team or an external party.
- c) All complaints will be treated in the strictest of confidence. Only those people directly involved in the complaint or those who need to be interviewed will have access to the information.
- d) Both the complainant and the individual who is the subject of the complaint will be offered the use of the Employee Assistance Program (MD-7-474).
- e) There will be no victimisation of the complainant or those involved helping to resolve it, such as witnesses who may be interviewed. Complaints made maliciously or in bad faith will result in disciplinary action.

Those in leadership roles who knowingly tolerate such behaviour are also guilty of misconduct and may also be found liable. Appropriate disciplinary action will be taken against anyone who is found to have breached this policy. These measures will depend on the nature and circumstance of each breach and could include:

- A verbal or written apology.
- A remedy such as the reversal of a decision, access to an opportunity.
- Participation in counseling, training or the Employee Assistance Program (MD-7-474).
- Written warning.
- Dismissal.

If the allegations are not substantiated, Council will advise both the complainant and the person who was the subject of the complaint.

In terms of investigating a discrimination complaint from either an external or internal applicant in terms of recruitment, a member of the Human Resources team will undertake the following:

- Contact the applicant making the complaint.
- Review the selection criteria and method for short-listing applicants for interview by looking at applicants selected and not selected for interview.
- Contact the chairperson and members of the interview panel.
- Review the completed interview guide, reference checks and selection report.

4.4 Responsibilities

A. Council will ensure that:

- This Policy is displayed in a prominent location at all sites, and has been effectively communicated to, and understood by all employees.

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- As part of its Induction process, all new employees are advised of this Policy, the standards expected of them, and the procedures for making a complaint.
 - If an employee is accused of discrimination, vilification, they are provided with details of the complaint and the opportunity to respond in accordance with procedural fairness.
- B. All Supervisors are responsible for:
- Ensuring that Human Resources practices are applied fairly, consistently and without bias.
 - Role-model appropriate behaviour.
 - Monitor the work environment and responsibly act upon any behaviour that may be construed as discrimination, vilification or victimisation.
 - Treat all complaints seriously and attend to them promptly.
 - Investigating any complaints that an employee or applicant may lodge or seek assistance to do so.
 - Supporting the resolution of complaints.
- C. The Human Resources Team is responsible for:
- Providing advice in relation to any complaints of discrimination or vilification.
 - Investigating any complaints or depending on the circumstances, recommending an external provider if that is more appropriate.
 - Providing support to both the complainant and the person who is the subject of the complaint.
 - Providing advice and services in relation to any disciplinary outcomes.
 - Maintaining employee records such retaining audio recordings of interviews or disciplinary documentation on personnel files.
- D. All staff have the responsibility to comply with this policy, report incidents to their Supervisor, and not to participate in discriminatory, vilifying or victimising behaviour.

5.0 CONTROLS

- Anti-Discrimination Act 1991
- Racial Discrimination Act 1975
- Disability Discrimination Act 1992
- Sex Discrimination Act 1984

6.0 EFFECTIVE FROM

The Equal Employment Opportunity Policy was adopted by Council on 11 October 2016. This Policy is effective from 11 October 2016.

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7.0 REFERENCES/ASSOCIATED DOCUMENTS

GP-3-018 Discipline and Termination Governance Policy
GP-3-031 Employee Code of Conduct Governance Policy
GP-3-015 Workplace Harassment and Bullying Governance Policy
Bundaberg Regional Council Certified Agreement 2011
Anti-Discrimination Act 1991 (Qld)
Disability Discrimination Act 1992 (Cth)
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)

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Bundaberg Regional Council
Organisational Services
Issue Date:
Review Date: 23-12-2016

Quality Policy

GP-3-078

Rev. 2 (Draft)

1.0 INTENT

The purpose of the Quality Policy is to convey to Councilors, Staff, Customers, External Providers (Contractors and Suppliers), and the Community, Bundaberg Regional Council's commitment to Quality and the continual improvement of products and services provided by Council.

2.0 SCOPE

This policy applies to all Council activities, Councillors, Staff, External Providers and Volunteers.

3.0 POLICY OBJECTIVES

The objectives of this Policy are to:

- Deliver our products and services using risk management strategies;
- Identify and satisfy customer requirements;
- Employ or develop personnel with appropriate skills and knowledge;
- Take a proactive role in solving problems;
- Minimise non-value adding activities;
- Maximise resource and infrastructure use and minimise environmental harm;
- Provide services and goods which meet contractual or regulatory requirements.

4.0 POLICY

Council acknowledges that to achieve its goal of continual improvement in the quality of its products and the delivery of services, requires a commitment from all Councilors, Staff, Contractors, Volunteers and Suppliers. Accordingly, Council expects and requires all Councilors, Staff, Contractors, Volunteers and Suppliers to follow our corporate practices and procedures and embrace Council's goal by applying the following quality principles in their duties:

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|-----------------------------------|---|
| a) Customer focus | Understand what Customers value and provide products and services that meet or exceed their expectations. |
| b) Leadership | Lead by example, provide clear direction and create an environment that supports people to achieve organisational objectives. |
| c) Engagement of People | The engagement of competent and empowered people, at all levels, enables their creativity and knowledge to be used for the organisation's benefit. |
| d) Process approach | Managing interrelated processes as a system improves efficiency and effectiveness in achieving organisational objectives. |
| e) Improvement | Support, promote and recognise continual improvement and technological innovation by Council employees. |
| f) Evidence-based decision making | Use facts, evidence and data analysis as the basis of decision making. |
| g) Relationship management | Establish mutually beneficial relationships with relevant interested parties (external providers, customers, partners, employees, community) that enables both parties to create value. |

Employees are encouraged to share responsibility and to actively participate in the delivery of quality products and services, so that together we create a vibrant, progressive, connected and sustainable region.

5.0 CONTROLS

The Quality Policy will be periodically reviewed at each Management Review to ensure its continuing suitability, adequacy and effectiveness.

6.0 EFFECTIVE FROM

The Quality Policy was adopted by Council on 11 October 2016.

This Policy is effective from 11 October 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

MD-3-002 Quality Policy Statement

GP-3-031 Employee Code of Conduct Governance Policy

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Bundaberg Regional Council
 Organisational Services
 Issue Date:
 Review Date: 22-08-2013

Recordkeeping Policy

GP-3-043

Rev. 2 (Draft)

1.0 INTENT

Council recognises that records management is an integral part of good management practice and fully supports records management as part of its governance processes. Council is committed to meeting its recordkeeping obligations to make and keep full and accurate records. Council will implement appropriate strategies, processes, applications and tools to ensure records of business activities are made and kept.

Under Division 2, Section 7 of the *Public Records Act 2002*, Making and keeping of public records:

(1) A public authority must:

- (a) make and keep full and accurate records of its activities; and
- (b) have regard to any relevant policy, standards and guidelines made by the archivist about the making and keeping of public records.

The Chief Executive Officer of a public authority must ensure the public authority complies with Section 7 (1).

2.0 SCOPE

This policy applies to all Councillors, staff, contractors and volunteers of Council. Council's records are its corporate memory and as such are a vital asset that supports business functions and activities for as long as they are required. The capture and recording of Council records in an approved corporate system is the responsibility of all of Council employees.

3.0 POLICY OBJECTIVES

The objectives of this Policy are to:

- Ensure that sound records management practices and procedures are fully integrated into all aspects of Council business.
- Increased efficiency including reducing time spent finding records and enhancing information sharing within Council (where possible).
- Executives are responsible for supporting the application of records management throughout Council.
- Employees of Council are responsible and accountable for keeping accurate and complete records.
- That all employees are aware of their recordkeeping responsibility.
- To preserve Council records to support ongoing business activities and customer services, meeting accountable requirements and community expectations.
- To ensure the records are accessible to meet business requirements.

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- To capture all corporate information in all formats into Council's recordkeeping systems.
- Continue to define formalised standards, procedures, guidelines, systems and controls for future expansion and business needs enabling Council to continue to meet statutory requirements.
- A uniform integrated records creation, storage and archiving system to be used across Council.
- Continued support for business operations.
- Approved destruction of temporary hard copy records with retention periods from 1 to 15 years inclusive.

4.0 POLICY

Council is committed to meeting its responsibilities under the *Public Records Act 2002* and to implementing best practice in its recordkeeping practices and systems. Council recognises its regulatory requirements as a Local Government Authority, and is committed to the principles and practices set out in the Australian Standard for Records Management (AS ISO 15489).

This policy is to ensure the creation, capture and preservation of complete and accurate records with appropriate evidential characteristics within Council by establishing a framework and accountability for records management.

Council defines a record as information, in any format, created, received, and maintained as evidence and information, in pursuance of legal obligations or in the transaction of business by Council. Corporate records support consistency, continuity, efficiency and productivity in program delivery, management and administration. Those records that are to be kept as Public Records.

Employees are encouraged to share responsibility and to actively participate in the delivery of quality products and services, so that together we create a vibrant, progressive, connected and sustainable region.

5.0 CONTROLS

This statement outlines the various recordkeeping responsibilities within Council, assigning them to an individual, level and/or area within Council.

- Responsibility for Council's recordkeeping ultimately rests with the Chief Executive Officer but is delegated to the General Managers. The General Manager Organisational Services has the authority to set and issue policies and procedures in relation to records management and to monitor and audit compliance with those policies and procedures.
- General Managers are responsible for the management of this policy through resource allocation, and other management support.
- The Chief Information Officer is responsible for overseeing the design, implementation, and maintenance of this recordkeeping policy, as well as monitor compliance.

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- The Records Management Section is responsible for managing records and recordkeeping within Council consistent with the standards described in this policy.
- System administrators are responsible for maintaining the technology for Council's recordkeeping systems; including responsibility for maintaining the integrity and authenticity of records.
- General area managers are responsible for supporting and monitoring staff recordkeeping practices as defined by this policy. Managers should create, and support the creation of records by staff, as part of normal business practices
- All staff are responsible for the creation of accurate and reliable records as defined by this policy.

6.0 EFFECTIVE FROM

The Recordkeeping Policy was adopted by Council on 11 October 2016.

This Policy is effective from 11 October 2016

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Information Standard 40: Recordkeeping (IS40)

Information Standard 41: Managing technology-Dependent Records (IS41)

Parliamentary Commissioner Act 1974

Evidence Act 1977

Public Records Act 2002

Judicial Review Act 1991

Right to Information Act 2009

Electronic Transactions (Queensland) Act 2001

Public Service Act 2008

Information Privacy Act 2009

Bundaberg Regional Council
 Organisational Services
 Issue Date:
 Review Date: 21-09-2017

Water Leak Relief Policy

GP-3-082

Rev. 8 (Draft)

1.0 INTENT

To facilitate an effective and efficient means for Council to provide relief to ratepayers by partially remitting water consumption charges in cases of financial hardship resulting from an unexpected and undetectable water leak which has occurred on a ratepayer's property.

2.0 SCOPE

This Policy outlines the principles which Council will use when applying relief to ratepayers who experience an undetectable water leak on their property which results in an increase in their water consumption charges.

3.0 POLICY OBJECTIVES

To provide relief to ratepayers in accordance with the following provisions of the *Local Government Regulation 2012*.

119 Concession for rates or charges

A local government may grant a ratepayer a concession for rates or charges for land only under this part.

120 Criteria for granting concession

(1) The local government may grant the concession only if it is satisfied -

.....

(c) the payment of the rates or charges will cause hardship to the land owner

121 Types of concession

The concession may only be of the following types -

(a) a rebate of all or part of the rates or charges.

122 Resolutions for granting concession

(1) The local government may grant the concession only by -

(a) a resolution granting the concession to a stated ratepayer; or

.....

(3) The local government may make a resolution under subsection (1)(a) only if the ratepayer has applied for the concession in a way accepted by the local government.

.....

(5) The resolution may include conditions for granting the concession to the ratepayer.

(6) Without limiting subsection (5), the conditions may include the following -

(a) a condition requiring the ratepayer to show the local government particular information or documents or follow a procedure to be eligible for the concession.

4.0 POLICY

4.1 Criteria for granting relief as a result of a water leak

The eligibility of a ratepayer, as defined in this policy, to receive water leak relief from Council will be determined in terms of the following criteria.

- 4.1.1 The ratepayer applying for relief from water consumption charges must be responsible for the payment of the water consumption charges.
- 4.1.2 The water leak that was repaired must have resulted from a break or other fault in a fixture, fitting, pipe or other plumbing within a property, that was not reasonably foreseeable or detectable, resulting in unintentional loss of water within the property.
- 4.1.3 As Water Leak Relief is permitted in terms of the 'Hardship' provision of the *Local Government Regulation 2012*, relief may only be provided if water consumption exceeds the first step in Council's Water Tariff, which is currently water consumption in excess of 150 Kilolitres per half-year.
- 4.1.4 Relief excludes water leaks in buildings as these are more likely to be detectable by the ratepayer.
- 4.1.5 Ratepayers may only submit one water leak relief application every three years, provided that application is successful. If an application is unsuccessful, a subsequent application may be submitted; otherwise the ratepayer's next application may only be submitted three years after the date of their last approved application. The three-year restriction encourages ratepayers who have experienced a water leak to take responsibility for monitoring their future water use. Where Council has read a water meter and advised a ratepayer of a possible leak, and the ratepayer has taken several days to have the leak repaired, the ratepayer cannot claim the further loss of water during the days between the date on which the meter was read and the date on which it was repaired, which falls into the next water meter reading period.
- 4.1.6 A ratepayer must have a water leak repaired by a registered plumber, or must have the repair sighted and confirmed by a registered plumber, within 10 working days of the ratepayer becoming aware of the leak, or within 10 working days from the date of a letter from Council advising of a potential water leak, whichever is the sooner, unless there are compelling reasons why these timeframes cannot be achieved as indicated in section 4.1.9 of this Policy. These timeframes serve to limit the loss of water which is a precious community resource.
- 4.1.7 Ratepayers must apply to Council for water leak relief by completing Council's prescribed application form, within 30 days as follows:

- 1) Where a ratepayer has a water leak repaired without being advised by Council of the possibility that the leak exists, and the ratepayer is aware of Council's water leak relief policy, the ratepayer must submit a water leak relief application within 30 days from the date on which the leak is repaired.
- 2) Where a ratepayer experiences a water leak and has it repaired but is not aware of Council's water leak relief policy until they receive notification from Council advising them that they may be eligible for relief, the ratepayer must submit a water leak relief application within 30 days from the date of Council's notification, as the leak has already been repaired.
- 3) Where a ratepayer receives notification from Council and has a water leak repaired within 10 working days of the date of that notification, in terms of the Policy, the ratepayer must submit a water leak relief application within 30 days from the date on which the leak is repaired.

The aforementioned timeframes will apply unless there is a compelling reason why these timeframes cannot be achieved as indicated in section 4.1.9 of the Policy.

4.1.8 The application for water leak relief must be submitted on Council's prescribed Water Leak Relief Application Form (FM-7-099) and must be accompanied by either:

- a) an account from a Registered Plumber, providing details of the water leak that was repaired, or
- b) by a letter from a Registered Plumber providing details of the water leak that was repaired and confirming that the leak was repaired correctly.

4.1.9 'Compelling reasons' indicated in sections 4.1.6 and 4.1.7 of this Policy, shall exclude circumstances where ratepayers:

- are unable to contact a plumber, or;
- experience a delay in receiving the plumbers account, or;
- have failed to advise Council of a change of address thus delaying the receipt of a high consumption letter, or;
- Their Property Agent did not advise them about a potential water leak.

The following common circumstances are considered to be 'compelling reasons' which prevent the repair of a water leak or the submission of a water leak relief application within the time frame stipulated in the Policy:

- Medical reasons where medical evidence can be produced to substantiate illness, which either housebound or hospitalised the applicant. Such evidence is to be supported by a statutory declaration declaring that the applicant had no one during their period of incapacity who could act for them or conduct their business affairs.
- Infirmary of the ratepayer which prevented them from discovering a leak or making an application within the specified timeframe.

- Natural disaster, such as extensive flooding, which disrupted normal business and prevented normal action from being taken.
- Absence from the property for reasons such as an absence overseas or elsewhere in Australia, where ratepayers were not aware of a leak and were therefore not capable of submitting an application within the specified timeframes. This should be proven by submitting airline tickets or similar documentation to substantiate travel.

4.2

4.2.1 The quantum of water leak relief to be provided:

Provided the ratepayer complies with all the criteria set out in this Policy, Council may write-off the difference between the second step water tariff and the first step water tariff, for consumption which is above the first step water consumption limit. For example, if the first step tariff is \$1.15 per kilolitre up to 150 kilolitres per half-year, and \$1.88 per kilolitre for consumption above 150 Kilolitres, relief would be the difference between \$1.88 and \$1.15, that is 73 cents, multiplied by the number of kilolitres used in excess of 150 kilolitres. The following example illustrates how relief would be calculated:

Water consumption including a water leak:	650 Kilolitres
Actual Charge (150 Kls x \$1.15 = \$172.50) + (500 Kls x \$1.88 = \$940.00)	= \$1,112.50
Charge Per Water Leak Relief Policy 650 Kls x \$1.15 per Kilolitre	= \$747.50
Water Leak Relief (Actual charge less consumption at \$1.15 per Kilolitre):	= \$365.00

4.2.2 Where a water leak occurs in a dedicated fire service, and provided the ratepayer complies with all the criteria set out in this Policy, the water consumption for the relevant half-year water period will be charged at the second step tariff per kilolitre. The relief provided will be the difference between 10 times the second step tariff per kilolitre and the second step tariff per kilolitre. For example, if Council's second step water tariff is \$1.88 per kilolitre then relief would be calculated as follows:

Water consumption including a water leak:	650 Kilolitres
Actual Charge (First 10 Kls Free) + (640 Kls x \$18.80 = \$12,032.00)	= \$12,032.00
Charge Per Water Leak Relief Policy 640 Kls x \$1.88 per Kilolitre	= \$1,203.20
Water Leak Relief (Actual charge less consumption at \$1.88 per Kilolitre):	= \$10,828.80

5.0 CONTROLS

Sections 119 to 122 of the *Local Government Regulation 2012* which provide a framework in which local governments may apply water leak relief as follows:

119 Concession for rates or charges

A local government may grant a ratepayer a concession for rates or charges for land only under this part.

120 Criteria for granting concession

(1) The local government may grant the concession only if it is satisfied -

.....

(c) the payment of the rates or charges will cause hardship to the land owner

121 Types of concession

The concession may only be of the following types -

(a) a rebate of all or part of the rates or charges.

122 Resolutions for granting concession

(1) The local government may grant the concession only by -

(a) a resolution granting the concession to a stated ratepayer; or

(b) if the concession is of a type mentioned in section 121(a) or (b) - a resolution granting the concession to a ratepayer who is a member of a stated class of ratepayers.

(2) The local government may make the resolution before the local government levies the rates or charges.

(3) The local government may make a resolution under subsection (1)(a) only if the ratepayer has applied for the concession in a way accepted by the local government.

(4) If the local government grants a concession by making a resolution under subsection (1)(b), the concession may be granted only to the ratepayers whom the local government is satisfied are eligible for the concession.

(5) The resolution may include conditions for granting the concession to the ratepayer.

(6) Without limiting subsection (5), the conditions may include the following -

(a) a condition requiring the ratepayer to show the local government particular information or documents or follow a procedure to be eligible for the concession.

In the application of this Water Leak Relief Policy, Council determines that the General Manager Organisational Services, Chief Financial Officer and the Revenue Manager are each authorised persons pursuant to section 202 of the *Local Government Act 2009*.

Pursuant to Part 5 of Chapter 7 of the *Local Government Act 2009*, the Council authorises the General Manager Organisational Services, Chief Financial Officer and Revenue Manager each to determine, pursuant to section 130 of the *Local Government Regulation 2012*, if water leak relief should be permitted in accordance with this Water Leak Relief Policy. Where the General Manager Organisational Services, Chief Financial Officer and Revenue Manager makes such a determination, water leak relief can be applied.

6.0 EFFECTIVE FROM

The Water Leak Relief Policy was adopted by Council on 11 October 2016.

This Policy is effective from 11 October 2016.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Local Government Act 2009

Local Government Regulation 2012

GP-3-001 Revenue Policy

GP-3-038 Revenue Statement

FM-7-099 Water Leak Relief Application Form

Council's Annual Budget Report

**Item****11 October 2016****Item Number:**

G1

File Number:

-

Part:

INFRASTRUCTURE

Portfolio:

Infrastructure & Planning Services

Subject:

Donation of Asset ID 4938 (Weed Spray Boat) to Bundaberg Rowing Club Inc

Report Author:

Andrew Railz, Manager Fleet

Authorised by:

Andrew Fulton, General Manager Infrastructure & Planning

Link to Corporate Plan:

Governance - 4.4.5 Responsible financial management and efficient operations

Background:

Fleet Services currently has a weed spray boat that is flagged for disposal as it is surplus to the requirements of Natural Resource Management/Parks, Sport & Natural Areas. This boat is described as Asset ID #4938.

An enquiry has been received from the Bundaberg Rowing Club Incorporation requesting for the boat to be donated to be used for maintenance to the Bucca facility and reserve.

The *Local Government Regulation 2012*, Section 236(1)(b) provides an exemption whereby a Local Government may dispose of a valuable non-current asset, other than by tender or auction, if the valuable non-current asset is disposed of to a community organization.

Associated Person/Organization:

Bundaberg Rowing Club Inc.

Consultation:

Operational Supervisor Natural Resource Management; Fleet Services Staff; Fleet Manager

Legal Implications:

There appear to be no legal implications.

Policy Implications:

The *Local Government Regulation 2012*, Section 236(1)(b) provides an exemption whereby a Local Government may dispose of a valuable non-current asset, other than by tender or auction, if the valuable non-current asset is disposed of to a community organization.

Financial and Resource Implications:

There appears to be minimal financial impact with the sale proceeds for the boat not being received (donated item).

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 Surplus Water Weed Spray Boat - Rowing Club Inc.

Recommendation:

That in accordance with the provisions of the *Local Government Regulation 2012*, Section 236(1)(b) - Council donate the Weed Spray Boat (Asset ID 4938) to the Bundaberg Rowing Club Inc.



Bundaberg



ROWING CLUB INC.

**2 Toonburra Street
Bundaberg 4670**

Mr Peter Byrne
CEO
Bundaberg Regional Council
Po Box 3130
Bundaberg 4670

21/9/16

Peter,

RE: Ex.Water weed spray bout

Following recent discussions between Club Vice President Nev Cayley and Council representatives it has come to our attention that the ex water weed spray boat is now surplus to council needs and with this in mind the Bucca Management Committee is enquiring in to the possibility of the acquiring this equipment to enable the club to maintain the water way at the Bucca rowing facility for the many events held on the Bucca Weir.

Assistance from Council in the Club attaining this boat will be greatly appreciated by all and sundry involved with the Bucca facility and reserve

Dave Amos
Secretary
Bucca Management Committee
Bundaberg Rowing Club Inc.
Ph. 41522707
Email: dlaamos@bigpond.com

Bundaberg Rowing Club Inc
Consultation, Innovation, Reliability and Optimism
PO Box 2316 Bundaberg QLD 4670

Donna McMahon

From: Nick MacLean
Sent: Thursday, 22 September 2016 12:26 PM
To: 'dlamos@bigpond.com'; Madeline Carter
Cc: Andrew Railz; Sheree Bulbert
Subject: RE: Water weed spray boat (reply to A2780287)

Dear Dave,

Thank you for your enquiry, and from a water weed management perspective we would be happy to see the old boat find a new home.

However, your request is more in line with our fleet management team, who I have cc'ed into this email, so they can respond to you accordingly.

Andrew - Please refer to the attached letter from the Bundaberg Rowing Club regarding one of the former weed spray boats.

Kind regards,

NICK MACLEAN
OPERATIONAL SUPERVISOR – NATURAL RESOURCE MANAGEMENT Bundaberg Regional Council PO Box 3130
Budnaberg QLD 4670
Tel: 1300 883 699
Web: <http://bundaberg.qld.gov.au/>

-----Original Message-----

From: dlamos@bigpond.com [mailto:dlamos@bigpond.com]
Sent: Wednesday, 21 September 2016 11:39 AM
To: CEO (Records) <ceo@bundaberg.qld.gov.au>
Cc: CEO External <CEOExternal@bundaberg.qld.gov.au>
Subject: Water weed spray boat

Attention Peter

Please find attached the letter RE the Ex water weed spray boat Dave Amos

**Item****11 October 2016**

Item Number:	File Number:	Part:
J1	Nil	PLANNING

Portfolio:

Infrastructure & Planning Services

Subject:

Local Government Infrastructure Plan Extension of Time Application

Report Author:

Arron Walker, Strategic Planning Engineer

Authorised by:

Andrew Fulton, General Manager Infrastructure & Planning

Link to Corporate Plan:

Environment - 4.2.1 A natural environment that is valued and sustainable

Background:

On 7 April 2016, Council was granted an extension that allowed it to complete its Local Government Infrastructure Plan (LGIP) by 1 July 2017. Unfortunately it has become obvious that it is unlikely that Council's LGIP will be completed by this time. Under the Sustainable Planning Act 2009 (SPA), Council can apply to extend the preparation time of its LGIP to at most 30 June 2018. The application for an extension of time must be approved by the Minister for Infrastructure, Local Government and Planning.

LGIP Project progress and schedule

Overall the LGIP project is approximately 50% completed but has fallen approximately 4 months behind its original schedule. Integran who was engaged to assist Council in the preparation and review of the LGIP has completed approximately 60% of their consultancy. The current project schedule is shown in the attached Project Plan and clearly identifies that the project will not be completed by the required deadline of 1 July 2017. After taking into consideration the statutory defined timeframes for State review and public consultation (ie approximately 6 months), the earliest adoption date has been identified as late September 2017.

LGIP Project delays

Late delivery of two key project components has caused the majority of the delays to the project. First, Integran delivered the population and demand model approximately 7 weeks behind schedule. Unfortunately this component of the project was a critical input into subsequent stages. The second major delay is related to the development of the Plans for Trunk Infrastructure (PFTI) (ie a component of Phase 2).

This stage of the project is being carried out by both Council staff and GHD and is yet to be completed. GHD is responsible for finalising the plans for the Water and Wastewater network while Council staff are responsible for the transport, parks and stormwater networks. The amount of work required to develop the PFTI was underestimated by both GHD and Council alike. GHD is expected to deliver the Water and Wastewater PFTI by mid-October 2017 and the Council component is expected by mid-November 2017 (ie approximately 5 months behind its original schedule).

New LGIP Project timeframe

A revised project schedule has been included in the LGIP Project Plan included in Attachment 1. As shown in this schedule, it is intended that the LGIP be completed and adopted through an amendment to Council's Planning Scheme by September 2017. However, it is recommended that some contingency be added for the Financial Sufficiency Analysis component. This component is unique to the LGIP and the results may need to be workshopped with the Councillors before the LGIP progresses to public consultation. Given Council has an adequately functioning Priority Infrastructure Plan (PIP), it may be prudent to allow for the maximum amount of time to prepare the LGIP. This would also cover any other unforeseen delays, such as delays through the State Interest Review process. It is therefore recommended that Council apply for the fully allowable extension of time to 30 June 2018.

LGIP extension process

Section 997 of SPA details the requirements for making an application. The application must be accompanied by evidence of the local government resolution to make an application and a project plan that demonstrates how the local government will finalise the LGIP within the extended timeframe.

Associated Person/Organization:

Department of Infrastructure, Local Government and Planning

Consultation:

N/A

Legal Implications:

The application for and extension of time to prepare an LGIP has been prepared in accordance with Section 997 of the Sustainable Planning Act 2009, and *Advice to local governments: Applying for an extension of the timeframe to prepare a local government infrastructure plan (LGIP)* prepared by the Department of Infrastructure, Local Government and Planning in December 2015.

Policy Implications:

The LGIP will replace the PIP in Council's planning scheme.

Financial and Resource Implications:

The matter has implications for Council's capacity to fund the provision of trunk infrastructure. Failure to get an extension will have significant operational consequences from 1 July 2017 in regard to infrastructure conditioning and charging powers.

Risk Management Implications:

As mentioned above, the matter has implications for Council's capacity to fund the provision of trunk infrastructure.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 LGIP Project Plan (including Current Project Schedule)

Recommendation:

That, pursuant to Section 997 of the *Sustainable Planning Act 2009* - application be made to the Minister for Infrastructure, Local Government and Planning for an extension of time for the preparation of Council's Local Government Infrastructure Plan, from 1 July 2017 to 30 June 2018.



Local Government Infrastructure Plan Project Plan

September 2016

Prepared by: Strategic Planning Team

Revision	Date	Chapter/section/page revised	Signatures		
			Originator	Checked	Approved
A	22/2/2016	Draft version	AW	EF	
1.0	24/2/2016	1 st Application to extend LGIP preparation timeframe	AW	EF	EF
2.0	28/9/2016	2 nd Application to extend LGIP preparation timeframe	AW	EF	EF

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Local Government Infrastructure Plan – Project Plan

1.0 Introduction

The Queensland Government completed a review of the infrastructure planning and charging framework in early 2014. Consequently on 4 June 2014, the *Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Bill 2014* was passed by parliament to implement reforms via amendments to the *Sustainable Planning Act 2009* (SPA). These amendments included the replacement of a Priority Infrastructure Plan (PIP) in a planning scheme with a Local Government Infrastructure Plan (LGIP).

A grace period, starting 4 June 2014 and ending 30 June 2016, is currently in place, during which time a local government planning scheme is not required to include a LGIP. However, from 1 July 2016 a local government that wishes to levy infrastructure charges or impose conditions about trunk infrastructure, will not be able to do so unless their planning scheme includes a LGIP.

Changes were introduced through the *Local Government and Other Legislation Amendment Bill (No. 2) 2015* which allow the Planning Minister to approve local government applications for an extension of the deadline to adopt an LGIP from before 1 July 2016 up to before 1 July 2018. These amendments commenced in SPA on 20 November 2015. This project plan assumes Council has been successful in securing an extension of time to complete the LGIP by 30 June 2018.

An LGIP identifies the local government's plans for trunk infrastructure that are necessary to service urban development at the desired standard of service (DSS) in a coordinated, efficient and financially sustainable manner. While the purpose of an LGIP is very similar to Council's current PIP, the additional analysis and content will mean that translating a completed PIP into an LGIP by 30 June 2018 will involve significant work and resources. To achieve this Council has engaged Integran Pty Ltd (a pre-approved LGIP reviewer) to prepare and review its LGIP. In addition, Council formally resolved to prepare an LGIP on 2 February 2016 as per the requirement in the *Statutory Guideline 04/14 - Making and amending local planning instruments*.

1.1 Purpose

The purpose of this project is to develop an LGIP to replace the PIP in the current Bundaberg Regional Council Planning Scheme in accordance with SPA by 30 June 2018.

2.0 Scope of Work

The existing PIP will be used as a basis for preparing the LGIP and updated where necessary to reflect new data, assumptions and LGIP templates. Statutory Guideline 03/14 and its associated template will also be utilised in the preparation of the LGIP. The scope of work can be grouped into four (4) logical stages as follows:

- Stage 1 – LGIP Planning Elements

- Phase 1 – Review and update planning and demand assumptions, including a GIS spatial population and demand model based on the latest Queensland Government Statisticians Office (QGSO) data and projections. This work is required to ensure the planning assumptions in the LGIP are up to date but also importantly to inform the review and update to infrastructure network modelling and planning. The revised network modelling and planning will form a critical part of the LGIP including the plans for trunk infrastructure (PFTI) and schedule of works (SOW);
- Phase 2 – Drafting of the LGIP and its various components including:
 - Planning Assumptions;
 - Desired standards of service (review and update);
 - Priority Infrastructure Area (review and update);
 - Demand assumptions;
 - Schedule of future works (based on agreed outcomes from Stage 2);
- Stage 2 – PFTI and SOW Modelling and Financial Sustainability Assessment including:
 - Review and update infrastructure network models to produce the PFTI;
 - Preparation and population of an electronic Excel SOW model;
 - Calculate the establishment costs for the PFTI and incorporate into the SOW model;
 - Review Council's Long Term Financial Forecast (LTFF) and Long Term Asset Management Plan (LTAMP) to determine extent of alignment with the LGIP;
 - Conduct a revenue sufficiency analysis to determine whether the identified expenditure can be funded by infrastructure charges; and
 - Identify and make adjustments to the LGIP to make it financially sustainable or help demonstrate that expenditure can be funded from other revenue sources;
- Stage 3 – Statutory compliance checks of the LGIP in accordance with the *Statutory guideline for Making and amending planning instruments (MALPI)* and *Statutory guideline 03/14 – Local government infrastructure plans*, including the LGIP template, the SOW model and the LGIP Checklist;
- Stage 4 – State interest check and public consultation:
 - Review and respond to comments raised by the State and public;
 - Amendments to LGIP.

2.1 Deliverables

The project deliverables are as follows:

- a) A GIS based parcel level population and employment model with the following:
 - a. Base year forecast 2016;
 - b. Future planning years of 2021, 2026, 2031, 2036 and ultimate development;
- b) Development sequencing maps;
- c) DSS and PFTI for each trunk infrastructure network;
- d) A review Council's LTFF and LTAMP to determine their alignment with the LGIP;
- e) Draft LGIP including the LGIP template and SOW model;

- f) Draft reviewed LGIP including the LGIP template, SOW model, LGIP checklist and LGIP reviewer statement of compliance;
- g) Final approved LGIP;

2.2 Project Timing, Budget and Resources

This project plan assumes Council has been successful in securing an extension of time to complete the LGIP by 30 June 2018.

Council has appointed Integran to undertake the bulk of the work on the LGIP. GHD has been appointed to undertake water and wastewater network modelling. The remainder of the work will be undertaken by Council.

Council has allocated \$140,000 for 2015/2016, \$20,000 for 2016/2017, and \$10,000 for 2017/2018. This includes external professional services only (i.e., Integran and GHD's services).

The Council personnel involved with the project are:

Name	Position	Role
Michael Ellery	Group Manager Development	Project Sponsor
Arron Walker	Strategic Planning Engineer	Project Manager (LGIP) Population and employment modelling support Network infrastructure modelling Review Consultation
Evan Fritz	Manager Strategic Planning	Planning advisor Review Consultation
Harry Ballinger	Manager Water and Wastewater Infrastructure Planning	Project Manager (W&WW Modelling) Network infrastructure modelling
Hannes Bezuidenhout	Manager Roads and Drainage Infrastructure Planning	Network infrastructure modelling
Michael Johnston	Operational Supervisor Parks and Open Space	Review – Parks infrastructure
John Kelly	Sustainable Finance Manager	Review LTF component
Colin Warmington	Coordinator Asset Management	Review LTAMP component

2.3 Monitoring and Control

The Project Manager (LGIP) will report to the Project Sponsor on a monthly basis to ensure the project is completed within the extension timeframe. Monthly meetings will also be held between the Project Manager (LGIP)/Project Manager (W&WW Modelling) and their respective consultants.

3.0 Methodology

The methodology will focus on the review and update of the existing PIP including PIA, DSS, PFTI and SOW, rather than complete a 'start from scratch'. The key focus areas include:

- Complete remodelling of the populations and demands at parcel level to align with latest QGSO projections;
- Partial remodelling of the trunk infrastructure networks; and
- Preparing the SOW Model and associated financial sustainability analysis.

3.1 Population and Demand Modelling (Integran)

A new GIS based population and demand model will be developed to reflect:

- Latest QGSO population forecasts;
- A base year of 2016 and future years of 2021, 2026, 2031, 2036 and ultimate;
- The existing Planning Scheme including relevant zones, density assumptions and overlays/constraints;
- Structure Plans (e.g. Central Coastal Urban Growth Area);
- Inclusion of both resident and tourist demands to better inform demand analysis;
- Inclusion of non-residential land use demands based on a commonly understood units of measure such as 'Equivalent Demand Units' (EDUs, EPs, ETs etc.) or similar.

Modelling at 'parcel' level will be undertaken. This will have the following key advantages over an SA1 or mesh block level model:

- Much finer detail to enable aggregation and closer alignment to network servicing catchments – an SA1 approach would not provide this level of detail and would inhibit Council's ability to perform accurate demand and network analysis;
- More robust analysis, scenario testing and reporting of zone capacities and development sequencing; and
- Ability to more reliably assess and report on the capacity of the Priority Infrastructure Area (PIA) to accommodate a minimum of 10, but not more than 15 years growth.

The parcel based model makes up a significant proportion of the project's resources given the need to allocate existing and future population and demand at a much finer level; however the outputs of this approach provides greater versatility and application not only for the LGIP but also other strategic planning and infrastructure projects.

A separate employment and non-residential floor space model at SA1 or LGIP Projection area level will be prepared utilising ABS data and employment projections previously prepared for Council by Urban Economics. The GIS population and demand model will be used to help allocate the employment and non-residential floor space projections to the relevant LGIP projection areas for the LGIP document.

3.2 Trunk Infrastructure Network Modelling (Council and GHD)

The existing trunk infrastructure network modelling will be reviewed and updated. The extent of the review is as follows:

- Water and wastewater networks - GHD has been appointed to undertake a full update of Council's existing models;

- Transport network – the existing models were recently updated for the CBD bypass study and PIP, therefore only a desktop review will be conducted;
- Parks network – a GIS based analysis will be undertaken;
- Stormwater network – desktop review of PIP PFTI;

The PFTI and their timings will be the main output of the network modelling.

3.3 Schedule of Works Modelling (Integran)

An LGIP compliant SOW Model will be developed with the following:

- Purpose-built excel model for each network that addresses the specific requirements and data of Council including costing methodologies and financial inputs, locational factors, planning horizons and service catchments as relevant;
- Overcomes identified deficiencies and limitations of the State's Model including navigation, verification of calculation methods, flexibility of financial inputs, number of service catchments, and planning/modelling horizons; and
- A more user friendly model for future iterations and updates as required.

3.4 Financial Sustainability Analysis (Integran and Council)

The financial sustainability of the LGIP will be evaluated as follows:

- A Financial Sustainability Assessment (FSA) will be performed in accordance with Statutory Guideline 03/14;
- The LTFF and LTAMP will be reviewed to determine the extent of alignment with the LGIP;
- Funding gaps will be identified and addressed.

3.5 Independent review (Integran)

Integran has been appointed to review the LGIP and will complete the LGIP checklist and LGIP reviewer statement of compliance.

3.6 Consultation Phase (Council)

Council will undertake LGIP consultation in accordance with *Statutory Guideline 04/14 Making and amending local planning instruments (MALPI)*. This will include:

1. Consultation with the Department of Transport and Main Roads (DTMR) during the preparation of the draft LGIP (i.e. before the first Compliance Check and State Interest Check);
2. State Interest Checks; and
3. Public consultation.

3.7 Project Schedule

The project schedule is shown in Appendix A.

4.0 Conclusion

This project plan and its methodology have been developed specifically for the Local Government Infrastructure Plan to ensure the project is completed as per the statutory guidelines by 30 June 2018.

**Item****11 October 2016**

Item Number:	File Number:	Part:
K1	322.2016.45432.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

3 Boundary Street, Bundaberg South - Material Change of Use for Office

Report Author:

Grant Barringer, Planning Officer

Authorised by:

Evan Fritz, Manager Strategic Planning

Link to Corporate Plan:

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

Summary:

APPLICATION NO	322.2016.45432.1
PROPOSAL	Material Change of Use for Office
APPLICANT	V J Graham
OWNER	P & V Graham Properties Pty Ltd
PROPERTY DESCRIPTION	Lot 44 on RP13448
ADDRESS	3 Boundary Street, Bundaberg South
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Low Density Residential Zone
OVERLAYS	Heritage and Neighbourhood character overlay
LEVEL OF ASSESSMENT	Impact Assessable
SITE AREA	1012 m ²
CURRENT USE	Dwelling House
PROPERLY MADE DATE	24 March 2016
STATUS	The 20 business day decision period ended on 16 June 2016 with additional information received by Council from the applicant on the 29 June 2016 responding to an outstanding matters letter.
REFERRAL AGENCIES	N/A
NO OF SUBMITTERS	Two properly made submissions were received during the public notification stage of the development application process.
PREVIOUS APPROVALS	Nil
SITE INSPECTION CONDUCTED	1 June 2016
LEVEL OF DELEGATION	Level 3

1. INTRODUCTION

1.1 Proposal

This is an application for a Development Permit for Material Change of Use to establish an Office Use (Accounting Firm), on the site. Currently the site is improved with a three bedroom dwelling house. The proposal includes internal fit out of the dwelling as is summarised below:-

- Porch and Entry of the dwelling house to remain the same with the addition of a disabled access ramp along the Northern side of the dwelling with a new entry to the porch in lieu of blockwork;
- The two bedrooms on the northern side of the dwelling are proposed to be used for Offices;
- The living room is proposed to be used for a reception and waiting room;
- The third bedroom on the southern side of the dwelling is a proposed storeroom with a new access from the proposed waiting room;
- Removal of the existing kitchen which is identified as a corridor on the proposal plans;
- Conversion of the existing bathroom and laundry areas to accommodate a unisex wheelchair accessible water closet and utility room; and
- The existing veranda at the rear of the dwelling is proposed as a covered area with the breeze block walls removed from the southern and western elevations of the area.

The applicant proposes to provide full-time employment (equivalent) for a maximum of five (5) employees between the hours of 9am to 5.30pm Monday- Friday inclusive and 9am to 2pm on Saturdays. The applicant prescribes that Saturday trade will likely be at a lower level than weekday trading given the reduced operating hours and reduced staff (normally to cater for demand however the applicant suggests 5-6 clients).

The applicant anticipates that there would be no more than eighteen (18) clients per day visiting the site, with a peak season for an accounting firm generally between July to September.

Plans supplied with the application show a total of five (5) car spaces at the rear of the building, accessed from Boundary Street via a six (6) metre crossover (at the property boundary) and reducing to four (4) metres internal to accommodate the proposed access ramp.

No pre-lodgement meetings were undertaken between the developer and council officers prior to submission of the proposal.

1.2 Site Description

The subject site is located on the western side of Boundary Street, Bundaberg South. The site is 1,012m², is regular in shape and an approximate street frontage to Boundary Street of 20 metres.

The site is relatively level and gently falls west to east towards Boundary Street. Currently the site contains a dwelling house in the eastern part of the allotment.

The single storey dwelling house (approx. 122m²) has three bedrooms, living, kitchen, bathroom and separate toilet with a covered veranda at the rear of the dwelling.

Directly surrounding the site (North, West and South) is low density residential zoned allotments all with low density residential uses (dwelling houses) on each allotment. Land to the east, across the road from the site is low density residential land, all with single detached dwelling house on each lot. The site is approximately 45 metres to the south-west of existing, historical commercial zoned land (currently being operated as a coffee shop and next door a small 'Foodworks' convenience store. These properties are zoned Neighbourhood Centre under the Bundaberg Regional Planning Scheme 2015.

140 metres to the south of the site on the same side of Boundary Street is the Donemans Pool Centre business. Approximately 110 metres to the north of the site opposite the Boundary Street/Burnett Street roundabout is a small commercial tenancy accommodating a Veterinary Clinic and building company office. While this commercial building is relatively new, it is noted that the site was included in the Commercial zone under the Bundaberg City Plan and had a history of commercial use. These sites are also located in the Neighbourhood Centre Zone.

2. ASSESSMENT PROVISIONS

2.1. *Applicable Planning Scheme, Codes and Policies*

The applicable local planning instruments for this application are:

Planning Scheme: Bundaberg Regional Council Planning Scheme 2015

Applicable Codes:

- Low density residential zone;
- Heritage and Neighbourhood character overlay code;
- Business uses code;
- Landscaping code;
- Nuisance code;
- Transport and parking code;
- Works, services and infrastructure code.

Applicable Planning Scheme Policies:

- Planning scheme policy for the Heritage and Neighbourhood character overlay code;
- Planning scheme policy for development works;
- Planning scheme policy for waste management.

2.2 *State Planning Instruments*

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

3. ISSUES RELEVANT TO THE APPLICATION

Given the application is Impact Assessable under the planning scheme, the proposal has been assessed against the entire Scheme as required by Section 5.3.3(4)(b).

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

Low Density Residential Zone Code

The proposed Office Use is assessable against the Low Density Residential Zone Code contained in the Planning Scheme. The purposes of the Low Density Residential Zone Code is to provide for predominately dwelling houses and dual occupancies which are supported by community uses and small scale services and facilities that cater for local residents.

The Low Density Residential Zone Code provides nine (9) performance outcomes that development is assessed against to determine compliance with the purpose of the code. Below are three outcomes that have been identified as a significant issue.

Residential Uses

Performance Outcome (PO) 1 of the code requires that development establishes a mix of predominately low density residential activities. As discussed, the proposed use seeks a scale and intensity of business activity [up to eighteen (18) clients per day and up to five (5) staff] that is significantly higher than uses such as Caretakers' accommodation, Dual Occupancies, Dwelling Houses and home based businesses regularly accommodated in the zone.

An information request and outstanding matters letter, prepared by the Development Assessment Team and dated 15 April 2016 and 15 June 2016 (respectively) sought comments from the applicant as to the proposed scale and intensity of the proposed Office Use in order to determine if a justified outcome against PO1 could be provided. The applicant's responses confirmed that the primary justification relates to re-use of the building, proximity of the site to the existing neighbourhood centre zone uses (Food works and adjacent Coffee shop at the nearby roundabout), site ownership, and suggested inability to purchase commercial zoned land. The applicant has also confirmed that the use is intended to represent a permanent conversion of this land to a business use rather than an interim use of land as a larger scaled home based business use.

Despite the assessing officers' requests, sound planning grounds to support the proposal has not been provided. Given the subject site is directly surrounded by low density residential zoned land (which is occupied by low density residential uses i.e. Dwelling Houses), it is the development assessment teams consideration that PO1 of the code has not been achieved.

Non- Residential Uses

The overall outcomes clearly identify that a range of limited non-residential uses may be established in the low density residential zone where such activities provide for the day-to day needs of the immediate residents and do not detract from the residential character of the locality.

PO2 of the code relates to non-residential uses and the ability for an assessment manager to consider uses in the low density residential zone. PO2(a) prescribes that non-residential uses are provided in suitable locations that directly support the day to day needs of the immediate residential community. The proposed office, its proposed staffing and patronage (scale) and its location do not represent an appropriate location to service the 'day-to-day needs' of the immediate residential community.

In considering the phrase *day-to-day* the development assessment team consider that an accountants office (or like uses under the *Office* definition) does not meet the definition of day-to-day:- ordinary; happening everyday [*Macquarie Dictionary- an Australian Achievement* (Macquarie Library Pty Ltd, 1981- P. 474)].

An 'Office' Use may be better described as a destination use rather than a local support use for immediate local residents and would regularly locate in an established commercial designation. The PO also contains the following note:

Such non-residential activities, include community uses, parks, sales offices, shops (limited to corner stores), utility installation (limited to local utilities) and home based businesses.

To highlight the performance outcome intent (specifically PO2) and purpose and overall outcomes (specifically s.6.2.1.2 (2)) of the code, a comparison of an office use with a corner store would serve as a good example of day-to-day services/ needs. A corner store provides a service that could be frequented on a daily basis for shopping needs by members of the public. A person visiting a corner store everyday would not ordinarily be unusual. An office (in this case an accountancy firm) however, visited by a member of the public daily/ as an ordinary part of their day may be described as rare or uncommon.

Giving weight to the PO note, an *Office* Use is not included or anticipated as a non-residential activity in the context of the performance outcome nor does the proposed use serves the day-to-day needs of the immediate residential community.

Amenity

PO7 of the code outlines that development ought to maintain high levels of residential amenity and avoids or mitigates potential adverse impacts. The PO identifies matters (among others) such as traffic and visual privacy impacts to consider when assessing the development.

Given the proposed development is surrounded by low density residential zoned land and respective uses, non-residential traffic generated by the proposed development has the potential to introduce new or additional impacts on the residential amenity of the area. The proposed development may produce (up to) a minimum of forty-six (46) vehicle movements on a business day (Mon- Fri). This number of vehicle movements is substantially higher than the expected trips created by an ordinary low density use (6-10 trips) and as such is considered by the development assessment team to represent a potential impact for surrounding land uses.

The applicant also proposes a maximum number of five (5) full-time (equivalent) employees and has nominated in the planning report that the maximum number of clients in anyone day would be eighteen (18). Given the prescribed working day is 9.00 am to 5.30 pm the development assessment team believe this figure (18) may represent a conservative maximum number of clients.

If this is the case, the proposed development would impose additional traffic and impacts to sensitive land uses surrounding the subject site.

Business Uses Code

The purpose of the Business Uses Code is to ensure that business uses and other centre activities are developed in a manner consistent with the Bundaberg Region Activity Centre Network and are of high quality design that appropriately responds to the local character and amenity considerations.

Activity centre role and function

PO1 of the code seeks business uses to locate in and, be considerably scaled and consistent with and reinforce the Bundaberg Region Activity Centre Network. The *Strategic Framework Map SFM-001 (Settlement pattern elements)* identifies an Activity Centre Network hierarchy, including Principal Activity Centre, Major Activity Centre, District Activity Centre, Local Activity Centre and Specialised Activity Centre locations. Insert 1 of the map (Bundaberg and Coastal Areas, provides a closer picture of the settlement pattern for the Bundaberg South location). A copy of the *Strategic Framework Map SFM-001* has been provided as an attachment with the site identified.

It is evident that the subject site is not located within an activity centre location and therefore the proposed development does not achieve compliance with PO1 of the code.

Further, no sound planning justification has been provided to support a business proposal of this type within a Low Density Residential Zone. The vibrancy and function of existing commercial centres exists in part due to the past and present land use planning controls which guide commercial activities into appropriately zoned areas. Further it is the Assessment Managers (Council) role to implement appropriate planning controls to maintain and enhance the vibrancy of existing and future centres.

Transport and Parking Code

Bundaberg Regional Council traffic counter location (BUN34) locates approximately 180 metres south on Boundary Street and measures the traffic between Walker Street and Burnett Street. The site is measured bi-annually and was last undertaken between 16 June and the 30 June 2016 (inclusive). The Daily average traffic generation was 8,629 vehicles.

The proposed use fronts a sub-arterial road (defined under table SC6.3.3.2.1.1 of the Bundaberg Regional Planning Scheme 2015). The purposes of a sub-arterial road is to connect arterial routes through and around major urban areas. One function of the sub-arterial road is to provide a linkage for traffic between arterial roads for through traffic and is characterised by ideally having no direct property access.

The proposed use likely seeks to attract patronage from outside the immediate residential community above and beyond regular low density residential traffic generation. In doing so, the proposed daily numbers of staff and clients may attract a minimum of forty-six (46) trips per day that would not ordinarily be accessed by Boundary Street. As discussed earlier the use has the capacity to attract more vehicle trips per day if the proposed client levels (prescribed as maximum eighteen (18)) are conservative or underestimated.

Onsite Car Parking

It is prescribed under PO1 of the Transport and Parking Code that development caters and ensures that the location, layout, on-site circulation and services areas are designed and delivered in a safe and efficient manner, that it does not unduly impact on the planned function, capacity, efficiency and operation of the adjacent and broader transport network, provides sufficient on-site parking to meet the needs of and anticipated demand generated by the development and limits conflicts with services, vehicles and pedestrians.

Although the proposed development has provided sufficient car parking spaces for the proposed gross floor area in accordance with table 9.4.5.3.3 (minimum on-site parking requirements) the likelihood for the use to require additional onsite car parking spaces beyond five (5) is high. The proposed use seeks to employ up to five (5) staff which in itself would propose a shortfall if all were able bodied (given one of the spaces is a dedicated disabled car park), individually drove and present at the premises.

The applicant identified that an anticipated maximum clientele figure of eighteen (18) persons would access the site at the peak of the use (July to September). Provided this figure as the number of working hours, 2.25 clients could attend the site per hour. It is also regular for these types of uses to have a wait time for the next appointment, impacting on the amount of car parking required.

It is the development assessment teams' consideration that although complying with the acceptable solution, the applicant has not proposed sufficient car parking for the intended intensity. A shortfall of up to five (5) car parks has been identified, i.e. one (1) additional car park for staff and four (4) car parks for clients, including overlapping clients (hence the waiting room within the proposed building layout). That being said, it is considered inappropriate to require an additional car park to make up for the dedicated disabled space.

Any approval of the proposed development should consider inclusion of a condition to require nine (9) car parks to be provided on-site.

Landscaping

The proposed development provides a 0.56 metre wide landscape strip to the north boundary for the length of the proposed driveway and carpark area. Given the proposed development is located within and surrounded by allotments under the low density residential zone, the code seeks to impose a minimum width of 1.5 metres to all side and rear boundaries within the subject site.

It is concluded by the development assessment team that the proposed 0.56 metre landscaping strip (northern boundary) does not achieve a compliant outcome with:-

- The acceptable outcome- AO1.4 (given the minimum landscape buffer outcome is 1.5 metres); and
- The applicable performance outcome (given that the proposed buffer is insufficiently wide to protect and enhance the amenity to surrounding low density residential uses).

It may also be interpreted that the northern landscape buffer is only 0.56 metres wide to cater for the commercial crossover and driveway (where most of the internal driveway along the building measures four (4) metres wide).

The proposed buffer may ordinarily be 1.5 metres if the constraint of the driveway wasn't limiting an acceptable onsite vehicle circulation outcome.

The proposed 0.56 wide landscaped buffer is insufficient to cater for an acceptable landscape buffer that limits the impacts of the proposed commercial use to the sensitive land use (two storey dwelling house) adjacent.

Advertising Devices Code

The application as lodged does not include an advertising device nor does the applicant provide commentary to the Advertising Devices Code.

Under table 5.8.1 of the Bundaberg Regional Planning Scheme an advertising device, by itself is self-assessable is:

(a) for a sign type described in the Advertising devices code other than one of the following:-

(i) above awning sign;

(ii) projecting sign;

(iii) roof sign;

(iv) roof-top sign; and

(b) not a third party advertising device;

OR

(c) an advertising device associated with a home based business.

If the proposed sign is associated with a Home Based Business then acceptable outcome 7 (AO7) of the code is the applicable assessment criteria.

If a proposed advertising device does not qualify for the above level of assessment the proposed device would trigger a code assessable application.

Given the application is for an Office (not a home based business) there would be limited ability for Council to restrict (beyond the acceptable outcomes of the advertising devices code) signs of a size ordinarily located in the Low Density Residential Zone.

AO2.1 of the code allows for a combined sign-face area of all advertising devices on a site to not exceed 0.8m² of sign-face area per linear metre of the subject site street frontage. The site has a twenty (20) metre frontage equating to a maximum overall sign-face of sixteen square metres (16 m²).

As a comparison, the Home based business code prescribes a maximum sign face area of 0.5 m².

It is evident that a consequential outcome of approving an office use to locate and operate is the self-assessable development provisions allowing larger signage (up to 16m² of total signage area) normally attributed to commercial and industrial zones, to be located in a low density residential area. This consequential land use outcome (and potential large sign/s) would be inconsistent with the prevailing character and amenity of the locality.

Strategic Framework

The purpose of the Strategic Framework is to set the policy direction for the planning scheme area and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme. The Strategic Framework lays out the policy direction for the planning scheme within eight themes, for which strategic and specific outcomes are specified to measure achievement of the theme.

Without repeating substantial portions of the Strategic Framework, a review of the proposal against the eight themes and associated strategic and specific outcomes demonstrate that the proposal is in conflict with the Strategic Framework.

Several key concepts of the settlement pattern theme and economic development theme have been identified that are conflicting with the proposed development. A summary list of the concepts from these themes are listed below.

Settlement pattern theme (concepts relevant to the proposal):

Key concepts:-

(b) New and consolidated urban areas focussed around regional and district activity centres have a compact and efficient urban form that maximises walkability and access to services and facilities.

(f) The activity centre network establishes a hierarchy of urban activity centres that are the focus for economic, employment, commercial and community activity at a range of scales that reflects their individual service catchment.

(j) Potentially incompatible land uses are separated or buffered to maximise, preserve, and protect the landscape, agricultural production capacity and amenity values of the region.

Economic development theme (concepts relevant to the proposal):

Key concepts:-

(a) A diversified regional economy.

(b) A network of well-designed, connected and accessible activity centres with complementary scales, roles and functions contributing to greater levels of employment and economic self-sufficiency for the Bundaberg Region.

(c) A variety of well-designed industry and enterprise areas that:-

(i) support regionally significant economic attractors and accommodate a range of general industry, science and technology, health, education and training activities; and

(ii) encourage the co-location and clustering of innovative and emerging industry sectors such as mining support services, aviation and food processing.

(f) Home based businesses that support localised small scale entrepreneurship.

(g) High quality infrastructure and transport networks that support economic development.

Consideration of conflict

- The proposal is in conflict with Strategic Outcome (f) of the Settlement Pattern theme in that the proposed use does not achieve protection of the region wide activity centre network strategy by proposing out of centre development;
- The proposed development is in conflict and would not support Specific Outcomes 3.3.7.1(a, b and f) of the Settlement Pattern theme (Activity centre network element (6) of the theme) in that the proposed development locates outside the identified Activity Centre network hierarchy, is not located in an area that would anticipate a commercial activity of this type nor is it located with appropriate proximity to existing district and local centres identified in Map SFM-001 of the planning scheme;
- The proposal does not support key concept 3.4 (b) of the Economic Development theme in that the proposed Office Use (Business Activity) in an area that is not within or adjacent to a centre on the *Strategic Framework SFM-002 (Economic development elements)* map;
- The proposed development is in conflict with Strategic Outcome 3.4.1(g)(i) of the Economic Development theme in that the proposed business activity is not located within or adjacent to an identified centre;
- The proposal is in conflict with specific outcome 3.4.2.1(a) of Element 1- Activity centres network in that the proposed use does not support the settlement pattern outcomes of Activity Centres and does not fit into any activity centre types. In fact, the applicant seeks to link the proposed use to a Neighbourhood Centre, which among other non-complying outcomes seeks to service day-to-day and top-up needs of the immediate residential catchment; and
- The proposed development is in conflict with specific outcome 3.4.2.1(c) in that the introduction of a business activity (Office) outside identified centre network locations (without justified economic needs assessment or an identified shortfall of tenure in appropriate locations) has the potential to erode the viability of centres.

Planning Need

Sufficient Grounds to Approve Despite Conflicts

The applicant has not demonstrated a need for the proposed office to locate within the low density residential zone given several commercial tenancies within the CBD precinct have been identified. A review by assessing officers of vacant commercial premises was undertaken in September 2016 and found that in an area bounded by Maryborough Street, Quay Street, Walla Street and Woongarra Street (some 12 street blocks) eighteen (18) commercial tenancies were visually for lease.

A review of the Barolin Street office precinct (MDRZ2) was also undertaken by assessing officers and found that of the fifty-five (55) properties, five (5) were vacant offices for lease, thirty-three (33) were Dwelling Houses/ Units and seventeen (17) were currently occupied by Commercial activities.

Given the above snapshots of part of the CBD precinct and the Barolin Street office precinct, it is evident that a shortfall of appropriately zoned land, located within suitable sites identified within the activity centre network does not exist.

As demonstrated above, the proposed development is in conflict with the Strategic Framework, Low Density Residential Zone Code, Business Uses Code and Landscaping Code. In considering an application that conflicts with the planning scheme, section 326 of the Decision Rules in SPA must be considered. It states:

326 Other decision rules

- (1) *The assessment manager's decision must not conflict with a relevant instrument unless—*
- (a) *the conflict is necessary to ensure the decision complies with a State planning regulatory provision; or*
 - (b) *there are sufficient grounds to justify the decision, despite the conflict; or*
 - (c) *the conflict arises because of a conflict between—*
 - (i) *2 or more relevant instruments of the same type, and the decision best achieves the purposes of the instruments; or*
Example of a conflict between relevant instruments—
a conflict between 2 State planning policies
 - (ii) *2 or more aspects of any 1 relevant instrument, and the decision best achieves the purposes of the instrument.*
Example of a conflict between aspects of a relevant instrument—
a conflict between 2 codes in a planning scheme
- (2) *In this section—*
- relevant instrument** *means a matter or thing mentioned in section 313(2) or 314(2), other than a State planning regulatory provision, against which code assessment or impact assessment is carried out.*

In considering this rule, it is noted that the Bundaberg Regional Council Planning Scheme 2015 is a relevant instrument for the purposes of this section. In considering then whether any of the exceptions to approving the development that is in conflict with the planning scheme, section 1(a) and(c) are not considered relevant, as the conflict does not arise as a result of a SPRP or a conflict between instruments. This leaves only item 1(b), and the test to be satisfied is that there are sufficient grounds to approve the development despite the identified conflicts with the planning scheme.

In considering this test, the State has issued *Statutory Guideline 5/09 – Sufficient Grounds for Decisions that Conflict with a Relevant Instrument*. In providing guidance to decision makers, the Guideline states:

*The term **grounds** is defined in the SPA to mean matters of public interest. It does not include considerations such as the personal circumstances of the applicant, the owner of the land or another interested party. Apart from defining the term grounds, the SPA does not provide any guidance about what grounds are **sufficient** for justifying a decision that may conflict with a relevant instrument.*

Although the term “sufficient” is not defined in SPA, the guideline has been prepared with previous case law around this matter in mind. The guideline further states that the following are considered to be sufficient grounds:-

- Relevant instrument is out of date;
- Relevant instrument is incorrect;
- Relevant instrument inadequately addresses development;
- Relevant instrument does not anticipate specific or particular development;
- Urgent need for the proposal.

On a review of the facts, it is considered that none of the above apply in this circumstance. Further, it is considered that there are not sufficient grounds to approve the development despite the identified conflicts because:

- The proposal has the potential to negatively impact on the pool of existing lawful office premises and appropriately zoned land for future demand;
- The proposal has the potential to negatively impact on surrounding lawfully established uses, including by way of traffic, amenity and character impacts;
- There is no overriding need to locate the proposed use on the subject land;
- There are numerous other providers of the same use that are located in more appropriate areas;
- The use can be located on other land that would not result in the same conflicts with the planning scheme; and
- Any community benefits that might arise from the development can still be realised if the use was located on different land more suitable for its use.

Out of Centre Development

In an effort to establish and effectively manage vibrant and vital centres within the region, Councils Planning Scheme discourages out of centre development in order to maintain the integrity and vibrancy of the defined centres network hierarchy. Out of centre commercial development is only to be supported where it is confirmed that there is an overwhelming need for the proposal and that there is insufficient land available for the use within an existing centre.

When requested to provide an economic justification as to why this use cannot or should not locate in an appropriately zoned commercial area, the applicant drew on the proximity of neighbourhood (commercial) zoned land to the North (Vet and Building Contractor Office) and North-East (Local small scale convenience store and Café) as factors that contribute to the proposed development complementing the locality. Although long established neighbourhood centre zoned businesses locate proximate to the site it is to be noted that the subject land and all adjoining land is low density residential land. In addition to the proximity of commercial uses to the site the further justification for the proposal received by the applicant is that the developer owns the property and cannot afford to locate to a commercial zoned centre. These justifications alone do not provide the overwhelming planning grounds to override a conflict with the planning scheme. The applicant has not demonstrated need for the proposed development at this “out-of-centre” in location.

The application’s identified conflicts with the applicable overlay, development codes and the Strategic Framework demonstrate an overt conflict with the Planning Scheme and compromise the achievement of its stated planning outcomes.

Public Notification

The following matters were raised by submitters:-

Grounds of Submissions		Considerations
1	<p><u>Scale of Proposed Use</u></p> <p>Of the two submissions received, both identified support for the proposed use and the scale and intensity of the proposed use, citing that at the proposed intensity, the use would not likely impose undue impacts to surrounding land uses.</p>	Noted.
2	<p><u>Outlook of use</u></p> <p>The proposed use would provide a positive outlook to the streetscape along Boundary Street given that the proposed office will utilise the existing dwelling and not propose additional external building to the frontage of the site, beside cosmetic outcomes.</p>	Noted
3	<p><u>Location of proposed driveway and car park</u></p> <p>The proposed driveway along the northern boundary is a preferred siting for the driveway as existing mature vegetation existing within 1 Boundary Street. This vegetation will improve buffering outcomes to the residential dwelling on 1 Boundary Street and the proposed use.</p>	Noted
4	<p><u>Proximity to existing commercial uses</u></p> <p>The subject site is located in close proximity to existing commercial uses. The establishment of the proposed use will have a positive contribution on the existing businesses and likely have a positive impact on local property values.</p>	Existing commercial uses exist at 16-18 Boundary Street, Bundaberg South, around the corner on the North- West side of the Walla St/ Burnett Street roundabout and at 19 Boundary Street. These uses are established business that are all currently zoned <i>neighbourhood centre zone</i> under the <i>Bundaberg regional Planning Scheme 2015</i> , largely servicing local day-to-day requirements.

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:-

Internal department	Referral Comments Received
Water and Wastewater	16 June 2016
Strategic Planning	18 May 2016

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

4.2 Referral Agency

Not Applicable

5. PUBLIC NOTIFICATION

Pursuant to the *Sustainable Planning Act 2009*, this application was advertised for 15 business days from 20 April 2016 until 16 May 2016. The Applicant submitted documentation on 17 May 2016 advising that public notification had been carried out in accordance with the *Sustainable Planning Act 2009*. Council received two (2) submissions in relation to this development application during this period. Any significant issues raised have been included in section 3 of this report.

Communication Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- 1 Locality Plan
- 2 Site Plan
- 3 Proposal Plans
- 4 Strategy Framework Maps (highlighting the settlement pattern elements)

Recommendation:

That Development Application 322.2016.45432.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Development Permit for Material Change of Use for Office (Accounting Firm)

SUBJECT SITE

3 Boundary Street, Bundaberg South, described as Lot 44 on RP13448

DECISION

- Refused

1. REFERRAL AGENCY

Not Applicable

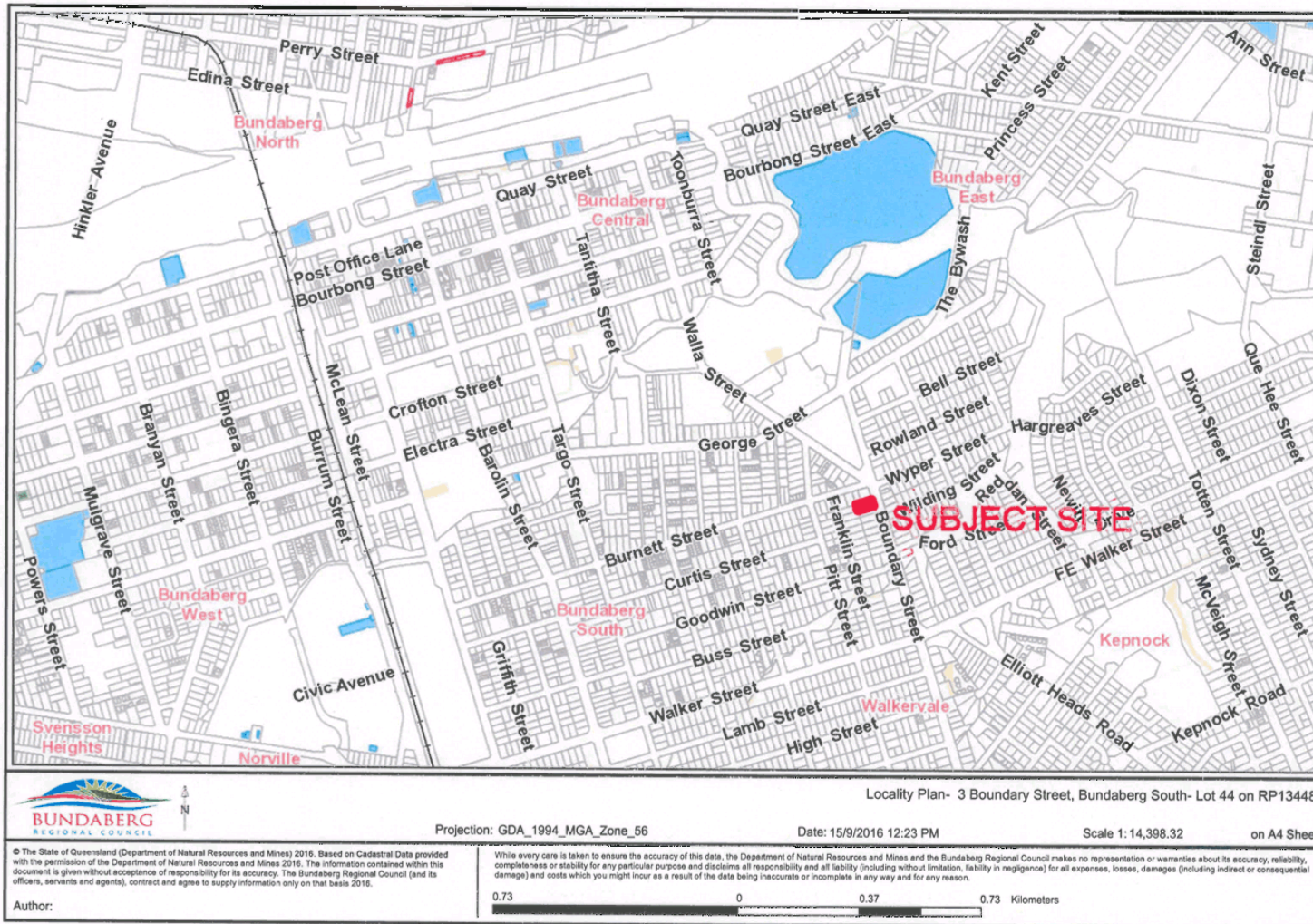
2. REFUSAL DETAILS

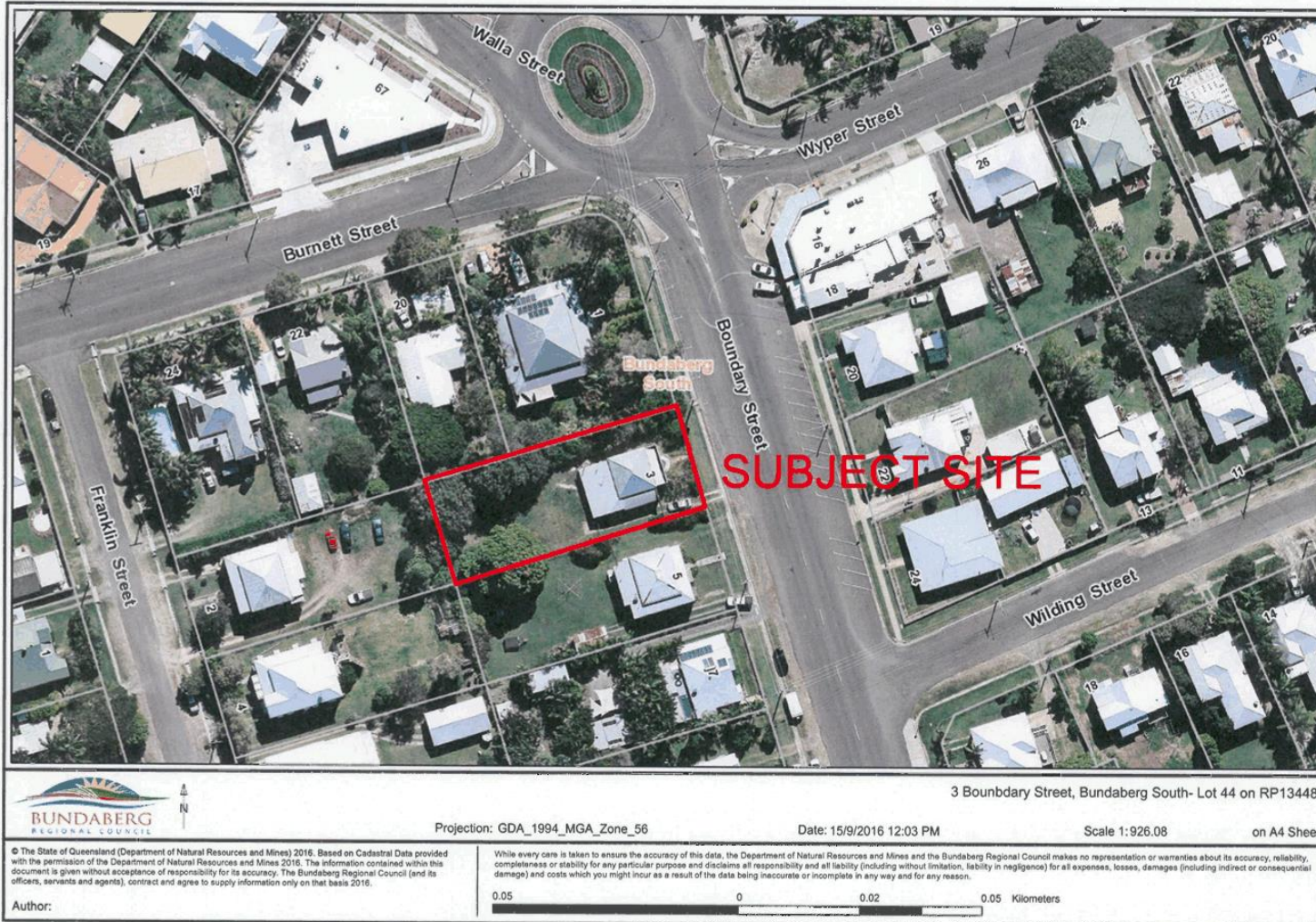
Direction to refuse

- The assessment manager was not directed to refuse the application by a concurrence agency

Reasons for Refusal

1. The development is in substantial conflict with the Low Density Residential Zone Code and the Business Use Code given:-
 - a. The proposed use does not meet the intent of the Codes;
 - b. The proposal would increase and have unreasonable impacts on the low density residential uses established adjacent and proximate to the subject site;
 - c. The proposed use is inconsistent and incompatible with the surrounding land uses; and
 - d. The proposal undermines the Activity Centre strategy (a key performance indicator of the Codes) of the Council Planning Scheme).
2. The applicant has failed to provide sufficient information to fully assess all aspects of the development, including economic justification demonstrating a need for the proposed commercial development in the Low Density Residential Zone.
3. The proposed development is in conflict with the Strategic Framework of the Bundaberg Regional Council Planning Scheme, in particular:-
 - a. The Settlement Pattern Theme; and
 - b. The Economic Development Theme.
4. There are not sufficient grounds to approve the development despite the identified conflicts with the Bundaberg Regional Council Planning Scheme 2015.







LOCALITY PLAN
SCALE 1:500

DESIGN DIRECT BUILDING DESIGNERS <small>QDCC NO. 1162156 47 Spindler Street PO Box 1128 Bundaberg QLD 4670 (07) 4156 3811 info@designdirect.net.au</small>	<small>THESE DRAWINGS AND DESIGNS ARE COPYRIGHT AND SHALL NOT BE USED OR REPRODUCED BY ANY MEANS, WHOLLY OR PARTLY WITHOUT PRIOR WRITTEN PERMISSION FROM DESIGN DIRECT</small>	REV	DESCRIPTION	DATE	BY	PROJECT PROPOSED CONVERSION OF RESIDENCE TO OFFICES	LOCATION 3 BOUNDARY STREET BUNDEBERG, QLD	PAGE SIZE	SCALE	START DATE	DESIGNED
		ISSUE	ORIGINAL FOR INFORMATION NOT FOR CONSTRUCTION	17/03/16	BG	CLIENT VIKKI GRAHAM & ACCOUNTANTS	TITLE LOCALITY PLAN	BCA CLASS 5	PROJECT NO. 160207	DRAWING NO. DA01	FEB 2016 DRAWN BG CHECKED TL REVISION *

PROPERTY DESCRIPTION:

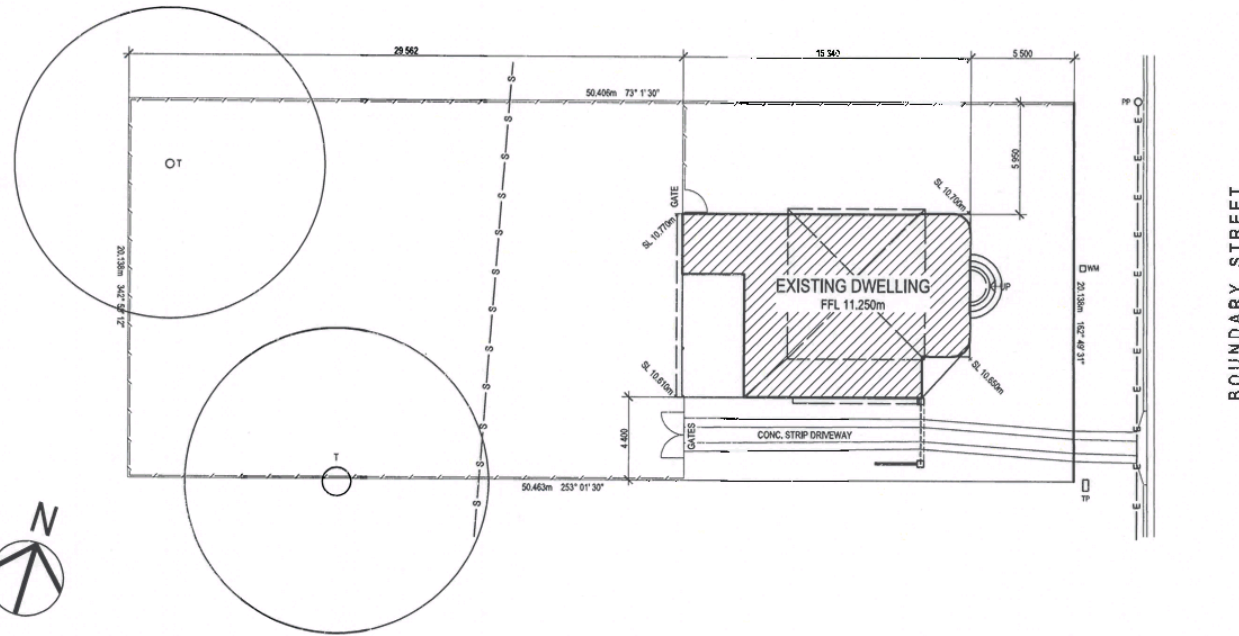
LOT 44 ON RP13448
 LOCALITY OF BUNDABERG
 BUNDABERG REGIONAL COUNCIL
 SITE AREA - 1 012m²

ABBREVIATION LEGEND:

- FENCE
- E — ELECTRICAL LINE
- S — SEWER LINE
- FFL FINISHED FLOOR LEVEL
- PP POWER POLE
- SL SURFACE LEVEL
- T TREE
- TP TELECOM PIT
- WM WATER METER

GENERAL NOTES:

1. ALL DIMENSIONS TO BE VERIFIED ON SITE
2. THIS PLAN HAS BEEN PRODUCED USING INFORMATION OBTAINED FROM A SITE INVESTIGATION PERFORMED BY DESIGN DIRECT ON 02/03/16. THE PLAN IS AN INDICATIVE REPRESENTATION OF EXISTING BUILDING CONDITIONS AT THE TIME OF THE INVESTIGATION.
3. LOCATION OF EXISTING UNDERGROUND SERVICES TO BE CONFIRMED BY BUILDER PRIOR TO COMMENCEMENT OF ANY SITE WORKS



EXISTING SITE PLAN
 SCALE 1:200

DESIGN DIRECT BUILDING DESIGNERS <small>QDCDC No. 1742158 47 Swaine Street Bundaberg Q 4679 (07) 4156 2011 info@designdirect.net.au</small>	THESE DRAWINGS AND DESIGNS ARE COPYRIGHT AND SHALL NOT BE USED OR REPRODUCED BY ANY MEANS, WHOLLY OR PARTLY, WITHOUT PRIOR WRITTEN PERMISSION FROM DESIGN DIRECT.	PROJECT	LOCATION	PAGE SIZE	SCALE	START DATE	DESIGNED
		PROPOSED CONVERSION OF RESIDENCE TO OFFICES	3 BOUNDARY STREET BUNDABERG, QLD	A3	1:200	FEB 2016	TL
FOR INFORMATION NOT FOR CONSTRUCTION	ORIGINAL 17/03/16 BG	CLIENT	TITLE	BCA CLASS	PROJECT NO.	DRAWING NO.	REVISION
REV DESCRIPTION DATE BY	* ORIGINAL 17/03/16 BG	VIKKI GRAHAM & ACCOUNTANTS	EXISTING SITE PLAN	5	160207	DA02	*

PROPERTY DESCRIPTION:

LOT 44 ON RP13448
 PARISH OF BUNDABERG
 COUNTY OF BUNDABERG REGIONAL COUNCIL
 SITE AREA - 1 012m²

ABBREVIATION LEGEND:

- X-E — EXISTING ELECTRICAL LINE
- K-R — EXISTING SEWER LINE
- — NEW 1.8m HIGH FENCE - TO REPLACE EXISTING
- B BOLLARD
- FRL FINISHED FLOOR LEVEL
- JPP EXISTING POWER POLE
- JSL EXISTING SURFACE LEVEL
- XT EXISTING TREE
- XTP EXISTING TELECOM PIT
- XWM EXISTING WATER METER

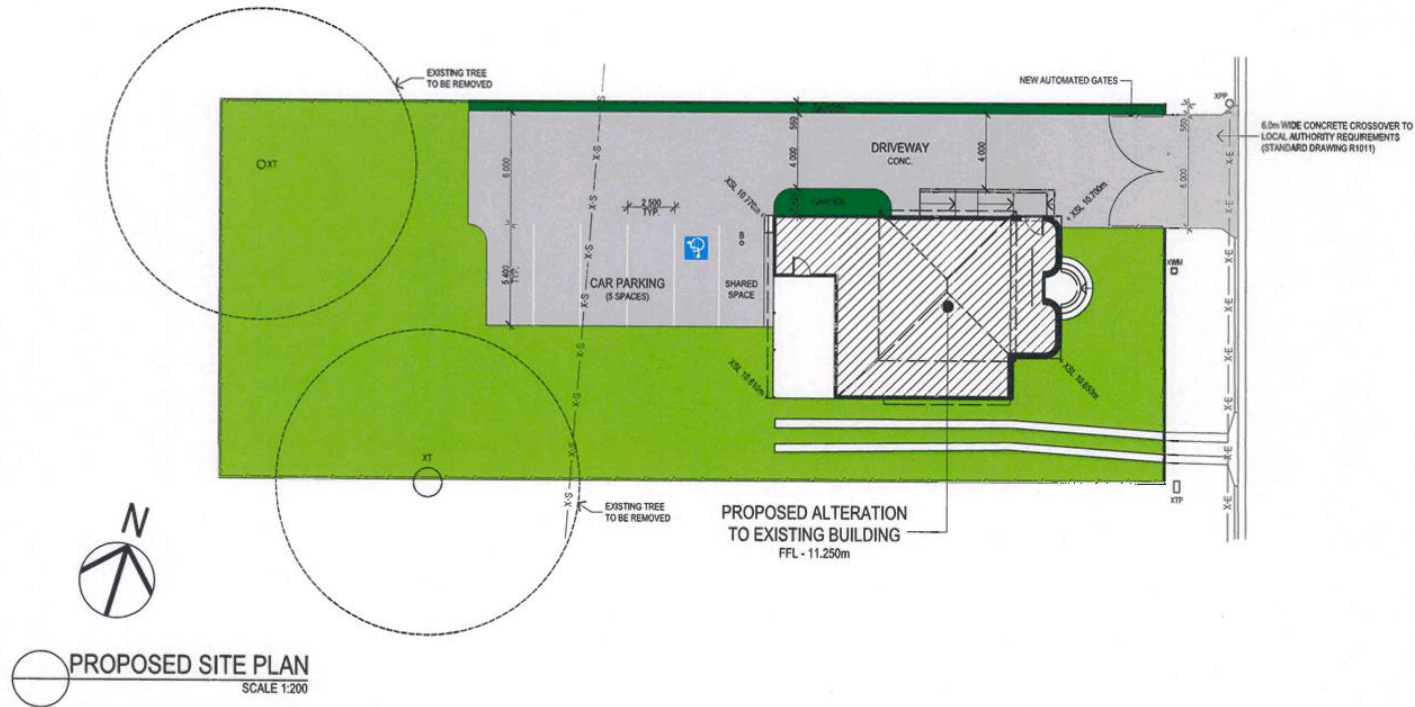
PLANNING SCHEME PROVISIONS:

ZONE - LOW DENSITY RESIDENTIAL
 PROPOSED DEFINED USE - OFFICE

SITE AREA - 1 012m²
 PROPOSED SITE COVER - 143.54m² (14.2%)

PROPOSED GROSS FLOOR AREA (G.F.A.) - 143.54m²
 (GROUND FLOOR - 122.09m²)
 (VERANDAH - 21.45m²)

CAR PARKING CALCULATIONS OF G.F.A.
 (1 / 30m² - OFFICES, ALLOW 143.54m² ÷ 5)
 TOTAL CAR PARKING SPACES REQUIRED - 5
 TOTAL CAR PARKING SPACES PROVIDED - 5



DESIGN DIRECT BUILDING DESIGNERS QBCC NO. 1192198 27 Baxendale Street PO Box 1119 Bundaberg Q 4679 (07) 4154 2811 info@designdirect.net.au	THESE DRAWINGS AND DESIGNS ARE COPYRIGHT AND SHALL NOT BE USED OR REPRODUCED BY ANY MEANS, WHOLLY OR PARTLY, WITHOUT PRIOR WRITTEN PERMISSION FROM DESIGN DIRECT.	PROJECT PROPOSED CONVERSION OF RESIDENCE TO OFFICES	LOCATION 3 BOUNDARY STREET BUNDABERG, QLD	PAGE SIZE A3	SCALE 1:200	START DATE FEB 2016	DESIGNED TL
		CLIENT VIKKI GRAHAM & ACCOUNTANTS	TITLE PROPOSED SITE PLAN	ICA CLASS 5	PROJECT NO. 160207	DRAWING NO. DA03	REVISION *
FOR INFORMATION NOT FOR CONSTRUCTION		REV. DESCRIPTION DATE BY	ORIGINAL 17/03/16 BG				

BUILDING AREAS:

ENCLOSED	101.695m ²
VERANDAH	21.450m ²
PORCH	20.391m ²
TOTAL	143.536m²

WALL LEGEND:
(REFER PLAN FOR THICKNESSES)

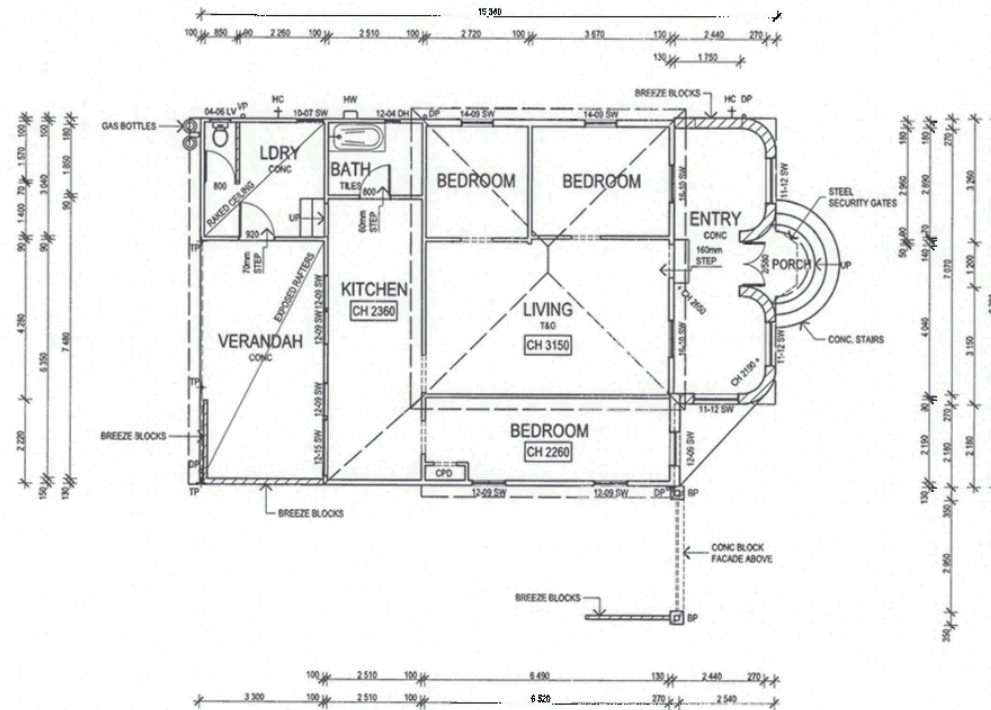
	CONCRETE BLOCKWORK WALL - RENDERED & PAINT FINISH BOTH SIDES
	EXTERNAL TIMBER STUD FRAMED WALL - SELECTED CLADDING (REFER ELEVATIONS) - WALL LINING, PAINT FINISH
	INTERNAL TIMBER STUD FRAMED WALL - WALL LINING BOTH SIDES, PAINT FINISH
	UNCONFIRMED WALL CONSTRUCTION

ABBREVIATION LEGEND:

BP	BRICK PIER
CH	CEILING HEIGHT
CONC	CONCRETE
CPD	CUPBOARD
DH	DOOR HUNG WINDOW
DP	DOWN PIPE
HC	HOSE COCK
HW	GAS HOT WATER SYSTEM
LVR	LOUVERED WINDOW
SW	SLIDING WINDOW
T&G	TONGUE & GROOVE FLOORING
TP	TIMBER POST
VP	VENT PIPE

GENERAL NOTES:

1. ALL DIMENSIONS TO BE VERIFIED ON SITE
2. THIS PLAN HAS BEEN PRODUCED USING INFORMATION OBTAINED FROM A SITE INVESTIGATION PERFORMED BY DESIGN DIRECT ON 02/03/16. THE PLAN IS AN INDICATIVE REPRESENTATION OF EXISTING BUILDING CONDITIONS AT THE TIME OF THE INVESTIGATION
3. LOCATION OF EXISTING UNDERGROUND SERVICES TO BE CONFIRMED BY BUILDER PRIOR TO COMMENCEMENT OF ANY SITE WORKS



EXISTING FLOOR PLAN
SCALE 1:100



REV	DESCRIPTION	DATE	BY
*	ORIGINAL	17/03/16	BG

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**PROPOSED CONVERSION OF
RESIDENCE TO OFFICES**

CLIENT
**VIKKI GRAHAM &
ACCOUNTANTS**

LOCATION
**3 BOUNDARY STREET
BUNDEBERG, QLD**

TITLE
EXISTING FLOOR PLAN

PAGE SIZE	SCALE	START DATE	DESIGNED
A3	1:100	FEB 2016	TL
BCA CLASS	PROJECT NO.	DRAWING NO.	REVISION
5	160207	DA04	*

BUILDING AREAS:

ENCLOSED	101.695m ²
VERANDAH	21.450m ²
PORCH	20.391m ²
TOTAL	143.536m²

WALL LEGEND:
(REFER PLAN FOR THICKNESSES)

— EXISTING WALL TO REMAIN

— INTERNAL TIMBER STUD FRAMED WALL
- 10mm PLASTERBOARD LINING BOTH SIDES, PAINT FINISH

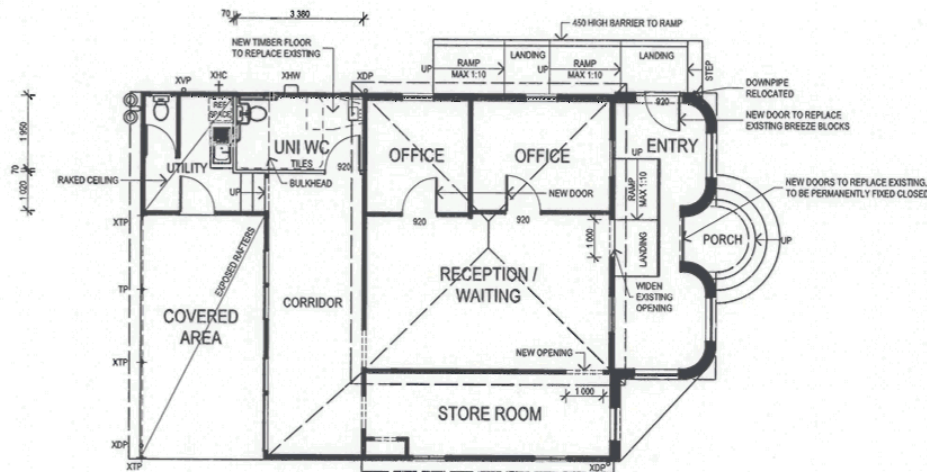
NOTE:
SUBSTITUTE PLASTERBOARD FOR 6mm VILLABOARD LINING TO WET AREAS

ABBREVIATION LEGEND:

TP TIMBER POST
XDP EXISTING DOWN PIPE
XHC EXISTING HOSE COCK
XHW GAS HOT WATER SYSTEM
XTP EXISTING TIMBER POST
XVP EXISTING VENT PIPE

GENERAL NOTES:

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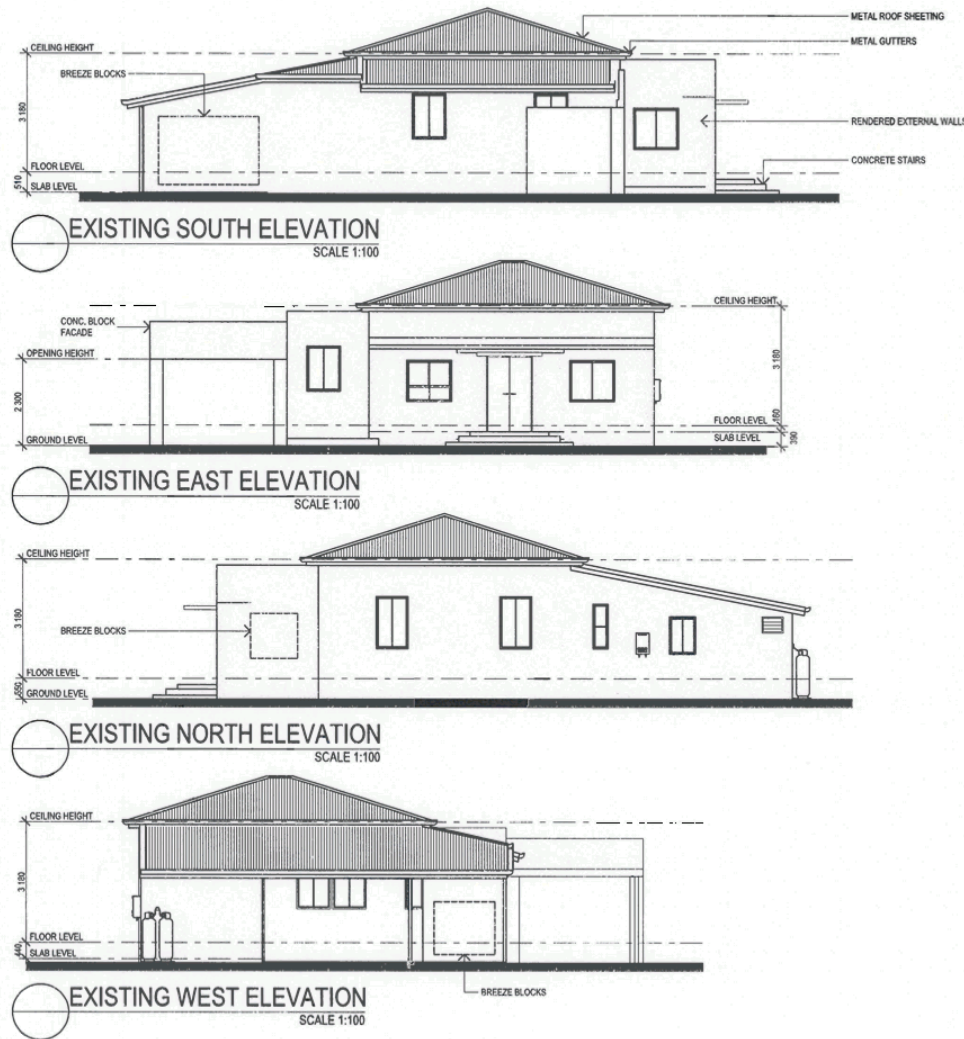
CLIENT
**VIKKI GRAHAM &
ACCOUNTANTS**

LOCATION
**3 BOUNDARY STREET
BUNDEBERG, QLD**

TITLE
PROPOSED FLOOR PLAN

PAGE SIZE	SCALE	START DATE	DESIGNED
A3	1:100	FEB 2016	TL
BCA CLASS	PROJECT NO.	DRAWING NO.	CHECKED
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			*

PROPOSED FLOOR PLAN
SCALE 1:100



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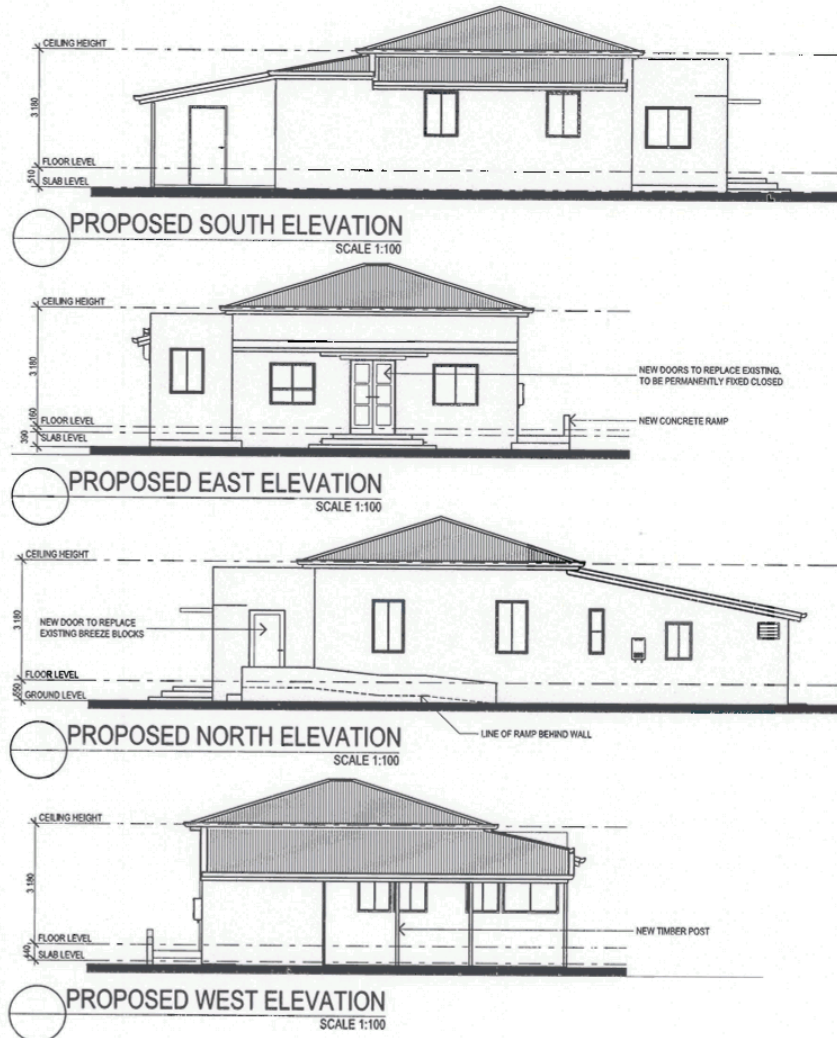
PROJECT
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PROJECT

**PROPOSED CONVERSION OF
RESIDENCE TO OFFICES**

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ACCOUNTANTS**

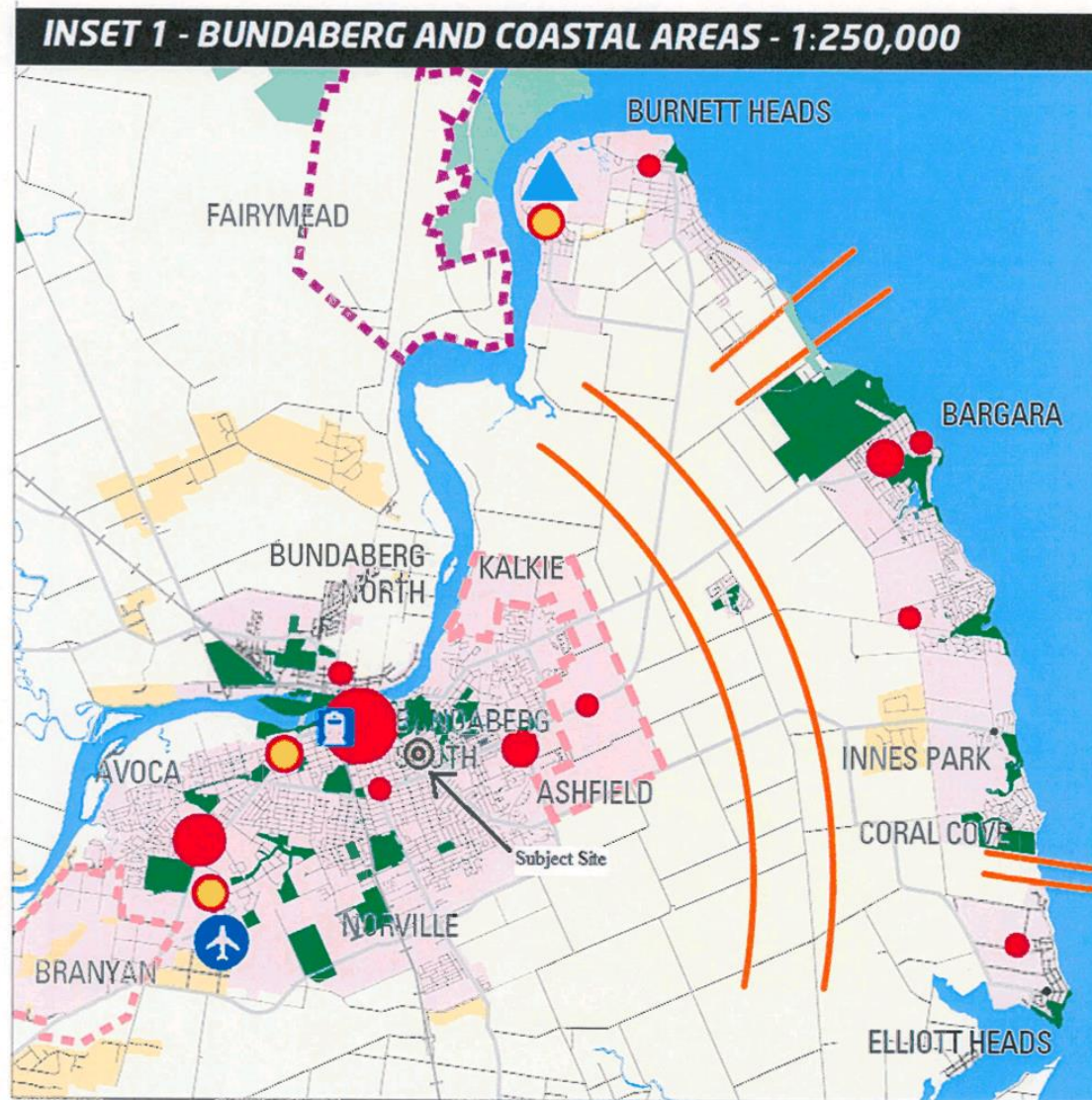
LOCATION

**3 BOUNDARY STREET
BUNDABERG, QLD**

TITLE

PROPOSED ELEVATIONS

PAGE SIZE	SCALE	START DATE	DESIGNED
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			CHECKED
			TL
BCA CLASS	PROJECT NO.	DRAWING NO.	REVISION
5	160207	DA07	*



**Item****11 October 2016****Item Number:**

O1

File Number:

A2746414

Part:

WASTE & RECYCLING

Portfolio:

Community & Environment

Subject:

Engagement of Pacific Environment - Phytocap Design for the Qunaba Landfill

Report Author:

Gavin Crawford, Manager Waste & Health Services

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Governance - 4.4.5 Responsible financial management and efficient operations

Background:

Bundaberg Regional Council's Waste and Recycling section operates 7 landfills within the region, all of which are governed by an Integrated Environmental Authority (Permit Number EPPR00238413) which sets out specific conditions for the management of the sites. Condition 1E41 specifically relates to the requirement for Landfill Facility Post Closure Management for the Qunaba landfill, and more specifically a Management Program which includes:-

- *The design of a final cover system including thickness and permeability of the cover layers and any lateral drainage layers;*
- *The erosion prevention system that is designed with effective drainage systems to minimise erosion and to minimise water ponding;*
- *The revegetation and stabilisation program for the landfill to minimise final cover erosion and final cover species root penetration through the waste pile;*
- *The procedures for maintaining and operating any stormwater management system;*
- *The procedures for maintaining and operating any leachate collection system;*
- *Any proposed nuisance or wildlife control procedures;*
- *The proposed land use at the premises to which this environmental authority relates during and after the rehabilitation program*

One of the key elements of the rehabilitation of landfills is the design and construction of a suitable cap which should provide for the following:-

- Minimisation of infiltration of water into the waste ensuring that the infiltration rate does not exceed the seepage rate through the base of the landfill;
- A long term stable barrier between the waste and the environment in order to protect human health and the environment;
- The prevention of uncontrolled escape of landfill gas;
- Land suitable for intended after use.

There are a number of options available for landfill cap construction, including:-

- Traditional Clay Cap;
- HDPE (Plastic) Lining;
- GCL (Geo Composite Liner);
- Alternative or ET Cap (Phytocap).

Traditional caps such as Clay, HDPE and GCL, while having cheaper design costs are generally costly to construct, maintain and repair. As well as issues in the short term to maintain “as constructed” permeability, there are a number of other issues associated with the construction and maintenance of a low permeability clay layer for a cap, including:-

- the spongy foundation of waste on which it is built (which can cause issues during the compaction process);
- differential settlement of the waste causing cracking of the clay;
- desiccation of the clay from above - due to evapotranspiration, and below - due to heat released from the landfill.

HDPE and GCL address some of the issues around Clay Caps however cost and long-term viability of the material presents other problems.

Phytocaps on the other hand, have higher design costs, however over the long term, operations and maintenance costs tend to be lower. Phytocaps seek to reduce the rate of infiltration into the landfill by using the water removal capability of plants (transpiration) and water storage capacity of the soils in the cap. The design of a phytocap requires a detailed understanding of a range of conditions including proposed soil source, variability and acceptance limits. Consideration and understanding of the range of conditions in which the soil may be placed including compaction and conditioning requirements is also an integral part of the design process. Climatic factors must be assessed as part of the initial project design as this will have a bearing on the vegetation selection which may be used onsite. Vegetation selection should also address the following:-

- time to maturity;
- regeneration;
- root depth;
- weed resistance;
- tolerance level;
- and seasonal growth patterns.

Pacific Environment have been at the forefront of Phytocap trials and development within Australia and America. They were involved in the original A-ACAP (Australian

Alternative Cover Assessment Program) trials and have been integral in assisting with the development of the guidelines for phytocap design, construction and maintenance in Australia. Pacific Environment have developed the methodology for predicting methane oxidation rates from the use of phytocaps for the purposes of assessing abatement under the Emissions Reduction Fund. Individuals within Pacific Environment who would be working directly on the Qunaba project include:-

Richard Yeates

Richard was Joint Program Manager for the Australian Alternative Covers Assessment Program (A-ACAP) 2005-2011 and Secretary of its National Steering Committee for that period. He was also one of the five joint authors of the WMAA Phytocap Design, Construction and Maintenance Guidance Manual, 2011.

Dr William H Albright

Dr Albright is technical advisor to Pacific Environment for the Qunaba proposal and was one of the three international advisors to A-ACAP and joint author of the WMAA Phytocap Guidance Manual. He was also Principal Investigator of the USEPA sponsored US ACAP (1997-2006) and lead author of "Water Balance Covers for Waste Containment: Principles and Practice" which is the recommended reference text on phytocaps by the NSW EPA.

Mal Jones

Mal was Chair of the A-ACAP National Steering Committee from 2005-2011 and played an active role as Industry Partner Investigator for the Townsville and Lismore A-ACAP test sites. He has wide experience over many years in landfill design and waste containment including as Principal engineer for the design of the Bundaberg Regional Landfill.

Pacific Environment also have a direct working relationship with AECOM (Rowan Cossins), who are currently engaged by Council to provide detailed engineering design for all of Councils Landfill development and construction plans.

BRC have worked previously with Pacific Environment to conduct a feasibility study/risk assessment on the applicability of using a phytocap at the Qunaba landfill. As a result, they have prior knowledge of the site as well as an existing relationship with staff.

Engaging Pacific Environment to assist with the design of a phytocap for the Qunaba site will offer a range of benefits including:-

- Lower cost option for landfill cap (20 year financial plans developed by AECOM for landfill rehabilitation identified capping costs (using traditional caps) for Qunaba at over 7 million dollars)
 - Once designed (including technical specifications and engineering) Council can carry out much of the work in house using Council staff to propagate and plant vegetation on site, earthworks and long term maintenance.
- Extensive experience and working knowledge of phytocaps.
- Significant aesthetic advantages with the construction of a phytocap, particularly given the landfill is on the main access road to the Mon Repos Conservation Park.

- The enhancement of the neighbouring Barolin Nature Reserve by extending the planting of native species into the Waste Management Facility and providing the community with future walking tracks.

Given Pacific Environments detailed knowledge and understanding of phytocaps and the specialised nature of the services they provide. Waste and Recycling request permission to directly engage Pacific Environment for the purposes of assisting with the design and construction of a phytocap at Qunaba Landfill without having to obtain other quotes from the market.

A medium-sized contract is defined in Section 224 (2) of the *Local Government Regulation 2012* as follows:-

224 Entering into particular contracts

- (2) *A medium-sized contractual arrangement is a contractual arrangement with a supplier that is expected to be worth, exclusive of GST, \$15,000 or more but less than \$200,000 in a financial year, or over the proposed term of the contractual arrangement.*

Council's Strategic Supply Section has advised that Council can take this action in terms of Section 235 (b) of the *Local Government Regulation 2012* as follows:

235 Other exceptions

A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if-

- (b) *the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.*

Associated Person/Organization:

Kerry Dalton - Coordinator Waste and Recycling Environmental Compliance

Consultation:

Portfolio Spokesperson & Divisional Councillor: Cr Scott Rowleson

Gavin Steele – General Manager Community and Environment

Gavin Crawford – Manager Waste and Health

Legal Implications:

There appear to be no legal implications.

Policy Implications:

Allowed under Section 235 (b) of the *Local Government Regulation 2012*.

Financial and Resource Implications:

As per attached proposal:

Task	\$ (excludes GST)
Phase 1: Development of conceptual model for Qunaba landfill (Includes wind modelling and one day workshop)	\$14,060
Phase 2: Design of Northern phytocap area	\$12,200
Phase 3: Design of West & South-West slope cover	\$11,500
Phase 4: Clay Treatment Trial	\$6,000
Phase 5: Reporting	\$9,070
RPEQ costs (estimated)	\$10,238
TOTAL	\$63,068
GST	\$6,307
Soil Testing (Approx)	\$25,000
TOTAL	\$94,375

Budgeted in Waste Disposal Facilities – Refuse Disposal – Consultancies.

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 Pacific Environment – Qunaba Phytocap Design Proposal Job ID 20343

Recommendation:

That pursuant to provisions of Section 235(b) of the *Local Government Regulation 2012* - Council enter into a medium size contractual arrangement with Pacific Environment, to provide Consulting Services to Council's Waste and Recycling Section for the purposes of assisting with the design of a phytocap for the Qunaba Landfill.

16 September 2016

Bundaberg Regional Council c/o Ms Kerry Dalton,
Coordinator Waste and Recycling Environmental Compliance
Bundaberg Regional Council, PO Box 3130,
Bundaberg QLD 4670.

Kerry.Dalton@bundaberg.qld.gov.au

Dear Kerry,

Further to the Phytocap Workshop in Bundaberg 10th August 2016 and subsequent discussions, please find our proposal and quotation for the following works.

- collaborate with Bundaberg Regional Council (Council) in the preparation of a conceptual design of a phytocap as final cover for Qunaba Landfill, Bargara, Queensland.
- design a phytocap for the area north of the northern bund which meets agreed infiltration criteria. This will be used as a trial area to demonstrate for EHP that the phytocap concept can be used elsewhere in the Council area;
- design the augmentation of an existing clay cap with a phytocap on the Western and South-Western batters of the landfill to achieve improved hydraulic performance and improved visual amenity;
- Work with Council to design a clay treatment trial site to demonstrate improvement in water holding capacity and plant water availability of local clays through chemical and biological amendments;
- Reporting will include an Operations Manual for the phytocap on the northern area and the western and south-west landfill batters. To meet this deliverable, Pacific Environment will engage a Registered Practising Engineer Qld to sign off on the proposed operations manual and future construction work.

Our proposal is based on a previous Preliminary Risk Assessment completed for Council in September 2015 and the outcome of the Phytocap Workshop in Bundaberg, 10th August 2016. Proposal objectives will be delivered by a team of scientists and engineers with all work being led and coordinated from our Brisbane office. Our services and technologies will help you maintain regulatory compliance, manage health and amenity issues, and maximise operational efficiencies. Our reputation for reliable, quality service is built on decades of successful innovation and delivery, even on the most challenging projects. We welcome the opportunity to discuss our proposal and quote with you further. If you require further clarification or further information please feel free to contact me.

Yours sincerely

Mr Paul Smith (MSc)

General Manager & Principal Consultant

OVERVIEW

The objective of the phytocap design is to identify hydraulically effective phytocap profiles for final cover at the Qunaba landfill site. It will be based on modelling using an appropriate numerical model, (e.g. HYDRUS) and detailed data on the climate, plants, and available borrow materials for Qunaba. Information derived from the phytocap design will provide the capability to address questions raised by regulators during the final closure process and form the basis of design drawings for the demonstration trial site situated in the area north of the bund forming the northern extent of the landfill.

The Pacific Environment project team including, an ecologist, hydrogeologist and soil specialist will work with Council staff and other stakeholders to prepare and implement efficiently and cost-effectively the various phytocapping tasks identified below. **If the phytocap trial successfully establishes that a phytocap can satisfactorily meet QEBP performance criteria, the cap profiles produced during this process would be used as general templates for the phytocaps at other Council landfill sites.**

Our team offers **local and international expertise** in the specialised field of phytocap design and the technical credibility to support a multi-disciplinary based project that will aid in gaining regulatory approval to advance the project quickly to completion.

Our team has a strong and diverse background in landfill closure, engineering design, hydrologic modelling, soil testing, landfill gas management, construction oversight and the Australian industry and regulatory context.

Our expertise in borrow soil material studies and phytocap feasibility assessment provides a solid foundation for completing all of the steps and recommendations to allow for the successful design and installation of a phytocap at this location.

PROPOSED WORK PHASES

1.0 Preparation of Conceptual Phytocap Design, QUNABA landfill.

The Consultant Team will assist Council staff in the preparation of a preliminary overall conceptual plan for phytocapping Qunaba landfill. Determining the end use of the site is a key input into the designing of a phytocap. The proposed end use will determine the final topography of the landfill and the species used to form the phytocap. If the site is to be used by the community for recreation, the capping thickness may vary to provide a varying topography. **Where appropriate, the final placement of waste can be used to form the required landform.**

The Conceptual Plan will need to include:

- any planned access roads around and up the landfill mound
- any firefighting and maintenance access required
- any stormwater drains and ponds required in the overall landfill design
- any public access walking paths, viewing platforms etc.

The Consultant Team will attend a proposed workshop in Bundaberg which will review the preliminary conceptual plan originally proposed for the week beginning 3 October.

Following the workshop, the Consultant Team will undertake an assessment of the impact of high winds on proposed vegetation layout in the conceptual plan. Weather data will be acquired from the Australian Bureau of Meteorology weather station nearest the facility, taking into account the availability of at least ten years of continuous data, which may limit the selection of usable weather stations. If there are no suitable data available, Pacific Environment would use SILO data (patched Bureau of Meteorology data, available on a grid) instead.

Based on the wind assessment, the Consultant Team may suggest changes to vegetation and/or final landfill contours in order to limit potential destructive effects of these winds on the planted vegetation.

Council will then complete the draft Conceptual Plan.

2.0: Design of a Phytocap for the Area North of the Northern Bund.

For the land not filled with waste close to the northern boundary, the project objectives are to create a visual barrier (by augmenting existing planted species) and to use the vegetation as a means of intercepting shallow northwards moving groundwater. In consultation with Council staff, tasks will include:

- Determine the vegetation types which will achieve these objectives.
- Determine the source of the species selected and estimate costs of purchase and planting.

For the land filled with waste to the north of the final landfill bund, we will construct a standard phytocap which meets agreed infiltration criteria. The performance of this trial area will be used by Council to convince EHP that the phytocap concept can be used elsewhere in the Council area. Tasks will include:

- Decide how/if to use the existing intermediate cap as part of the final phytocap design;
- Examine options for augmenting available soil with compost, C&D fines etc. which are available on site (possibly as part of Phase 4 works);
- Define the phytocap design (i.e. suitable materials and thickness) using HYDRUS modelling;
- Estimate costs of additional soil;
- Select and describe the vegetation, which would be most suitable for the phytocap;
- Estimate costs of vegetation purchase and planting.

3.0: Design the Augmentation of an Existing Clay Cap with a Phytocap on the Western and South-Western Landfill Batters.

For the western and south-western batter slopes, the project objectives are to create a visual barrier (by using grass and shrub species) and to minimise rainfall infiltration through phytocapping principals. Tasks will include:

- Defining the actual area which is to be rehabilitated using phytocapping principals;
- Assess the suitability of the existing intermediate cap as phytocap material through testing in appropriate labs. C.M. Testing Services will be used whenever possible;
- Determine what soil additions are necessary (if any) to the slopes through HYDRUS modelling;
- If necessary, examine options for augmenting placed soil with compost, C&D fines etc. which are available on site (again possibly as part of Phase 4 works);
- Estimate costs of additional soil if needed;
- Describe the vegetation which would be most suitable for the phytocap slopes;

- Select and describe vegetation species which would augment existing species between toe of landfill and the western property line keeping in mind the need for stormwater drains and ponds;
- Determine the source of the species selected and estimate costs of purchase and planting.

4.0: Design a Clay Treatment Trial Site to Demonstrate Improvement in Water Holding Capacity and Soil Structure through Chemical and Biological Amendments

One of the constraints to phytocapping noted during earlier studies and discussion is identifying sufficient sources of suitable soil, which can be used in constructing phytocaps. Soils maps show extensive areas of clay within the Council area. It is proposed that Council run trials on limited volumes of selected clay soil to determine whether the structure and water holding capacity of some of the clays can be altered cost-effectively to make them suitable for phytocapping through the addition of gypsum/lime and other additives such as compost and C&D fines.

It is envisaged that there will be one control plot and up to six separate plots located at Qunaba with a variety of combinations of additives. The length of the initial trial cannot be predicted, but would be expected to be less than six months. Testing of the progress of this initial trial will include measuring whether the level of exchangeable sodium in the clay soil is decreasing. Once the trial is completed, the soil moisture retention curves for the best trial plots will need to be undertaken to determine how successful the process has been in increasing the moisture holding capacity and to allow the calculation of the optimum thickness of the Phytocap using the treated clay.

The treatment process will be clay dependent so simplified trials may have to be run with other different clay types in order to optimise treatment processes. Costs associated with future trials have not been included in this proposal.

5.0: Reporting

a) Outcomes from the HYDRUS modelling will be included in the Draft Operations Manual (OM). Data from this report will be used as input into the final phytocap design for the demonstration trial site north of the northern bund, Qunaba facility. Should the modelling results documented in the report be sufficient evidence for QEHP to approve the construction of a phytocap at the site and a phytocapping project is commissioned by Council, appropriate documentation will be signed off by a Registered Professional Engineer of Qld. The RPEQ would be nominated by us and approved by Council.

b) The Consultant Team will prepare and submit a draft Operations Manual which will have been reviewed by the RPEQ. The OM will cover the construction, maintenance and monitoring of works described on the western and southern slope and the area north of the northern bund. The OM will include description of construction and monitoring tasks including recommended machinery for construction and testing requirements as well as recommended monitoring of both soil water infiltration and vegetation.

c) The Consultant Team will prepare an estimate of cost for construction, maintenance and monitoring of these initial works.

6.0: Commissioning of an RPEQ (ATC Williams)

The RPEQ's scope of proposed work is as follows:

- Review soil test results
- Review unsaturated flow modelling of two phytocap profiles based on one for the west and south western batters and a second profile for the flatter northern area.
- Review phytocap Operations Manual
- Provide RPEQ signoff of design and Operations Manual

It is understood that AECOM will be engaged directly by Bundaberg Regional Council to provide closure design and construction drawings using the recommended phytocap profiles from this engagement.

COSTING

Our proposal includes a cost estimate for professional services and consultant expenses (such as travel). The cost estimate assumes that, where required, Council will supply an excavator, or similar equipment, and an operator needed to acquire the samples and does not include costs for hiring the equipment or the operator, or transporting that equipment to the sampling location. If it becomes necessary for the Project Team to hire equipment and an operator the additional cost will be presented to you for approval. Using on-site equipment or local vendors to hire equipment will save costs during some tasks associated with this project.

This estimated cost proposal is based on our present knowledge of the assignment. We anticipate that this cost estimate is sufficient to cover the services needed, but no guarantee is made or implied. Costs will not exceed the estimate without prior approval. Any additional professional or laboratory services requested by the client will proceed only with advance, written authorisation.

We propose to conduct the project for the estimated fees specified below. We are open to negotiating alternative terms at your request. If the cost proposal is acceptable, please provide your authorisation for Pacific Environment to proceed with this work. The costing for the project is outlined in Table 1 below and is valid for a period of 60 days.

Table 1: Professional Costs & Consultant Expenses (not soil testing)

Task	\$ Cost (excludes GST)
Phase 1 : Development of conceptual model for Qunaba landfill (includes wind modelling and a one-day workshop)	14,060
Phase 2: Design of Northern Phytocap area	12,200
Phase 3: Design of West & South-West slope cover	11,500
Phase 4: Clay Treatment Trial	6,000
Phase 5: Reporting	9,070
RPEQ costs (estimated)	10,238
Total (Exc. GST)	\$63,068
GST	6307
Total (Incl GST)	\$69,375

Soil testing has not been included in the estimated costs above because the number of samples to be tested and the parameters that need to be tested for cannot be predicted accurately in advance. However, PE suggests that a **budget allowance of \$25,000 + GST** be allocated for soil testing by Council for CM testing and other laboratories where required. Soil testing work commissioned by PE will be charged back to Council at **cost plus 12.5%**.

Table 2: Project Personnel Rate – Commercial in Confidence

Person	Project Role	Rate (\$AU per hour)
Paul Smith (Principal Hydrogeologist)	Project Management & soil selection	\$250
Richard Yeates	Project Management Assistance, technical advice and QEHP liaison	\$150
Adam Boevink	Project Ecologist	\$150
Ines Epani (Hydrogeologist / Modeller)	Numerical modelling and reporting	\$180
William Albright	Project Review	\$200
Mal Jones	Project RPEQ	\$250

Any variance to the agreed scope of work is to be re-quoted and confirmed in writing prior to commencement of variation. An updated purchase order should be completed and forwarded to us as soon as possible so that the work may be commenced and completed within the required timeframe.

ABILITY TO MEET SCHEDULE

Our preliminary project schedule is provided in this section. Based on our experience with borrow source investigations, modelling, and feasibility recommendations for similar projects, we believe that a project duration of **approximately 12 weeks** (includes 6-8 weeks for soil testing) from contract execution represents a fast-track, but achievable, scheduling goal. The preliminary schedule provides for a logical sequence of tasks intended to reach a successful design by:

- Work plan and sampling protocol development, including liaison between project team and Council for determination of performance criteria and acquiring/delivery of materials to the laboratory (Approximately 2 weeks)
- Laboratory testing of cover soil materials (Approximately 6 to 8 weeks depending on soil properties)
- Modelling and reporting. (Approximately 2 weeks after laboratory results are back)

We believe the duration of the schedule we have provided is the minimum required to achieve success with this assessment. However, we are open to modifying the proposed schedule to best meet your needs. Success for you will be defined as the Consultant Team supplying a phytocap design that has

gained regulatory approval, has a high probability of creating exceptional cover performance, is cost-effective construction with minimum long-term maintenance and liability.

PROPOSED PERSONNEL

We have technically qualified and experienced staff members available to perform this scope of work. Their qualifications and relevant experience are provided in the bio sketches presented below. We have also provided an explanation of each proposed project member's roles and responsibilities as they pertain to this project.

Mr Paul Smith will serve as Project Manager and primary point of contact for all technical issues, responsible for overall technical management of the project. Paul's primary role will be to provide technical and managerial direction to the project and communication with your project representatives on technical and administrative issues throughout the project.

As project manager, Paul will oversee the development and execution of the scope of work, while coordinating resource allocation and tracking project performance and budget. In addition, he will act as the technical leader for cover design and performance evaluation and will review all project deliverables to ensure technical accuracy.

Paul is the General Manager of the Waste Solutions business unit of Pacific Environment; Paul is a noted Hydrogeologist and has worked on waste management and landfill projects over a period of thirty years. Paul brings a wealth of ability to this project and will provide the initial groundwater assessment and peer review of the project's findings.

Paul will be assisted in the role of Project Manager by Richard Yeates.

Mr Richard Yeates will support Paul Smith in maintaining communications with the technical team and you. He will be responsible for progress reporting to you at each milestone. Richard has more than 15 years experience in developing and managing projects to evaluate phytocaps for landfills, including laboratory and field trials, numerical model-based evaluations and vegetation characterisation.

He worked with the Waste Management Association of Australia to initiate the Australian Alternative Covers Assessment Program (A-ACAP) in 2005 and was appointed its Joint Program Manager. He was one of the five joint authors of the WMAA Phytocap Design, Construction and Maintenance Guidelines, 2011.

Mr Adam Boevink is a specialist ecologist with the Waste Solutions business unit of Pacific Environment, and will provide advice on the species selection suitable for use on the Phytocap. Adam has performed ecological input to several Pacific Environment projects including advice on vegetation selection for a phytocap at Baimsdale, East Gippsland Victoria, Tweed Council, NSW and Wattle Glen owned and operated by Veolia Australia and New Zealand.

Ms Ines Epari is Principal Environmental Engineer and Modeller for Pacific Environment with over 12 years of experience in hydrological modelling. She will be responsible for constructing and running the HYDRUS modelling. She has worked on a number of groundwater modelling projects, groundwater related EIS reviews including expert witness support, data visualisation and soil moisture modelling for alternative landfill capping projects. She will work closely with Dr William Albright in identifying a range of capping profiles that may be suitable for the final cover at Qunaba Landfill.



Dr William H. Albright, Ph.D. (Desert Research Institute, University of Nevada), will provide technical support to the project, including oversight of soils selection at the site and technical review of draft reports. Dr. Albright has more than 30 years of research experience in environmental science. His research interests have included topics in waste containment, near-surface water balance, and lands soil physics, regional air pollution, atmospheric chemistry and weather modification. Dr. Albright was principle investigator for the USEPA's Alternative Cover Assessment Program.

His book – Water Balance Covers for Waste Containment: Principles and Practice – co-authored with Drs. Craig Benson and Jody Waugh is available from the American Society of Civil Engineers. Dr. Albright has contributed to design and monitoring projects at waste containment sites across the US and in Australia for a diverse selection of clients including the US Dept. of Energy (nuclear complex), the Rocky Mt. Arsenal, and Major Projects Victoria.

COMMENCEMENT OF WORK

Pacific Environment is ready to commence work immediately upon receiving an approved purchase order or letter of commission (see attached).

STANDARD TERMS AND CONDITIONS

Pacific Environment Standard Terms and Conditions are attached.

INSURANCES

Pacific Environment maintains the following insurances with the limits specified:

- (i) Workers compensation: as required by law
- (ii) Public liability: \$10 000 000.00
- (iii) Professional indemnity: \$5 000 000.00

Copies of Pacific Environment's insurance certification are available upon request.

We trust this meets your requirements, if we can provide additional information or clarification of any portion of the above proposal please contact the undersigned.

PACIFIC ENVIRONMENT OPERATIONS PTY LTD (“PACIFIC ENVIRONMENT”) TERMS & CONDITIONS

CLAUSE 1. AGREEMENT

- 1.1. These terms of engagement together with the definition of:
 - 1.1.1. the scope of services of Pacific Environment (the “Services”), and
 - 1.1.2. the charges applicable to the services (the “Payment”)

and any terms and conditions incorporated in or attached thereto shall comprise the agreement between Pacific Environment and the Client (the “Agreement”).

CLAUSE 2. ROLE OF PACIFIC ENVIRONMENT

- 2.1. Pacific Environment shall perform the Services in accordance with the Agreement. Pacific Environment shall consult the Client throughout the performance of the Services and shall advise the Client of any event or circumstance materially affecting the scope or timing of the Services.
- 2.2. If Pacific Environment considers that the information, documents and other particulars made available by the Client are not sufficient to enable Pacific Environment to provide the Services in accordance with the Agreement, Pacific Environment will advise the Client who shall then provide such further assistance, information or other particulars as necessary in the circumstances.
- 2.3. Pacific Environment shall perform the Services in a timely manner to the extent that it is within its reasonable control to do so.

CLAUSE 3. ROLE OF THE CLIENT

- 3.1. The Client shall as soon as practicable make available to Pacific Environment all information, documents and other particulars relating to the Client’s requirements and shall make all necessary arrangements to enable Pacific Environment to perform the services in a timely manner. The Client shall notify Pacific Environment if the Client becomes aware of any matter that may change the scope or timing of the Services.
- 3.2. Unless otherwise specifically agreed the Client shall give its decisions and approvals and obtain all necessary approvals, authorities, licences and permits from governmental, municipal or other responsible authorities in time to permit the Services to be performed without delay
- 3.3. The Client agrees that unless specifically stated in the Agreement the Services do not include any services or enquiries that are normally carried out by other professions such as legal, financial, accounting or insurance advisors.
- 3.4. The Client shall independently satisfy itself of the need for the Services.

CLAUSE 4. PAYMENT TO PACIFIC ENVIRONMENT FOR SERVICES

- 4.1. In consideration of the promise by Pacific Environment to perform the Services the Client promises to pay to Pacific Environment the Payment at the times and in the manner set out in the Agreement. Unless otherwise stated to the contrary elsewhere in the Agreement amounts invoiced to the Client by Pacific Environment shall be due and payable within thirty (30) days of date of invoice by the Client.
- 4.2. If the Client disputes the whole or any portion of the amount claimed in an account submitted by Pacific Environment the Client shall pay that portion of the amount stated in the account which is not in dispute and shall notify Pacific Environment in writing of the reasons for disputing the account.
- 4.3. Where any of the following occur for any reason other than a breach of the Agreement by Pacific Environment
 - 4.3.1. the performance of the Services is delayed;
 - 4.3.2. Pacific Environment is required to perform the Services in circumstances other than those expressly or reasonably assumed and normally pertaining to services of a similar nature;
 - 4.3.3. there is a change in the scope, timing, order or complexity of the Services;

then Pacific Environment shall be entitled to additional payment by the Client and amendment to the Agreement that is reasonable in the circumstances.

- 4.4. Unless otherwise agreed additional payments to which Pacific Environment may be entitled hereunder shall be calculated with reference to Pacific Environment’ standard charges.
- 4.5. Goods and Services Tax will be applied at the applicable rate on the total of each invoice issued.

CLAUSE 5. WARRANTY AND LIMITATION OF LIABILITY

- 5.1. Pacific Environment shall perform the Services with due care and skill in accordance with the standard of care and skill normally exercised by professional engineers and scientists.
- 5.2. Pacific Environment shall perform any services which fail to comply with the standard prescribed above if the Client gives Pacific Environment notice of such failure within twelve (12) months of performance of such Services.
- 5.3. Pacific Environment shall have no liability to the Client for or in connection with any indirect, economic, special or consequential loss or damage including without limitation; loss of actual or anticipated profit or revenue, business interruption, delay costs, loss of opportunity,

income or rent, financing and holding costs, loss by reason of shutdown or increased expense of operation, cost of replacement goods, services or facilities, loss of data, denial of use of any plant, port or facility.

- 5.4. The *Competition and Consumer Act 2010* (Cth) implies terms, conditions and warranties which cannot be excluded or modified, or if they can, then only to a limited extent. The liability of Pacific Environment for breach of any term, condition or warranty implied by the *Competition and Consumer Act 2010* (Cth) shall be limited, at the option of Pacific Environment, to:
- 5.4.1. If the breach relates to goods, to any one or more of the following:
- 5.4.1.1. the replacement of the goods or the supply of equivalent goods;
 - 5.4.1.2. the repair of the goods;
 - 5.4.1.3. the payment of the cost of replacing the goods or of acquiring equivalent goods;
 - 5.4.1.4. the payment of the cost of having the goods repaired;
- 5.4.2. If the breach relates to services:
- 5.4.2.1. the supplying of the services again; or
 - 5.4.2.2. the payment of the cost of having the services supplied again.
- 5.5. Pacific Environment shall have no liability to the Client for or in connection with any cause of action of the Client or any other person unless the Client has notified Pacific Environment of the Client's intent to claim against Pacific Environment in respect of such cause of action within twelve (12) months from the date of cessation of the Services by Pacific Environment irrespective of whether the cause of action arose within that time or not.
- 5.6. The liability of Pacific Environment is proportionally reduced by any acts or omissions of the Client which contributed to the loss.
- 5.7. If, notwithstanding the above provisions Pacific Environment is liable to the Client, the liability of Pacific Environment to the Client shall be and is hereby limited in the aggregate to the amount of the payment or \$1insurance
- 5.8. ,000,000 or three (3) times the fee, whichever is the lesser.
- 5.9. The above provisions apply to the extent that any statute does not render them or any of them void or unenforceable or otherwise limit their operation.

CLAUSE 6. CONFIDENTIALITY AND USE OF INFORMATION

- 6.1. The information provided in connection with or as a result of the Services is provided solely to the Client for its personal use. Pacific Environment shall have no liability or responsibility to any other person therefore.

- 6.2. Neither party shall use, disseminate or make copies of information provided by the other party unless express approval is given in advance by the other party.

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CLAUSE 7. INSURANCE

- 7.1. Pacific Environment shall have in effect for the duration of the Services the following insurances:
- 7.1.1. Workers Compensation;
 - 7.1.2. Public Liability;
 - 7.1.3. Motor Vehicle Third Party Liability;

applicable to Pacific Environment' personnel, activities and motor vehicles.

- 7.2. The Client shall arrange for the endorsement of Pacific Environment as a co-insured onto any Contract Works insurance policy effected for the works in connection with which the Services are required such endorsement to include a waiver of the insurer's rights of subrogation against Pacific Environment.

CLAUSE 8. WORK AND SUPPLY BY OTHERS

- 8.1. If the Services include services in connection with construction work it is understood that Pacific Environment shall not be responsible for and shall have no liability to the Client for the work of construction contractors engaged directly or indirectly by the Client, their construction methods or precautions, nor for any of their acts, errors or omissions.



ELECTRONIC PROPOSAL ACCEPTANCE FORM

To: Pacific Environment Operations Pty Ltd

Email address: paul.smith@pacific-environment.com

Attention: Paul Smith

Job no: 20343

Invoice to:

Address:

ABN:

Project name: Design and documentation of phyto-capping as a viable final cover alternative at the Qunaba Landfill Bundaberg

Quoted cost: Consultant expenses (including RPEQ) \$ 69,375 (ex GST)

Estimated laboratory costs \$25,000 (ex GST)

I am authorised to engage you to perform the attached services. I have read and agree with all the terms and conditions as set out in your proposal with the exception of:

.....
.....
.....
.....
.....

Please proceed on this basis

Or

Our purchase order for you to proceed is:

Signed:

Dated:



Winley Insurance Group Pty Ltd
ACN 138133285
AFS Licence no. 343573

Phone: 0479007266

CERTIFICATE OF CURRENCY

Insured: Pacific Environment Limited (PEL) Group of companies
and/or subsidiaries including:

Pacific Environment Holdings Pty Ltd
Pacific Environment Operations Pty Ltd
Pacific Environment Monitoring Pty Ltd
Toxikos Pty Ltd
DLA Environmental Services Pty Ltd

for their respective rights & interests

Class: Public Liability

Policy Number: LCB018664733I

Interest: Legal liability to third parties for personal injury and/or property damage.

Sum Insured: \$10,000,000

Situation: Worldwide excluding USA & Canada

Expiry Date: 30th September 2016

Insurer: Vero Insurance

This certificate is issued subject to the terms, conditions, exclusions and endorsements of the policy.
A copy of the policy is available for inspection, if required.

Yours faithfully

Steve Parkinson
Authorised Representative No.420368
Winley Insurance Group Pty Ltd



Winley Insurance Group Pty Ltd
ACN 138133285
AFS Licence no. 343573

Phone: 0479007266

CERTIFICATE OF CURRENCY

Insured: Pacific Environment Limited (PEL) Group of companies
and/or subsidiaries including:

Pacific Environment Holdings Pty Ltd
Pacific Environment Operations Pty Ltd
Pacific Environment Monitoring Pty Ltd
Toxikos Pty Ltd
DLA Environmental Services Pty Ltd

for their respective rights & interests

Class: Professional Indemnity Insurance

Policy Number: IMM130A7V832

Interest: The provision of professional services in respect of Environmental Consultants

Sum Insured: \$5,000,000

Situation: Worldwide excluding USA & Canada

Expiry Date: 30th September 2016

Insurer: Berkley Insurance Australia

This certificate is issued subject to the terms, conditions, exclusions and endorsements of the policy.
A copy of the policy is available for inspection, if required.

Yours faithfully

Steve Parkinson
Authorised Representative No.420368
Winley Insurance Group Pty Ltd

**Item****11 October 2016**

Item Number:	File Number:	Part:
Q1	A2790407	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

Portfolio:

Community & Environment

Subject:

Bundaberg Regional Sport and Recreation Reference Group Membership

Report Author:

Geordie Lascelles, Branch Manager - Parks, Sport & Natural Areas

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Community - 4.1.1 A safe, active and healthy community

Previous Items:Q1 - Bundaberg Regional Sport and Recreation Advisory Group - Ordinary Meeting -
19 Jul 2016 10.00 am**Background:**

At its meeting of the 19 July 2016 Council resolved to amend the Bundaberg Region Sport and Reference Group Terms of Reference to include:-

- Membership group of:-
 - 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 representative - 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).
- Appoint membership for a four (4) year term.

Expressions of interest were sought from the community with seven (7) applications received. An assessment process was undertaken in accordance with the terms of reference with the following three (3) members recommended for the next term of the Bundaberg Regional Sport and Reference Group:-

- Bradley Grogan
- Tony Castro
- Lynne Forgan

Associated Person/Organization:

David Field, Coordinator Sport and Recreation

Consultation:

Portfolio Spokesperson: Cr David Batt

Geordie Lascelles, Manager Parks, Sport and Natural Areas, Bruce Green, Operational Supervisor Community Development, Sandra Borg, Sport and Recreation Officer

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:

Nil

Recommendation:

That the following representatives be appointed to the Bundaberg Region Sport and Recreation Reference Group for a four (4) year term:-

- (a) Bradley Grogan;**
- (b) Tony Castro;**
- (c) Lynne Forgan.**