



**AGENDA FOR ORDINARY MEETING
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG
ON TUESDAY 30 JUNE 2020, COMMENCING AT 10.00 AM**

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- T10 Sole Supplier Arrangement - Snap Send Solve
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**Item****30 June 2020****Item Number:**

F1

File Number:

.

Part:

FINANCE

Portfolio:

Organisational Services

Subject:

Financial Summary as at 29 May 2020

Report Author:

Anthony Keleher, Chief Financial Officer

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

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

Background:

In accordance with section 204 of the *Local Government Regulation 2012* a financial report must be presented to Council on a monthly basis. The attached financial report contains the financial summary and associated commentary at 29 May 2020.

Associated Person/Organization:

Nil

Consultation:

Financial Services Team

Chief Legal Officer's Comments:

Pursuant to section 204 of the *Local Government Regulation 2012* the Local Government must prepare and the Chief Executive Officer must present, the financial report. The financial report must state the progress that has been made in relation to the Local Government's budget for the period of the financial year up to a day or as near as practicable to the end of the month before the meeting is held.

Policy Implications:

There appears to be no policy implications.

Financial and Resource Implications:

There appears to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

[↓1](#) Financial Summary as at 29 May 2020

Recommendation:

That the Financial Summary as at 29 May 2020 be noted by Council.

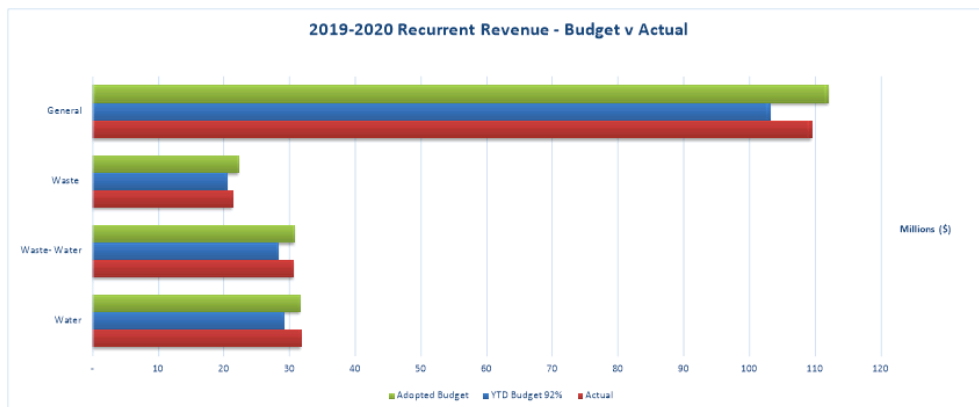
Financial Summary
as at 29 May 2020

Progress check - 92%	Council			General			Waste			Wastewater			Water		
	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act / Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud
Recurrent Activities															
Revenue															
Rates and Utility Charges	160,923,360	160,684,986	100%	86,659,485	86,657,050	100%	15,324,867	15,310,200	100%	29,844,341	29,697,500	100%	29,094,667	29,020,236	100%
Less: Discounts and Pensioner Remissions	(9,063,773)	(9,048,950)	100%	(8,409,356)	(8,379,850)	100%	(223,457)	(227,600)	98%	(250,536)	(254,600)	98%	(180,424)	(186,900)	97%
	151,859,587	151,636,036	100%	78,250,129	78,277,200	100%	15,101,410	15,082,600	100%	29,593,805	29,442,900	101%	28,914,243	28,833,336	100%
Fees and Charges	23,109,118	27,944,991	83%	14,942,900	19,061,110	78%	5,682,170	6,506,941	87%	750,795	859,680	87%	1,733,253	1,517,260	114%
Interest Revenue	2,830,280	3,657,456	77%	904,412	1,237,500	73%	388,044	502,825	77%	417,837	539,631	77%	1,121,967	1,377,500	81%
Grants, Subsidies and Donations	14,252,736	13,856,976	103%	14,042,534	13,586,976	104%	162,165	290,000	56%	-	-	-	48,037	-	-
Sale of Developed Land Inventory	1,431,777	-	-	1,431,777	-	-	-	-	-	-	-	-	-	-	-
Total Recurrent Revenue	193,483,498	197,095,459	98%	109,571,752	112,142,786	98%	21,331,789	22,382,366	95%	30,762,437	30,842,211	100%	31,817,520	31,728,096	100%
less Expenses															
Employee Costs	66,078,872	73,490,278	90%	50,707,990	57,078,367	89%	5,814,837	6,026,784	96%	4,988,430	5,631,450	89%	4,567,615	4,753,677	96%
Materials and Services	57,233,608	69,414,844	82%	32,785,239	41,994,489	78%	10,030,111	11,466,334	87%	6,357,209	7,526,668	84%	8,061,049	8,427,353	96%
Finance Costs	3,983,512	4,433,076	90%	1,437,105	1,582,753	92%	824,674	911,471	90%	1,485,535	1,695,124	88%	236,198	263,728	90%
Depreciation	45,108,742	49,209,537	92%	32,203,650	35,131,255	92%	1,655,687	1,806,204	92%	5,865,366	6,398,581	92%	5,384,039	5,873,497	92%
Total Recurrent Expenditure	172,404,734	196,547,735	88%	117,133,984	135,766,864	86%	18,325,309	20,210,793	91%	18,696,540	21,251,823	88%	18,248,901	19,318,255	94%
Operating Surplus	21,078,764	547,724		(7,562,232)	(23,624,078)		3,006,480	2,171,573		12,065,897	9,590,388		13,568,619	12,409,841	
less Transfers to															
Restricted Capital Cash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NCP Transfers	1	-	-	(14,217,608)	(15,510,118)	-	451,600	492,655	-	6,285,746	6,857,177	-	7,480,263	8,160,286	-
Total Transfers	1	-		(14,217,608)	(15,510,118)		451,600	492,655		6,285,746	6,857,177		7,480,263	8,160,286	
Movement in Unallocated Surplus	21,078,763	547,724		6,655,376	(8,113,960)		2,554,880	1,678,918		5,780,151	2,733,211		6,088,356	4,249,555	
Unallocated Surplus/(Deficit) brought forward	35,134,332	35,134,332		(16,021,745)	(16,021,745)		15,495,369	15,495,369		10,749,379	10,749,379		24,911,330	24,911,330	
Unallocated Surplus/(Deficit)	56,213,095	35,682,056		(9,366,369)	(24,135,705)		18,050,249	17,174,287		16,529,530	13,482,590		30,999,686	29,160,885	
Capital Activities															
Council Expenditure on Non-Current Assets	68,717,557	104,646,359	66%	55,619,742	85,533,534	65%	1,358,565	3,013,539	45%	2,440,281	4,013,152	61%	9,298,969	12,086,134	77%
Loan Redemption	6,677,029	7,292,658	92%	3,934,718	4,301,045	91%	603,217	658,057	92%	1,848,029	2,016,032	92%	291,065	317,524	92%
Total Capital Expenditure	75,394,586	111,939,017	67%	59,554,460	89,834,579	66%	1,961,782	3,671,596	53%	4,288,310	6,029,184	71%	9,590,034	12,403,658	77%
Cash															
Opening balance	147,278,309	147,278,309													
Movement - increase/(decrease)	5,955,080	(35,844,431)													
Closing balance	153,233,389	111,433,878													

Further to the Financial Summary Report as at 29 May 2020, the following key features are highlighted.

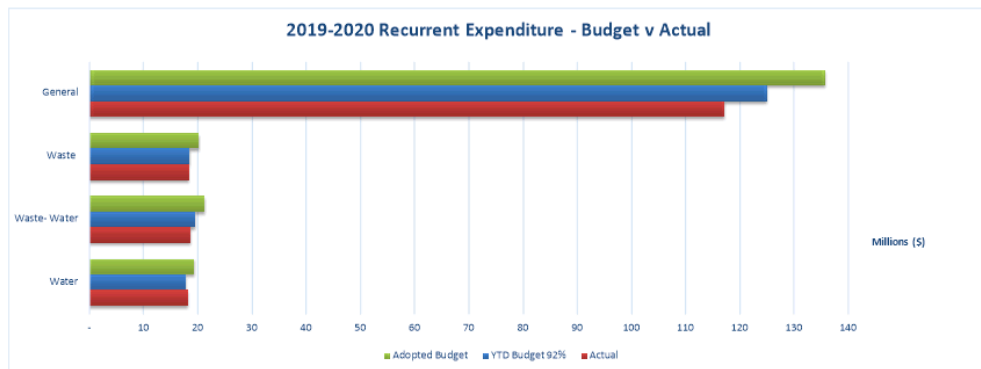
Recurrent Revenue

- Rates and Utility Charges will be higher than forecast this financial year with growth exceeding estimates and increase in water consumption as a result of dry periods.
- Fees and charges are tracking below budget. The effects of the closures of many facilities and services are reflected in the actuals during March, April and May. The exception is the Water Fund which has had an increase in private works being delivered this financial year.
- Interest Revenue is tracking below budget. This is a result of the moratorium on interest on overdue rates and historically low interest rate effecting investment earnings. There will be a reduction in interest earnings this financial year.
- Grants, Subsidies and Donations are higher than forecast with the advance of the Financial Assistance Grant in May exceeding the expected allocation. There has been a decrease in the expected amount of income associated with the Materials Recycling Facility operations.
- Council has settled several parcels of Land Developed for Sale this financial year. These parcels represent historic land developments and land at the recently developed Aviation Precinct. Council does not generally provide for an annual budget for these sales unless it has unconditional contracts at the time the budget is formulated.



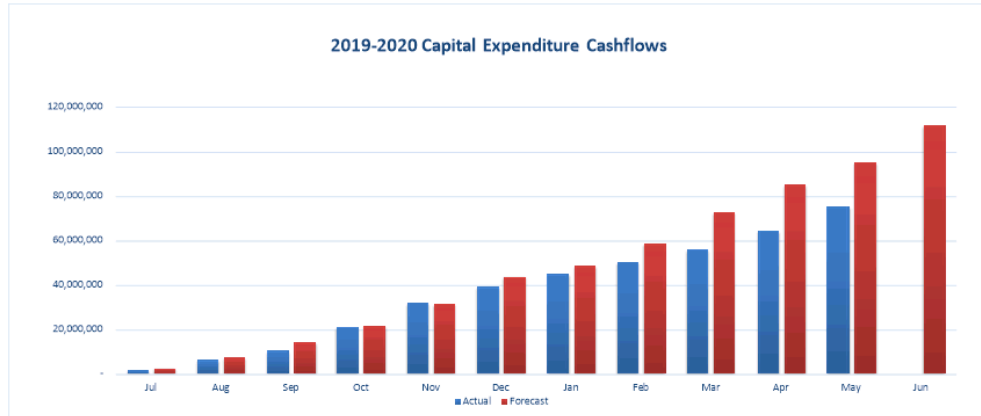
Recurrent Expenditure

- Employee Costs are tracking on budget. Employee costs are expected to approximate the budget forecast this financial year.
- Materials and Services are currently tracking below budget. This is largely due to timing in delivery of non-capital projects. Overall materials and services expenses are expected to be less than forecast this financial year.
- Finance Costs are tracking on budget. Finance costs are expected to approximate the budget forecast this financial year.

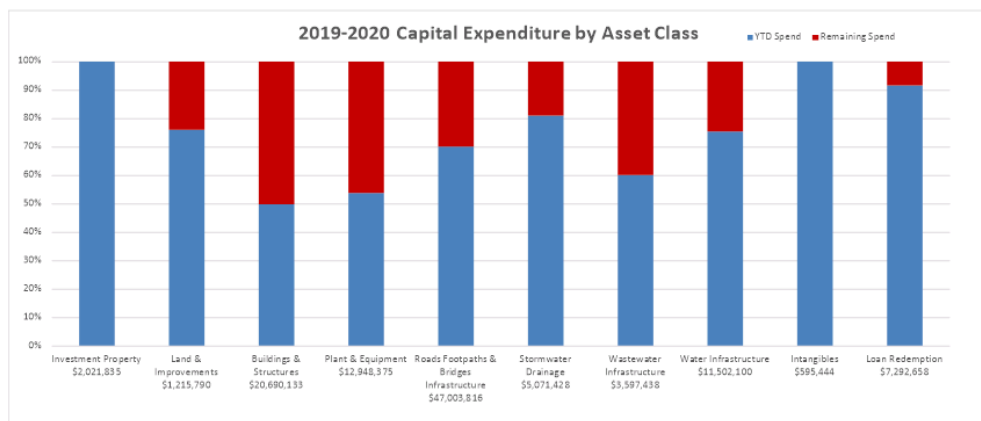


Capital Expenditure and Capital Grants

- Council has delivered 66% of this year's capital program at the reporting date, which is behind expected cashflows. It's expected that a large portion of works scheduled for June will be delivered, however some projects and acquisitions are impacted by COVID-19.



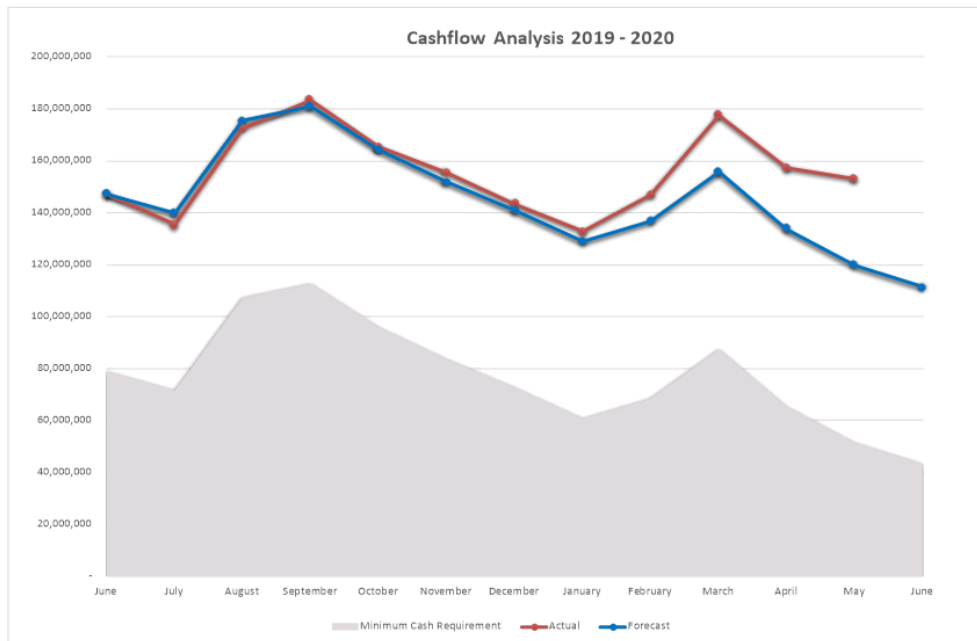
- Significant projects currently underway include the Gregory River Water Treatment Plant Upgrade, Gin Gin Community Hub, Winfield Road Bridge replacements, Boundary Street Pathway, Faldt Street Pathway, Bundaberg North Drainage Improvements, Woongarra/Mulgrave Street and Bingera/George Street Intersection Upgrades.
- The budgeted spend by asset class is shown below.



- Capital grants are on track with all milestones having been met and any variations to funding agreements approved. The final Multiplex claim, Blackspot, TIDS and Bridge Renewal Program claims were all paid during May.

Cash

- The cash balance as at 29 May 2020 was \$153.2 million, a decrease of \$4 million from the last report at 1 May 2020. It's expected that there will be significant cash outlays during June with accounts finalised and capital delivery escalating.
- No short-term liquidity issues are foreseeable.
- The actual and forecast cash movement is shown below. The variation is a result of the delivery of the capital works program and early receipt of the Financial Assistance Grant advance.



Rates Debtor

- Rates outstanding at the end of May total \$6.6 million or 3.79%. Comparatively, this time last year the rates outstanding totalled \$5.6 million or 3.33%. Council continues to accept rates payments, however per the March Council resolution, debt recovery action has ceased on outstanding rates and charges up to 30 June 2020. This has resulted in a decrease in rate payments, which is expected to continue through to the end of the financial year.

Other Debtors

- Infringements outstanding total \$397,500 with the number of infringements decreasing to 2,962 with parking restrictions not being enforced during April and May. Infringements continue to be recovered via the State Penalties, Enforcement Registry.
- Sundry Debtors outstanding for more than 90 days total \$218,500 across 77 accounts. With the current economic climate, there has been an overall increase in the number of outstanding accounts, particularly in the commercial sector.

**Item****30 June 2020****Item Number:**

G1

File Number:

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Part:

GOVERNANCE

Portfolio:

Organisational Services

Subject:

Council Policy Review

Report Author:

Christine Large, Chief Legal Officer

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

Our People, Our Business - 3.2 Responsible governance with a customer-driven focus - 3.2.4 Exercise whole-of-Council adherence to, and compliance with, Council's policies and procedures, in keeping with our corporate values and community's expectations.

Background:

Council has previously adopted a suite of Council Policies. These policies are adopted by Council to:

- ensure compliance with legislative requirements; or
- provide guidelines on matters which may impact the community; or
- support Council's strategic objectives; or
- assist in the delegated decision making of Council staff.

These policies have recently been reviewed by policy authors and are now presented for adoption (where amendments have been made) or endorsement (where no amendments have been made).

Future reviews will occur annually (if required by legislation), biennially or in response to changes in law or best practice.

The attached 20 policies are the final policies to be adopted by Council in this review. One policy, Moncrieff Entertainment Centre Community Access Scheme Policy, is to be rescinded and not readopted due to the lack of applications received under this scheme.

Associated Person/Organization:

Not applicable

Consultation:

All Councillors

Executive Leadership Team

Policy author/owners

Chief Legal Officer's Comments:

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

Policy Implications:

There appears to be no policy implications.

Financial and Resource Implications:

There appears to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

- [↓1](#) Alcohol and Drug Policy
- [↓2](#) Arts and Cultural Services Fundraising and Sponsorship Policy
- [↓3](#) Asset Management Policy
- [↓4](#) Burial on Private Property Policy
- [↓5](#) Cemetery Management Policy
- [↓6](#) Commemorative Plaques and Memorials Policy
- [↓7](#) Community Grants Policy
- [↓8](#) Community Housing Rent Relief Policy
- [↓9](#) Competitive Neutrality Complaints Policy
- [↓10](#) Eat Safe Bundaberg Region Policy
- [↓11](#) Entertainment and Hospitality Policy
- [↓12](#) Environmental Policy
- [↓13](#) Equal Employment Opportunity Policy
- [↓14](#) Exhibitions Policy
- [↓15](#) Internal Audit Policy
- [↓16](#) Non-Current Asset Recognition Policy
- [↓17](#) Recordkeeping Policy
- [↓18](#) Related Party Disclosure Policy
- [↓19](#) Trade Waste Policy
- [↓20](#) Water Leak Relief Policy

Recommendation:**That Council:****1. Rescind the following policies:**

- **Alcohol and Drug Policy, version 1;**
- **Arts & Cultural Services Fundraising and Sponsorship Policy, version 1;**
- **Asset Management Policy, version 1;**
- **Burial on Private Property Policy, version 1;**
- **Cemetery Management Policy, version 1;**
- **Commemorative Plaques and Memorials Policy, version 1;**
- **Community Grants Policy, version 1.2;**
- **Community Housing Rent Policy, version 1;**
- **Competitive Neutrality Complaints Policy, version 1;**
- **Eat Safe Bundaberg Region Policy, version 1;**
- **Entertainment and Hospitality Policy, version 1;**
- **Environmental Policy, version 1;**
- **Equal Employment Opportunity Policy, version 1;**
- **Exhibitions Policy, version 1;**
- **Internal Audit Policy, version 1;**
- **Moncrieff Entertainment Centre Community Access Scheme, version 1;**
- **Non-Current Asset Recognition Policy, version 1;**
- **Recordkeeping Policy, version 2;**
- **Related Party Disclosures Policy, version 1;**
- **Trade Waste Policy, version 1; and**
- **Water Leak Relief Policy, version 1.**

2. Adopt the following policies:

- **Alcohol and Drug Policy, version 2;**
- **Arts & Cultural Services Fundraising and Sponsorship Policy, version 2;**
- **Asset Management Policy, version 2;**
- **Burial on Private Property Policy, version 2;**
- **Cemetery Management Policy, version 2;**

- **Commemorative Plaques and Memorials Policy, version 2;**
- **Community Grants Policy, version 2;**
- **Eat Safe Bundaberg Region Policy, version 2;**
- **Environmental Policy, version 2;**
- **Exhibitions Policy, version 2;**
- **Internal Audit Policy, version 2;**
- **Recordkeeping Policy, version 3 and**
- **Water Leak Relief Policy, version 2.**

3. Endorse the following policies:

- **Community Housing Rent Policy, version 1;**
- **Competitive Neutrality Complaints Policy, version 1;**
- **Entertainment and Hospitality Policy, version 1;**
- **Equal Employment Opportunity Policy, version 1;**
- **Non-Current Asset Recognition Policy, version 1;**
- **Related Party Disclosures Policy, version 1; and**
- **Trade Waste Policy, version 1.**



Alcohol and Drug Policy

HEAD OF POWER

- *Work Health and Safety Act 2011*

INTENT

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

SCOPE

This policy applies to all Councillors and employees.

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

DEFINITIONS

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

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

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

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

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

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

Illegal drugs means drugs prohibited by federal or Queensland law.

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

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Policy No. CP-3-007

Adopted Date: 30/06/20 Version: 2

Responsible Department: Organisational Services

Page 1 of 6



Alcohol and Drug Policy

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

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

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

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

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

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

POLICY STATEMENT

This policy establishes standards for all Council employees which:

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

1. Prescribed medication

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

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

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Policy No. CP-3-007

Adopted Date: 30/06/20 Version: 2

Responsible Department: Organisational Services

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Alcohol and Drug Policy

2. Alcohol limits

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

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

3. Drugs

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

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

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

4. External support for coping with alcohol and drug use

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

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

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Policy No. CP-3-007

Adopted Date: 30/06/20 Version: 2

Responsible Department: Organisational Services

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Alcohol and Drug Policy

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

5. Testing Triggers

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

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

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

5.1 Refusal to test

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

5.2 Adulteration, contamination and/or substitution of specimens

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

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

6. Education

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

7. Confidentiality

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

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Policy No. CP-3-007

Adopted Date: 30/06/20 Version: 2

Responsible Department: Organisational Services

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Alcohol and Drug Policy

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

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

8. Policy Breaches

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

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

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

ASSOCIATED DOCUMENTS

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

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Policy No. CP-3-007

Adopted Date: 30/06/20 Version: 2

Responsible Department: Organisational Services

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Alcohol and Drug Policy

DOCUMENTS CONTROLS

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

POLICY OWNER

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

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Policy No. CP-3-007

Adopted Date: 30/06/20 Version: 2

Responsible Department: Organisational Services

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Arts and Cultural Services Fundraising and Sponsorship Policy

HEAD OF POWER

- *Local Government Regulation 2012, section 194*

INTENT

The purpose of this policy is to provide guidelines for activities Council sponsors through the Arts and Cultural Services Branch and for those activities for which the Branch might seek external funding or sponsorship to support its activities.

SCOPE

This policy applies to staff in the Arts and Cultural Services Branch.

There is a requirement to coordinate grant and fundraising activities across the Arts and Cultural Services Branch and the Community and Environment Department to avoid unintentional conflicts or to leverage opportunities across Council.

POLICY STATEMENT

1. Council funds the core operational activities of the Galleries and the Moncrieff Entertainment Centre but additional sources of funding may need to be sought to add value from time to time. In addition, Council is regularly approached by the community to support activities through sponsorship.
2. This policy is designed to:
 - a) provide political, ethical and legal guidance to the development and delivery of sponsorship agreements between Council and potential fundraising or sponsorship related stakeholders within and outside the region.
 - b) create opportunities for mutual benefit between the Arts and Cultural Services Branch and its stakeholders within or outside the Bundaberg Region.
 - c) provide financial or other inkind resources to enhance and extend the Branch's profile and activities in the Region.
 - d) create opportunities for Council to further engage with business, industry, government and community.
 - e) ensure that sponsorship of events provide an adequate return on investment.
3. **Exclusions**
 - 3.1 Council's Arts and Cultural Services Branch will avoid entering into sponsorship agreements with enterprises which are considered to:
 - Diminish, or are seen to diminish, public confidence in the Branch and, therefore, Council.
 - Have the potential to reflect negatively on the Branch and therefore Council.
 - Discriminate on the basis of race, sex, age, disability or religion.

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Policy No. CP-3-030

Adopted Date: 30/06/20 Version: 2

Responsible Department: Community & Environment

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Arts and Cultural Services Fundraising and Sponsorship Policy

- 3.2 The Arts and Cultural Services Branch will avoid entering into sponsorship agreements that might be perceived to endorse an organisation with unethical, unprofessional or unviable business practice, or who produce or offer goods or services that may be harmful to others or of inferior quality.

Examples of industries or products that will not be considered as sponsors include:

- Firearms/weapons.
- Pornography.
- Tobacco products.
- Companies involved in activities detrimental to the community or environment.
- Companies involved in illegal activities.
- Gambling products and services.

- 3.3 Council may refuse or cancel any sponsorship request or agreement which either contravenes this Policy or which may adversely impact either the community or Council in any way that may not be described explicitly in this Policy.

- 3.4 A clause must be included in all agreements which gives Council the opportunity to cancel any sponsorship or fundraising arrangement which contravenes this Policy without any financial impact to Council.

- 3.5 There should be no real or apparent conflict between the objectives and mission of the sponsor and those of Council's Arts and Cultural Services Branch or any other branch or department within Council.

4. Conflict with other Council sponsorships

- 4.1 Proposed fundraising opportunities should be discussed with the Manager Arts and Cultural Services who will coordinate with the General Manager Community and Environment to clarify any conflicts that might arise across other areas of Council.

- 4.2 While fundraising activities are generally considered operational in nature, the General Manager Community and Environment may refer agreements to Council if there is a concern that there may be unintended financial, legal or political ramifications.

5. Suitable activities for raising funds by Council facilities

The Arts and Cultural Services Branch may seek grants or sponsorship for any of its core activities which include but are not limited to:

- a) Programs, events or projects.
- b) Community engagement activities.
- c) Education opportunities or awards relating to the Branch's activities.
- d) Asset maintenance or improvement.

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Policy No. CP-3-030

Adopted Date: 30/06/20 Version: 2

Responsible Department: Community & Environment

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Arts and Cultural Services Fundraising and Sponsorship Policy

6. Agreements

It is a requirement that all grant or sponsorship relationships are recorded in a written contractual agreement compliant with Council's policies. Verbal agreements are prohibited under this policy.

7. Appropriate sponsorship benefits when sponsoring community activities

The Arts and Cultural Services Branch is often approached to sponsor or support community activities. Each venue has its own range of goods and services that may be provided as part of a sponsorship to the community, the details of which may be negotiated by the coordinators of the venues within the confines of this policy.

Sponsorship may only be provided to bona fide, not-for-profit community activities where the return value to Council and its facilities can be demonstrated.

8. Sponsorship levels and delegations

Regarding sponsorship or funds raised by the Arts and Cultural Services Branch, the Manager Arts and Cultural Services is able to enter into sponsorship or fundraising arrangements so long as the stipulations of this policy are adhered to.

Regarding sponsorship provided to the community, benefits provided to not-for-profit community activities from the Branch may be allocated up to a value of \$1,000 per sponsorship.

For sponsorship between \$1,001 and \$5,000, the Manager Arts and Cultural Services will make transparent recommendations to the General Manager Community and Environment based on agreed criteria.

Sponsorships valued above \$5,000 will be referred directly to Council.

Criteria for the awarding of sponsorships from Council's Arts and Cultural Services Branch include:

- Must be a not-for-profit activity by a bona fide not-for-profit group or be designed for bona fide fundraising purposes for recognised community benefit.
- The breadth of community benefit (which might include numbers of people involved, the diversity of people involved or the relevance and timeliness of a particular project).
- The connection to Council's Arts and Cultural Strategy and a demonstrated ability to deliver on aspects of that Strategy.

9. Items prohibited from being used as sponsorship benefits

- a) Any item which might involve the facility's budget being compromised.

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Policy No. CP-3-030

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Arts and Cultural Services Fundraising and Sponsorship Policy

- b) Any item that may impinge on Workplace Health and Safety policies or procedures or the facility's venue hire policy.
- c) Any item which contravenes a licence or other contract held by Council.
- d) Any item which contravenes a policy or procedure of Council.
- e) Any request to operate Council property or equipment by non-Council or non-qualified staff.

10. Appropriate acknowledgement of Council sponsorship

Minimum requirements are an acknowledgement and the inclusion of Council's and the relevant facility's logo in promotional material used by the sponsored entity and/or verbal acknowledgement at sponsored events. Acknowledgement should be negotiated in a reasonable proportion to the value of the sponsorship.

11. Due Diligence

It is expected that the Arts and Cultural Services facility coordinators and team leaders will:

- a) Have proposals checked and approved by Council if the agreement is outside the approved sponsorship agreement or if an external funding or sponsorship agreement is to be entered into by Council.
- b) Ensure that the agreement will not contravene any part of this policy or any other Council policy or procedure.
- c) Be aware of the background of the other party or parties and their associates within the limits of what could be deemed reasonable.
- d) Check that there is no adverse impact on any existing licence, contract or agreement held by Council.
- e) Ensure that the agreement is mutually beneficial.

12. Conflict of Interest

This policy assumes that all activities are undertaken within the confines of Council's Employee Code of Conduct Policy which includes specific guidance about what constitutes a conflict of interest.

If there is any real or perceived conflicts of interest between a beneficiary of the fundraising or sponsorship agreement, this is to be declared to the Manager Arts and Cultural Services and the agreement should be enacted by the relevant manager or referred to the General Manager.

ASSOCIATED DOCUMENTS

- Arts & Cultural Strategy 2019-2023
- Employee Code of Conduct Policy
- Procurement Policy

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Policy No. CP-3-030

Adopted Date: 30/06/20 Version: 2

Responsible Department: Community & Environment

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Arts and Cultural Services Fundraising and Sponsorship Policy

DOCUMENTS CONTROLS

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

POLICY OWNER

The Manager Arts and Cultural Services is the responsible person for this policy.



Asset Management Policy

HEAD OF POWER

- *Local Government Act 2009*, section 104(5)(a)(ii)
- *Local Government Regulation 2012*, section 167 and 168

INTENT

The purpose of this policy is to ensure that Council complies with its obligations under the *Local Government Act 2009* (the Act) and the *Local Government Regulation 2012*.

SCOPE

This policy applies to all staff and Councillors.

POLICY STATEMENT

1. To ensure it is financially sustainable, Council must adopt a system of financial management. This system includes adopting a Long-term Asset Management Plan. A strategic approach to asset management will ensure that Council delivers the highest appropriate level of service through its assets.
2. This policy sets the framework around which Council will manage its assets and the principles on which any asset management plan will be established.
3. The following principles will ensure adequate provision is made for the management of Council assets. Council will:
 - 3.1 Ensure that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery as documented in the Asset Management Strategy.
 - 3.2 Ensure that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
 - 3.3 Safeguard Council assets including physical assets and employees.
 - 3.4 Create an environment where all Council employees take an integral part in overall management of Council assets.
 - 3.5 Meet legislative requirements for asset management.
 - 3.6 Ensure resources and operational capabilities are identified and responsibility for asset management is allocated.

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Policy No. CP-3-008

Adopted Date: 30/06/20 Version: 2

Responsible Department: Infrastructure Services

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Asset Management Policy

- 3.7 Demonstrate transparent and responsible asset management processes that are aligned with Council's Levels of Service.
- 3.8 Ensure risk management strategies are considered when making decisions.
- 3.9 Commit to pursuing continuous improvement in the application of Asset Management principles as documented in the Asset Management Strategy.

ASSOCIATED DOCUMENTS

- Asset Management Strategy
- Long-term Asset Management Plan

DOCUMENTS CONTROLS

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

POLICY OWNER

The Branch Manager Engineering Services is the responsible person for this policy.

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Policy No. CP-3-008

Adopted Date: 30/06/20 Version: 2

Responsible Department: Infrastructure Services

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Burial on Private Property Policy

HEAD OF POWER

- *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011, schedule 1*

INTENT

The purpose of this policy is to establish parameters in which Council would consider approving the burial of human remains on private property.

SCOPE

This policy applies to all staff and residents applying for burial on private property.

POLICY STATEMENT

1. Council will ensure that any burial on private property within the Bundaberg Region is in accordance with legislation, Australian Standards and best practice.
2. An application can be made for approval that allows for the disposal of human remains outside a cemetery.
3. Further to the Local Law and Subordinate Local Law, Council imposes the following additional criteria for granting an approval:
 - The person wishing to be buried or the executor/family of a deceased person requesting the burial 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 to be a minimum of 20 hectares (49 acres) and must be classed as rural under Council's Planning Scheme.
 - The burial plot must be at least 25 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 six months to have the registered easement created on the property.
 - Council may require a bond to ensure registration of the 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.
4. Where there is an inconsistency between the Local Law or Subordinate Local Law and this policy, the Local Law or Subordinate Local Law will apply.

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Policy No. CP-3-010

Adopted Date: 30/06/20 Version: 2

Responsible Department: Community & Environment

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Burial on Private Property Policy

ASSOCIATED DOCUMENTS

- *Local Law No. 1 (Administration) 2011*

DOCUMENTS CONTROLS

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

POLICY OWNER

The Branch Manager Parks, Sport and Natural Areas is the responsible person for this policy.



Cemetery Management Policy

HEAD OF POWER

- *Subordinate Local Law 1.9 (Operation of Cemeteries) 2011*
- *Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2011*

INTENT

The purpose of the policy is to provide guidelines for cemetery and crematorium operations under the control of Council.

SCOPE

This policy applies to all Council operated and maintained cemeteries.

DEFINITIONS

Applicant means the person making an application for a burial or memorial right or for a work permit or other Council consent.

Ashes means the processed remains recovered from the cremation of a body.

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.

Exhumation means the removal of the remains of a dead person or still-born child from a grave.

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.

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Cemetery Management Policy

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.

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.

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

POLICY STATEMENT

1. Management of Cemeteries

1.1 Planning, conduct and maintenance of cemeteries

Council will make provision for:

- Different types of sections for religious denominations and classes of burials.
- Standards of construction and design for monuments and structures, and conditions of entry for funeral directors, monumental masons, contractors and other service providers associated with work in the cemeteries.
- 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.

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Cemetery Management Policy

1.2 Operating Hours

Burials and exhumations shall take place only during the hours approved by Council. Burial hours are:

- Between 9.00 am and 4.00 pm Monday to Friday;
- Approval will be required outside of these hours and additional fees will be incurred.

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. Persons authorised by Council may be on the cemetery grounds at any other time.

1.3 Register of burial places and interments

Council will ensure that a register of burials is kept for all burial places and other memorials. Each burial will be recorded in the burial register immediately after the service. Registers may be amended to remove or correct inaccuracies.

1.4 Right of Burial

1.4.1 Reservations

Council may grant a right of burial in a cemetery open to the public following receipt of the appropriate Reserve Application Form and applicable fee.

Proof of ownership of a right of burial may be required if:

- A person is claiming ownership of a right of burial; and
- A person requests right of burial information.

Reservation information is kept strictly confidential and not given out to any person who does not have the legal right to obtain the information. The registers can be used as verification that a right of burial has been granted in respect of any burial or memorial.

In the event that reservations are cancelled by notification through an Application to Relinquish Reserve from the rightful owner or their authorised representative, Council will pay 75% of the original fees paid.

Reservations may be:

- Cancelled following application from the rightful owner or an authorised representative; or
- Transferred to another party following written approval from the rightful owner.

Reservations cannot be on-sold to another person.

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Cemetery Management Policy

1.4.2 Holder rights

A holder of a right of burial has:

- Exclusive right to bury or inter human remains in the ground allotted.
- The use of the monument beam provided by the cemetery (within the lawn sections) to erect a monument.

1.4.3 Refusal to grant

Council may limit the number of burial rights issues to a person or refuse to grant a right of burial to any person if 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.

The intention of this clause is to prevent anyone, or persons, purchasing bulk numbers of burial areas in order to 'corner the market'; or

1.5 Opening of interment sites

A person must not, without approval of the General Manager Community & Environment 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.

When an interment site is opened, if unidentified human remains are found, Council will take all measures to confirm identification of the remains.

1.6 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.

Council will, at its discretion, remove withered or weathered floral arrangements and keep the grounds neat and tidy should any tributes be deemed unsuitable or unsightly. 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.

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Cemetery Management Policy

2. 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:

- Make any inscription or carry out any adornment, unless it is approved by Council.
- Construct or install any monument (temporary or otherwise), memorial, foundation, vault, table, headstone, gravestone, or other structure, unless it is constructed in accordance with requirements of the Cemeteries Manual and Technical Specifications.
- Advertise a business or have inscriptions relating to a business

Council may issue approval to undertake monumental work to any person it considers to be suitably qualified to undertake such work.

Council may refuse any design for a monument as it may determine. Standard monument/plaque configurations for each Cemetery are provided in the Cemeteries Manual and Technical Specifications

2.1 Removal of structures, inscriptions and adornments

Council may remove, demolish, alter or require the removal, demolition or alteration of any structure, inscription and adornment which has been made or carried out without the written consent of Council or which has not been made in accordance with an approval given.

2.2 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.

2.3 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.

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.

2.4 Lawn section

In addition to the items covered in section 1.6, a monument is to be installed within six months of the burial.

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Responsible Department: Community & Environment

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Cemetery Management Policy

2.5 Garden section

In addition to the items covered in section 1.6, only cut flowers are to be 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.

2.6 General/monumental sections

In addition to the items covered in section 1.6, 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 months of the burial. This is to allow for subsidence.

2.7 Memorial Walls

Council will maintain, preserve and repair memorial walls.

Council will permit a memorial plaque over each niche in the memorial wall. The burial right holder will ensure that:

- The design and type of plaque is consistent with the reasonable requirements determined by Council (refer to the Cemeteries Manual and Technical Specifications).
- Council will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a memorial wall.

3. 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. 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. Inconsistencies

Where there is an inconsistency between this policy an Act or a Local Law, that Act or Local Law is to apply to the extent of the inconsistency.

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Cemetery Management Policy

ASSOCIATED DOCUMENTS

- *Land Act 1994*, division 10 and 11
- AS 4204-1994: Headstones and cemetery monuments
- Fees and Charges Register
- Cemetery – Manual and Technical Specifications

DOCUMENTS CONTROLS

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

POLICY OWNER

The Branch Manager Parks, Sports and Natural Areas is the responsible person for this policy.

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Policy No. CP-3-011

Adopted Date: 30/06/20 Version: 2

Responsible Department: Community & Environment

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Commemorative Plaques and Memorials Policy

HEAD OF POWER

- *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*, Schedule 1, section 5(1)(c) and 6(3)(c).
- *Subordinate Local Law 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011*, Schedule 1, section 6(5).

INTENT

The purpose of this policy to provide guidelines for the approval, construction, placement and maintenance of commemorative plaques and memorials.

SCOPE

This policy applies to all plaques and memorials proposed for any public space within the Bundaberg Regional Council area.

POLICY STATEMENT

1. Commemorative plaques are to recognise a contribution or donation by a community group. Any other plaque or memorial requires Council approval.
2. Memorial seating or table settings can be utilised to recognise individuals, subject to application to Council and approval.
3. Council will supply plaques/plinths to an applicant to ensure the correct dimensions of the design construction standard and materials are met. This cost is to be borne by the applicant.
 - 3.1 For plinths, the minimum plaque size of 100mm x 100mm and maximum plaque size of 300mm x 300mm.
 - 3.2 Plaques on bench seats or table settings with bench seats are to be attached to the back of the bench seat. The plaque size cannot exceed 180mm x 180mm in size.
4. 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 should it not be kept in good condition.
5. 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.
6. 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/ memorial and be given the opportunity to nominate a secondary site, however the location of the new site will be at Council's discretion.

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Policy No. CP-3-013

Adopted Date: 30/06/20 Version: 2

Responsible Department: Community & Environment

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Commemorative Plaques and Memorials Policy

7. Plaques and memorials are not in perpetuity.
8. 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.
9. For memorials to deceased individuals, a Deceased Information Form must be submitted with the Application for Commemorative Plaque or Memorial.
10. 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.
11. Where there is an inconsistency between this policy and a Local Law or Subordinate Local Law, the Local Law or Subordinate Local Law applies to the extent of the inconsistency.

ASSOCIATED DOCUMENTS

- *Local Law No. 1 (Administration) 2011*
- Application for Commemorative Plaque or Memorial
- Cemetery Deceased Information - Burial Contract Provision
- Deceased Information Form

DOCUMENTS CONTROLS

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

POLICY OWNER

The Branch Manager, Parks, Sport and Natural Areas is the responsible person for this policy.



Community Grants Policy

HEAD OF POWER

- *Local Government Regulation 2012*, section 194 and 195

INTENT

The purpose of this policy is to provide guidelines and criteria for a community organisation to be eligible for a grant from Council pursuant to section 195 of the *Local Government Regulation 2012*.

SCOPE

This policy applies to all staff and Councillors responsible for the programs associated with community grants.

POLICY STATEMENT

1. Council may give a grant to a community organisation if Council is satisfied the grant will be used for a purpose that is in the public interest and the community organisation meets the criteria of this policy.
2. Community grants contains six programs:
 - Young People in Sport
 - Micro Grants
 - Special Events Grant
 - Community Services
 - Community Development
 - Community Events
 - Sport and Recreation
 - Sport Championships
 - International and National sporting events
 - State sporting events
 - Regional significant sporting events
 - Partnerships and Sponsorships
3. Information about community grants:
 - The decision of Council on grant applications is final.
 - Community grants may require compliance with specific conditions before payment. Should these conditions not be met by the specific date, Council reserves the right to revoke the offer of support.
 - Any approved community grant which is not spent in the current financial year will not be carried over to the next year unless requested by the applicant (in writing) and approved by Council in writing.
 - Successful applicants who have received funding from the Community Grants program (except for YPIS and Special events) are ineligible to receive additional funding in the same financial year.

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Policy No. CP-3-015

Adopted Date: 30/06/20 Version: 2

Responsible Department: Community & Environment

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Community Grants Policy

- Council requires relevant acknowledgement of financial support (refer to Acknowledging Funding Support – MD-7-625).

Allocation of funds from the Council's operational budget shall be made annually for the Community Grants Programs.

4. Community Grant Programs

4.1 Young People in Sport (YPIS)

The YPIS program aims to assist young athletes living in the Bundaberg Region by providing a grant to assist with the cost of representing Queensland at National sporting competitions or representing Australia at International sporting competitions.

Grants are based on the location of the competition, and are allocated as follows:

- Representing Queensland (under the age of 18 at the date competition commences) – \$200 per athlete.
- Representing Australia (under the age of 18 at the date competition commences) – \$500 per athlete.

A maximum of \$500 per athlete per every second financial year is available. YPIS is open all year on a financial year basis until budgeted funds are expended. Budgeted funds will be allocated on a quarterly basis to provide assistance across the financial year. Applicants must provide supporting documentation as specified in the guidelines. Applications to be completed on the Young People in Sport Guidelines and Application Form.

4.1.1 Eligible applicants

- Under the age of 18 at the date competition commences; and
- Representing Queensland at a National competition or representing Australia at an International competition; and
- Residing within the Bundaberg Regional Council area; and
- Is a member of a local sporting club; and
- Applications must be received prior to commencement of the nominated sporting competition.

4.1.2 Ineligible applications

- School based competitions are ineligible.
- Applicants are ineligible if previous Council grants are not satisfactorily acquitted.
- Applicants are ineligible if they have received a YPIS grant in the previous financial year.

4.1.3 Assessment and approval

Council officers assess applications against the guidelines and obtain approval from the appropriate Council Manager.

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Community Grants Policy

4.1.4 Grant acquittal

Successful applicants will be required to acquit the grant received by providing evidence of attendance at the nominated competition within two months after the completion of the competition.

4.2 Micro Grants

The Micro Grants Program aims to provide a grant to community groups and associations that meet recognised community needs as identified in the Council's Community Development Strategy or Bundaberg Regional Sport and Recreation Strategy. All successful applicants must acknowledge Council's contribution as outlined in the Acknowledging Funding Support Guide.

The available funding per application is up to \$1,000 every second financial year.

The Micro Grants program opens on the first day of the month and closes 5.00pm on the last Friday of the month.

Applicants must provide supporting documentation as specified in the Micro Grants program guidelines.

Applications are to be lodged online through SmartyGrants.

4.2.1 Who can apply

- Bundaberg Regional Council based legal not-for-profit group/organisations
- Have majority of members of the group/organisation reside in the Bundaberg Regional Council area.
- Have acquitted any previous Council grant satisfactorily.

4.2.2 Who can't apply

- Groups/organisations who have not satisfactorily acquitted a previous Council grant.
- Groups/organisations who have received a Micro Grant in the previous financial year.
- Political and for-profit groups.
- Schools and Universities.

4.2.3 What we can't fund

- Retrospective funding.
- Item based recurrent funding.
- Support for an individual pursuit.
- Commercial activities.
- Projects that do not involve the Bundaberg Regional Council community.
- Activities that are considered the core responsibility of the applicant.
- Projects that duplicate existing services, programs and events for the same communities.

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4.2.4 Assessment and approval

Applications are received and processed through the Community Services Unit and assigned to the relevant assessing officer. The applications are assessed and weighted on applicants' meeting criteria outlined in the Micro Grant Program Guidelines.

The assessing officer then provides a recommendation with rationale to approve or decline the requested amount. Final approval is provided by the delegated Council Manager and the applicant is then notified of the result.

4.2.5 Grant Acquittal

Successful applicants will be required to acquit the grant received. Successful applicants must notify Council of any significant change to the approved project. The delegated Council Manager will review and if satisfactory, approve these changes.

4.3 Special Events Grant

As part of Council's commitment to provide an active, vibrant and inclusive community Council's grant program 'Special Events' allows for funding, namely Australia Day, ANZAC Day Commemorations and Community Christmas Celebrations.

All successful applicants must acknowledge Council's contribution as outlined in the Acknowledging Funding Support Guidelines.

Council allows organisations to make application for additional activities via other funding programs where applicable. Multiple applications for the same activity are not allowed (excluding Regional Arts Development Fund).

The Special Event Grant amount available is up to \$1,000 per event, per location.

Applicants must provide supporting documentation as specified in the guidelines.

There are three funding rounds per financial year. Applications must be received by 5.00pm on the last day of each round.

- Round 1 – Opening 1 September – closing 31 October
- Round 2 – Opening 1 November – closing 31 December
- Round 3 – Opening 1 January – closing 28/29 February

4.3.1 Who can apply

- Bundaberg Regional Council based not-for-profit groups/organisations.
- The majority of members reside in the Bundaberg Regional Council area.

4.3.2 Who can't apply

- Groups/Organisations who have not satisfactorily acquitted a previous Council grant.
- Political and for profit groups
- Schools and Universities.

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Community Grants Policy

4.3.3 What we can't fund

- Retrospective funding.
- Commercial activities.
- Projects that do not involve the Bundaberg Regional Council community.
- Projects that duplicate existing programs and events for the same communities.

4.3.4 Assessment and approval

Applications are received and processed through the Events Unit and assigned to Council Officers. Applications are assessed and weighted on the applicants meeting the criteria outlined in the Special Events Grants Program Funding Guidelines.

4.3.5 Grant Acquittal

Successful applicants will be required to acquit the grant received.

Successful applicants must notify Council of any significant change to the approved project. The delegated Manager will review and if satisfactory, approve these changes.

4.4 Community Services Program

There are three funding rounds per financial year. Applications must be received by 5.00pm on the last Friday of each round.

- Round 1 – Opening 1 March – closing last Friday in June (for events/projects held after October)
- Round 2 – Opening 1 July – closing last Friday in October (for events/projects held after February)
- Round 3 – Opening 1 November – closing last Friday in February (for events/projects held after June)

The available funding per application is up to \$5,000.

Organisations can submit one application per funding round in either the Sport & Recreation, Community Development or Community Events stream. Successful applicants will only receive funding once in the financial year from the Community Grants Program. All successful applicants must acknowledge Council's contribution as outlined in the Acknowledging Funding Support Guide.

The three streams of Community Services Grants include:

1. **Sport & Recreation** – a grant for sport and active recreation organisations towards opportunities to increase participation, sustainability through capacity to raise funds and towards new or upgraded sport and recreational facilities.
2. **Community Development** – a grant for community groups and organisations that meet community needs as identified in the Bundaberg Regional Council Community Development Strategy.

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Community Grants Policy

3. **Community Events** – a grant to the community to support community events.

Applications must be lodged online through SmartyGrants.

4.4.1 **Who can apply**

- Bundaberg Regional Council based legal not-for-profit organisation, or charitable organisation.
- Have current Public Liability Certificate.
- Have majority of the group/organisation residing in the Bundaberg Regional Council area.
- Have acquitted any previous Council grant satisfactorily.
- Auspice organisation who meets the above criteria and accepts legal and financial responsibility for your project.

4.4.2 **Who can't apply**

- Applicants that have not satisfactorily acquitted previous Council grants.
- Political, or discriminatory and for-profit groups.
- School and Universities.

4.4.3 **What we can't fund**

- Retrospective funding.
- Item based recurrent funding.
- Support for an individual pursuit.
- Commercial activities.
- Projects that do not involve the Bundaberg Regional Council community.
- Activities that are considered the core responsibility of the applicant.
- Projects that duplicate existing services, programs and events for the same communities.
- Other items as noted in the Community Grants Program Guideline.

4.4.4 **Assessment and approval**

Applications are assessed and weighted on applicants meeting criteria outlined in guidelines and application forms and providing effective supporting documentation.

Applications are received and processed through the Community Services Unit and assigned to relevant assessing officers. Assessing officers then complete the assessment form, inclusive of recommendation and rationale that is then provided to the Community Grants Assessment Panel.

Based on the Assessing Officers' recommendations and available budget, the Community Grants Assessment Panel will make final recommendations to be approved by the delegated General Manager.

4.4.5 **Grant Acquittal**

Successful applicants will be required to acquit the grant received.

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Community Grants Policy

Successful applicants must notify Council of any significant change to the approved project. The delegated Manager will review and if satisfactory, approve these changes.

4.5 Sport Championship Funding Program

The program will provide funding for sporting championships that are international, national, state or regional significant in focus, are recognised by the relevant sporting authority and provide an opportunity for talented athletes, officials and coaches to develop their skills through exposure to and participation in these events.

There are three funding rounds per financial year. Applications must be received by 5.00pm on the last day of each round.

- Round 1 – Opening 1 March – closing last Friday in June (for events/projects held after October)
- Round 2 – Opening 1 November – closing last Friday in February (for events/projects held after June)
- Round 3 – Opening 1 July – closing last Friday in October (for events/projects held after February)

There are three distinct event categories within the Sport Championship Funding Program:

- International/national sporting events;
- State sporting events; and
- Regional significant sporting events.

Organisations may apply for funding for multiple events however, the maximum funding available to any one organisation through the program is \$5,000 per financial year.

Applications are to be completed on the Sport Championship Funding Program Application Form.

4.5.1 Who can apply

- Bundaberg Regional Council based legal not-for-profit incorporated sport organisations.

4.5.2 Who can't apply

- The organisation has been in receipt of a previous Council grant that has not been satisfactorily acquitted; or
- Individuals, groups of individuals, unincorporated groups/organisation, political and for-profit groups; or
- Schools and Universities.

4.5.3 What we can't fund

- Retrospective costs associated with events that have already commenced or been completed.

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- Costs associated with the event bid.
- Insurance (public liability, general liability).
- Costs associated with appearance fees, presentation functions, trophies, prize money.
- Office equipment such as computers, printers, photocopiers etc.
- Council fees and charges (facilities/assets/licenses/waste etc.).
- Private/commercial ventures.
- Rental of office premises.

Note: Although Council will not fund the above items, they may be included in the budget as part of the contribution by the event organiser.

4.5.4 Assessment and approval

Applications are assessed and weighted on applicants meeting criteria outlined in the guidelines and providing appropriate supporting documentation.

An assessment panel consisting of the portfolio Councillor, Branch Manager, Parks, Sport and Natural Areas and the Coordinator of Sport and Recreation will assess the eligible applications against the objectives and criteria and provide a recommendation to the General Manager Community and Environment for approval.

Note: where the applications are to support a bid for an event and are successful, funds will not be released until official notification of the bid is awarded. Council will provide a letter to support the bid outlining the financial contribution awarded if the funding application is successful.

4.5.5 Grant Acquittal

- Successful applicants will be required to acquit the grant received.
- Successful applicants must notify Council of any significant change to the approved project. The delegated Manager will review and if satisfactory, approve these changes.

4.6 Partnerships & Sponsorships Program

Approved partnerships and sponsorships arrangements will reflect the philanthropy of Council and the commitment to improve the wellbeing of the community of the Bundaberg Region. All successful applicants must acknowledge Council contribution as outlined in the Acknowledging Funding Support Guideline.

Over \$5,000 in financial assistance is available per application.

Applicants must provide supporting documentation as specified in the Application Form.

There are three funding rounds per financial year. Applications must be received by 5.00pm on the last Friday of each round.

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- Round 1 – Opening 1 March – closing last Friday in June (for events/projects held after October)
- Round 2 – Opening 1 July – closing last Friday in October (for events/projects held after February)
- Round 3 – Opening 1 November – closing last Friday in February (for events/projects held after June)

4.6.1 Who can apply

- Applicants that demonstrate strong Bundaberg Region Community benefit, need and support for a project, event or activity.
- The majority of members reside in the Bundaberg Regional Council area.

4.6.2 Who can't apply

- Groups/organisations who have not satisfactorily acquitted a previous Council grant.
- Political, discriminatory groups.
- Schools and Universities.

4.6.3 What we can't fund

- Applications that have not satisfactorily acquitted previous Council grants.
- Retrospective funding.

4.6.4 Assessment and approval

Applications are assessed and weighted on applicants meeting criteria outlined in the guidelines and providing appropriate supporting documentation.

Applications are received and processed through the Events Unit and assigned to the relevant assessing officer. A report is then presented to Council for their consideration at an Ordinary Meeting.

4.6.5 Grant acquittal

Successful applicants will be required to acquit the grant received.

Successful applicants must notify Council of any minor or significant change to the approved project. The delegated manager will review and if satisfactory approve minor changes. Significant changes will be tabled at an Ordinary Council Meeting for approval.

ASSOCIATED DOCUMENTS

- Bundaberg Regional Council Community Development Strategy 2020 - 2023
- Bundaberg Regional Sport & Recreational Strategy
- *Collections Act 1966*
- Community Grants Program – Application Form
- Community Grants Program – Application Guidelines
- Community Grants Program – Acknowledging Funding Support
- Community Grants Program – Acquittal Form

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Community Grants Policy

- Corporate Plan 2019-2023
- Community Grants Program Funding Agreement

DOCUMENTS CONTROLS

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

POLICY OWNER

The Branch Manager, Community Services is the responsible person for this policy.

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Community Housing Rent Policy

HEAD OF POWER

- *Housing Regulation 2015*, section 17

INTENT

The purpose of this policy is to comply with requirements of the *Housing Regulation 2015* to maintain a rent policy for community housing.

SCOPE

This policy applies to all tenants who reside in any property at Margaret Olsen Place or Kolan Centenary Seniors Village and Community Services staff.

POLICY STATEMENT

1. This policy will set the principles which Council will use for setting and recovery of rent and also concession for rent increases.
2. Council will ensure tenants of Council community housing units are charged an affordable rent with the maximum rent charged being the market rent for the dwelling in line with Department of Housing Guidelines.
3. **Setting the rent**

A tenant in a property managed by Council as the registered provider will have their rent assessed at 25% of the household's assessable income, plus the Commonwealth Rent Assistance to which all eligible household members are entitled. The rent is assessed using the Department of Housing and Public Works, Electronic Rent Calculator. Should the market rent of the property be less than the tenant's calculated rent, market rent will be charged.

3.1 Rent assistance

Commonwealth rent assistance is not considered income and therefore is not assessed at 25%. Instead Council, as the registered provider, will add the total Commonwealth Rent Assistance to which all household members are entitled, to the rent assessment.

If a household is deemed eligible for Commonwealth Rent Assistance, the total amount of Commonwealth Rent Assistance to which they are entitled is added to their rent, regardless of whether they receive the payment or not.

4. Market rent

For community housing properties, the market rent is determined by the provider. In determining market rents, Council considers the private market rent for similar properties of the same standard in the area and any relevant data published on median rents.

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Community Housing Rent Policy

Council will review market rents on an annual basis prior to undertaking rent reviews.

Council may seek independent valuations of properties, but must have consideration for the private market rent for similar properties of the same standard in the area and any relevant data published on median rents, when setting market rent.

4.1 Right to Appeal

Tenants have the right to appeal market rent assessments. Council will keep a copy of the methods used to derive a market rent for one year after the tenancy agreement.

5. Rent Review

Council reviews rent for all households at least annually, or when they become aware of a change in household circumstances. Tenants are responsible for advising Council of a change in circumstances, and should be advised of this responsibility at sign-up. Tenants may request a reassessment of rent at any time because of a decrease in income or a change in household circumstances.

6. Overcharging of Rent

If a tenant has been overcharged for rent due to having a low income or rent was miscalculated by the housing provider, a reimbursement will be required. This does not include where a tenant has failed to advise the housing provider of a reduction in income. Advice will be given as to how much of this reimbursement is estimated to be made up of rent assistance. It will be the responsibility of the tenant to advise Centrelink of the reimbursement.

7. Rent Recovery

Council will ensure transparency by making clear the obligation to the tenant and the processes used by Council in assisting them to meet their financial obligations, such as:

- Making the process used to pay rent simple to administer and cost effective.
- Providing tenants two options for the payment of rent as per the General Tenancy Agreement (RTA Form 18a) and *Residential Tenancies and Rooming Accommodation Act 2008*.

8. Rent Arrears

A tenant with a rent debt to Council will be requested to enter into a mutual agreement to repay the debt in affordable instalments so as not to cause hardship. The payments must be maintained until the debt is cleared.

Council will pursue the recovery of a debt through the provisions of the *Residential Tenancies and Rooming Accommodation Act 2008* where the tenant does not repay the monies owing in accordance with the agreement.

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Community Housing Rent Policy

ASSOCIATED DOCUMENTS

- Department of Housing and Public Works, Electronic Rent Calculator
- *Department of Housing Guidelines*
- *Housing Act 2003*
- *Residential Tenancies and Rooming Accommodation Act 2008*

DOCUMENTS CONTROLS

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

POLICY OWNER

The Branch Manager Community Services is the responsible person for this policy.

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Competitive Neutrality Complaints Policy

HEAD OF POWER

- *Local Government Act 2009*, section 48

INTENT

To ensure the fair and equitable management of competitive neutrality complaints received by Council in relation to its business activities.

SCOPE

This policy applies to all staff and Councillors.

DEFINITIONS

Affected person means:

1. a person who:
 - (i) competes with Council in relation to the business activity; and
 - (ii) claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by the Council; or
2. a person who:
 - (i) wants to compete with Council in relation to the business activity; and
 - (ii) claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by Council.

Business activity means an activity of Council, to which the competitive neutrality principle has been applied, that involves the supply of goods and/or services to clients in direct competition, or potential competition, with the private sector.

Competitive Neutrality Complaint means a complaint that relates to the failure of Council to conduct a business activity in accordance with the competitive neutrality principle.

POLICY STATEMENT

1. Section 48 of the *Local Government Act 2009* requires Council to adopt a process for resolving competitive neutrality complaints. Section 44 of the *Local Government Regulation 2012* sets out the necessary minimum requirements for the resolution of competitive neutrality complaints.
2. **Complaints Process**
 - 2.1. Only people who are adversely affected by the business activity being undertaken by Council are able to lodge a complaint. It must be on the basis that Council is benefitting from a competitive advantage due to the public sector status.

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Competitive Neutrality Complaints Policy

- 2.2. A complaint about an alleged failure of Council's business activities to comply with the relevant competitive neutrality procedures must be made in writing, by the affected person, to Council or the Queensland Competition Authority.
- 2.3. The complaints process must address:
 - a) Preliminary procedures undertaken before an affected person makes a complaint, including:
 - i. Concerns by an affected person about alleged failures of a business activity to comply with the competitive neutrality principles; and
 - ii. Clarification and, if possible, resolution of the matter.
 - b) Recording all complaints, decisions and recommendations.

Further information about this process can be found in the Competitive Neutrality Complaints Process Procedure.

3. Reporting Requirements

Council will establish a record of all competitive neutrality complaints including associated decisions and recommendations and a register of business activities to which the competitive neutrality principles applies.

ASSOCIATED DOCUMENTS

AEC Group Public Benefit Assessment - Waste and Recycling
AEC Group Public Benefit Assessment - Water and Wastewater
Competitive Neutrality Complaints Process Procedure
Local Government Regulation 2012

DOCUMENTS CONTROLS

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

POLICY OWNER

The Chief Financial Officer, Financial Services is the responsible person for this policy.

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Eat Safe Bundaberg Region Policy

HEAD OF POWER

- *Food Act 2006*
- *Food Regulation 2016*

INTENT

The purpose of this policy is to achieve compliance with the *Food Act 2006* (the Act), the *Food Regulation 2016* (the Regulation) and Eat Safe Bundaberg Region.

SCOPE

This policy applies to all staff and operators of food businesses licenced under the *Food Act 2006* within the Bundaberg region.

DEFINITIONS

Bundaberg region means businesses within the Bundaberg Regional Council local government area.

Eat Safe Bundaberg Region means the food safety rating scheme that issues food businesses within the Bundaberg Region. A food safety 'star' rating is based on an assessment undertaken by a Council Environmental Health Officer, authorised under the Act.

POLICY STATEMENT

1. Eat Safe Bundaberg Region – The Scheme

Food safety risks can be effectively managed and mitigated with good food hygiene practices and well documented procedures that are carefully followed.

Food business operators are expected to be able to demonstrate the management of food safety risks and appropriate levels of skills and knowledge of staff to Council at any time.

The Eat Safe Bundaberg Region scheme will see most licensed food businesses within the Bundaberg Region issued with a food safety rating based on an assessment conducted by Council under the Act and incorporating industry best practice. Incentives for participation in the voluntary scheme include a reduction in annual fees for top performers and the marketing and promotion of good operators.

Food businesses that cannot participate in Eat Safe at this stage include:

- Mobile food businesses;
- Category 1 (minor operations e.g. water carriers);
- Category 4 (restricted premises);
- Category 5 (Temporary Food Stalls); and
- Category 7 (Produce Food Stall).

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Eat Safe Bundaberg Region Policy

2. For Council

Eat Safe Bundaberg Region provides a systematic framework for Council in the auditing, rating, review and reassessment processes. The scheme also outlines the fee structure, education and communication strategy, privacy implications, details on display and ceasing to display a rating and change of ownership information.

Importantly Eat Safe will improve the way Council currently undertakes food audits by enabling Council to spend more time managing poor performers who fail to maintain adequate standards in food safety and rewarding good performers and food industry leaders

Food hygiene standards will be enhanced across the region by managing resources and ensuring that Council balances the regulatory and educational elements of food hygiene to bring about a more consistent and risk-based response to public health enforcement and regulation.

This policy should be read in conjunction with the Eat Safe Bundaberg Region Procedure which further assists in ensuring compliance with the Act and Regulation.

3. For Food Premises

Eat Safe Bundaberg Region provides a consistent and systematic approach to inspections and rewards premises who achieve the highest 4 and 5 star food hygiene ratings.

Following Eat Safe principles will assist food premises to meet compliance and customer expectations of safe food.

4. A partnership model

This is a partnership model that strengthens the relationship between Council officers and food premise owners as both work cooperatively to deliver safe food to the community in the Bundaberg Region.

ASSOCIATED DOCUMENTS

- Eat Safe Bundaberg Region Procedure
- Eat Safe Self Audit and Proforma Audit Guidelines
- Eat Safe Bundaberg Guide
- Eat Safe Bundaberg - Self Auditing

DOCUMENTS CONTROLS

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

POLICY OWNER

The Branch Manager Health and Regulatory Services is the responsible person for this policy.

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Entertainment and Hospitality Policy

HEAD OF POWER

- *Local Government Regulation 2012*, section 196

INTENT

The purpose of this policy is to ensure compliance with section 196 of *Local Government Regulation 2012* (the Regulation) and that Council's spending on entertainment or hospitality is reasonable and appropriate.

SCOPE

This policy applies to all staff and Councillors.

POLICY STATEMENT

1. All entertainment and hospitality spend must be incurred in the public interest, or as a legitimate means of promoting Council business. Examples of entertainment or hospitality include:
 - Entertaining members of the public to promote a Council project;
 - Providing food or beverages to a person visiting Council in an official capacity;
 - Paying for a Councillor or Council employee to attend a function as part of their official duties or obligations.
2. The person authorising the spending must be able to validate the benefits to Council and the community.
3. The amount spent on entertainment and hospitality must be commensurate with the benefit received by Council or the community.
4. The spending must be provided for in a budget and be authorised in accordance with Council's accounting procedures.
5. Entertainment and hospitality expenses may only be charged to a corporate purchase card if prior authorisation has been obtained and such spending has been authorised within a specified limit.
6. Council must keep sufficient records to enable the correct calculation of its Fringe Benefit Tax liability.
7. Approvals for spending are as follows:
 - Staff may not authorise their own spending.
 - Spending by a Council officer must be authorised by the officer's supervisor/manager.
 - Spending by the Chief Executive Officer must be authorised by a member of the Executive Leadership Team or the Mayor.
 - Spending by a Councillor must be authorised by the Mayor, Chief Executive Officer, or the appropriate Executive Officer/General Manager.

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Entertainment and Hospitality Policy

- Appropriate documentation must be supplied when claiming reimbursement for expenses incurred (e.g. tax invoices, receipts etc.).
- Where there is some doubt about the validity of claiming particular spending, the principles of this policy should be used to make the determination.

8. This policy should be read in conjunction with the Entertainment and Hospitality Procedure.

ASSOCIATED DOCUMENTS

- Entertainment and Hospitality Procedure
- Employee Code of Conduct Policy
- *Fringe Benefits Tax Assessment Act 1986*
- Gifts and Benefits Policy
- *Local Government Act 2009*
- Reimbursement of Expenses and Provision of Facilities for Councillors Policy
- Travel and Accommodation Policy

DOCUMENTS CONTROLS

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

POLICY OWNER

The Chief Financial Officer, Financial Services is the responsible officer for this policy.

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Environmental Policy

HEAD OF POWER

- *Local Government Act*, section 9 (1)
- *Environmental Protection Act 1994*, Chapter 1, Part 2(3) and (5)

INTENT

The purpose of this policy is to set a target for the achievement of environmental excellence in the way we live and undertake work in the Bundaberg Region and that Council staff and contractors lead by example in matters of environmental excellence.

SCOPE

This policy applies to all staff, volunteers, contractors, and visitors to Council's workplaces. It also applies to all residents and visitors where their activities have environmental impacts.

POLICY STATEMENT

1. Council will ensure our strategic and operational activities are planned and conducted in such a manner as to minimise, and where possible avoid, adverse effects on the environment. This includes all air, water, waste and noise impacts that may adversely affect our staff, the public and or our natural environment.
2. Council aims to be proactive in the:
 - Reduction and/or elimination of environmental risks.
 - Promotion of the requirements of relevant legislation and association 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 regulatory resources and environmental management training.
 - Protection and enhancement of natural and cultural heritage.
3. Council will achieve its objectives through compliance with the Environmental Policy Statement and all the requirements of the *Environmental Protection Act 1994* and regulations.

ASSOCIATED DOCUMENTS

- Environmental Policy Statement
- *Environmental Protection Regulation 2019*
- *Environmental Protection (Air) Policy 2019*
- *Environmental Protection (Noise) Policy 2019*
- *Environmental Protection (Water and Wetland Biodiversity) Policy 2019*

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Policy No. CP-3-023

Adopted Date: 30/06/20 Version: 2

Responsible Department: Community & Environment

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Environmental Policy

DOCUMENTS CONTROLS

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

POLICY OWNER

The Branch Manager Health and Regulatory Services is the responsible person for this policy.

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Policy No. CP-3-023

Adopted Date: 30/06/20 Version: 2

Responsible Department: Community & Environment

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Equal Employment Opportunity Policy

HEAD OF POWER

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

INTENT

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

SCOPE

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

It applies to employees:

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

POLICY STATEMENT

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

1. EEO Principles

Council will uphold the following EEO Principles:

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

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Policy No. CP-3-024

Endorsed Date: 30/06/20 Version: 1

Responsible Department: Organisational Services

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Equal Employment Opportunity Policy

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

2. Embedding the EEO Principles

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

To create this environment Council will:

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

3. Breaches

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

ASSOCIATED DOCUMENTS

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

DOCUMENTS CONTROLS

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

POLICY OWNER

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

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Exhibitions Policy

HEAD OF POWER

- *Local Government Act 2009*, section 9 (1)

INTENT

The purpose of this policy is to ensure a varied and balanced program of exhibitions is scheduled for each year for Bundaberg Regional Galleries.

SCOPE

This policy applies to all artists and exhibitors applying to exhibit at the Galleries.

This policy also applies to the Bundaberg Regional Galleries Exhibition Panel (the Panel) who review applications and make recommendations about the suitability of proposed work as part of the Galleries' Exhibition programs.

POLICY STATEMENT

1. The objectives of this policy are to:
 - ensure exhibitions are of a quality that meets professional gallery standards and that they are presented in a professional manner in accordance with the selection criteria and exhibition agreement.
 - provide an engaging exhibition program which informs and/or educates visitors.

2. **Process Overview**

Exhibitions are determined either by application or by invitation. Galleries programming will be assessed and recommendations will be made by the Panel. The Panel is made up of the Manager, Arts and Cultural Services and Galleries' professional staff. The Terms of Reference outlines the role the Panel plays in selecting exhibitions.

Exhibition applications will be assessed based on the selection criteria outlined in this Policy.

3. **Payment and Fees**

Bundaberg Regional Galleries will pay Artwork Loan Fees based on the National Association for the Visual Art's (NAVA) Scale of Fees and Wages to artists who are invited to exhibit in Gallery One at BRAG. Where the fee proposals fall outside of standard NAVA rates, which will be the case for larger or higher value exhibitions/artists, the Panel will make an evaluation of the value for money to Council and the community on a case by case basis. Artists invited to exhibit at CHARTS or in Gallery Two and The Vault at BRAG, will negotiate their fees dependent upon the Artist's qualifications and experience.

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Exhibitions Policy

Community Art Groups, School Groups, Organisations and collectors who are invited to exhibit in these spaces will not be eligible for a payment; however, they will not be charged a hire fee for the gallery space.

4. Loan Agreement

The Bundaberg Regional Galleries Loan Agreement and artwork information template will be supplied to all exhibitors and must be used for all exhibitions, with the exception of those that provide their own agreements, such as travelling exhibitions. Should exhibitors be in breach of this agreement, the Manager Arts and Cultural Services will have the right to review the future involvement of the artist / organisation and/or cancel the exhibition.

5. Role of the Gallery Director

The Gallery Director and galleries staff will work with the exhibitor to select and finalise the content of the exhibition. The Gallery Director has final approval of all decisions relating to exhibition content, display and placement once the exhibition is approved through the Panel.

6. Exhibiting Groups

Any groups exhibiting at the galleries must appoint an Exhibition Coordinator to ensure there is one point of contact for communication between the exhibiting artists and the gallery.

The Exhibition Coordinator will be responsible for:

- a) Filling out and submitting Exhibition Proposals and Agreements.
- b) Adhering to the Exhibition Program Handbook.
- c) Providing Exhibition Statements and Images for publicity purposes.
- d) Completing the Artwork Information Template by the due date and ensuring all work is delivered and removed according to the Agreement.

6.1 Exhibition Commitments to Groups

Bundaberg Regional Galleries may enter into arrangements to hold annual and biannual exhibitions where community demand and benefit can be demonstrated.

7. General Exhibition Rules

Artists and Exhibitors must also comply with the following general exhibition rules:

- a) Artists are permitted a maximum of one solo exhibition every two years across both galleries.
- b) All exhibitors must have the legal right to loan to the Bundaberg Regional Galleries, the object for display.
- c) Artworks must not have been shown in Bundaberg Regional Art Galleries five years prior to this exhibition unless the exhibition is a retrospective.
- d) Exhibition length, dates and opening events are to be determined by the gallery staff.

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Exhibitions Policy

- e) The final artwork and contents of the exhibition must be relevant to the Exhibition concept submitted in the original exhibition application and agreed to by the Panel. Permission to make changes to the original proposal must be made in writing to the Gallery Director. Significant changes as assessed by the Exhibitions Officer will be submitted to the Panel for review. Any changes must have written approval.

8. Selection Criteria

All exhibitions must:

- Have a clear curatorial intent;
- Have artistic merit;
- Feature artists that have the relevant capacity to meet the curatorial objectives of the proposed exhibition;
- Not duplicate curatorial concepts exhibited recently at the galleries;
- Not include artworks that have been shown in Bundaberg Regional Galleries five years prior to this exhibition (unless the exhibition is a retrospective);and
- Must comply with Workplace Health and Safety Policy Statement and requirements.

Exhibitions at Childers Arts Space must be sensitive to (in subject matter and content) and appropriate for display alongside the Palace Backpackers Memorial.

Across all galleries, preference will be given to:

- Exhibitions with community engagement and/or educational opportunities, outcomes or experiences.
- Exhibitions that contain themes that can be developed into relevant and engaging Public Programs.
- Exhibitions that contain themes relevant to local cultural identity and heritage.
- The Vault Contemporary Art Space exhibition proposals that are installation based, preferably site specific and display experimentation in the chosen media.

ASSOCIATED DOCUMENTS

- Bundaberg Regional Galleries Exhibition Panel Terms of Reference
- Corporate Plan 2019-2023
- Arts and Culture Strategy 2019-2023
- Exhibitions Handbook
- Bundaberg Regional Galleries Loan Agreement
- Work Health and Safety Policy Statement

DOCUMENTS CONTROLS

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

POLICY OWNER

The Manager Arts and Cultural Services is the responsible person for this policy.

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Internal Audit Policy

HEAD OF POWER

- *Local Government Act 2009*, section 105
- *Local Government Regulation 2012*, section 207-211

INTENT

The purpose of this policy is to establish Council's internal audit framework.

SCOPE

This policy applies to the Internal Auditor, contract auditors and members of the Audit and Risk Committee.

POLICY STATEMENT

1. Council will maintain an efficient and effective internal audit function as required by the *Local Government Act 2009* and the *Local Government Regulation 2012*.
2. The Internal Audit unit provides Council's internal audit function in accordance with the Internal Audit Charter with oversight provided by Council's Audit and Risk Committee.
3. The Audit and Risk Committee is established in accordance with *the Local Government Act 2009* which requires each large local government to establish an audit committee.

ASSOCIATED DOCUMENTS

- Bundaberg Regional Council Audit and Risk Committee Charter
- Internal Audit Charter
- *Local Government Regulation 2012*

DOCUMENTS CONTROLS

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

POLICY OWNER

The General Manager, Organisational Services is the responsible person for this policy.



Non-Current Asset Recognition Policy

HEAD OF POWER

- *Local Government Regulation 2012, section 206 (2)*

INTENT

The purpose of this policy is to set an amount for each different type of non-current physical asset below which the value of an asset of the same type must be treated as an expense.

SCOPE

This policy applies to all staff and Councillors.

DEFINITIONS

Non-current asset means as defined in section 224 of the *Local Government Regulation 2012*.

POLICY STATEMENT

1. This policy provides clarification on the types of expenditure that may be recognised and the timeframe and milestone points for recognition. All asset recognition thresholds in this policy are exclusive of GST, unless otherwise stated.
2. The following values of non-current assets have been determined to be treated as an expense:
 - The set amount for land is \$1.
 - The set amount for buildings and structures is \$10,000.
 - The set amount for plant and equipment is \$5,000.
 - There is no set amount for infrastructure assets, including roads, water, sewerage and stormwater drainage as these are networked assets and it depends on the nature of the expenditure.
 - The set amount for intangibles is \$10,000.

3. Application of thresholds

The original estimated value of the asset will be used to identify the nature of the expenditure as either operational or capital. If the actual expenditure varies from the threshold by more than 50%, the expenditure will be reclassified.

This application will be reviewed at the end of each financial year to ensure the effect is immaterial to the relevant class of asset.

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Policy No. CP-3-034

Endorsed Date: 30/06/20 Version: 1

Responsible Department: Organisational Services

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Non-Current Asset Recognition Policy

4. Principles of capital expenditure recognition

- 4.1. Capital expenditure must result in an asset** – Capital expenditure is incurred from an approved capital project and must result in the acquisition, renewal, upgrade or replacement of, or addition to, an asset in the Non-Current Asset Register.

Assets will be physical in nature (except for intangible assets – software and systems) such as:

- buildings and other structures;
- water and wastewater assets;
- playground equipment;
- plant and equipment;
- pipes and road; and
- vehicles

and will satisfy the recognition criteria if it is over the asset capitalisation thresholds listed above.

- 4.2. Expenditure that does not result in a new asset or the renewal or enhancement of an existing asset is operational** – Expenditure incurred during normal operations that ensures an asset realises its normal operating capacity and reaches its full useful life will be regarded as repair or maintenance and recognised as an operating expense.

These expenses include:

- painting;
- sanding floors;
- street beautification;
- soft landscaping;
- tree planting;
- regular servicing;
- replacing minor parts; and
- administration and catering.

ASSOCIATED DOCUMENTS

- Asset Management Policy

DOCUMENTS CONTROLS

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

POLICY OWNER

The Chief Financial Officer, Financial Services is the responsible person for this policy.

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Policy No. CP-3-034

Endorsed Date: 30/06/20 Version: 1

Responsible Department: Organisational Services

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Recordkeeping Policy

HEAD OF POWER

- *Public Records Act 2002*, section 7
- *Local Government Act 2009*, section 13(3)(e)

INTENT

The purpose of this policy is to comply with the *Public Records Act 2002* and the Queensland State Archives Records Governance Policy to ensure that public records are made, managed, kept and preserved in a usable form.

SCOPE

This policy applies to all employees and Councillors including contractors and volunteers.

DEFINITIONS

Act means the *Public Records Act 2002*.

Public record means as defined in section 6 of the Act.

Records Governance Policy means the policy issued on the authority of the State Archivist under section 25(1)(f) of the Act.

POLICY STATEMENT

1. Council must comply with its obligations under the Act and the Records Governance Policy. The Records Governance Policy contains six policy requirements that Council must comply with as an agency under the Act.
2. Council recognises that records management is an integral part of good management practice and is committed to meeting its recordkeeping obligations.
3. Council will establish a framework of policy, procedures, guidelines and processes to ensure the creation, capture, preservation, discovery and retrieval of complete and accurate records.
4. Council will use and continually review existing governance practices and develop and implement new governance measures to embed records governance in their current functions, activities and processes and to foster a collaborative recordkeeping culture.
5. 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.
6. Council will ensure that disposal of records is undertaken in a planned and authorised way in conjunction with legislation, policy, procedure and business requirements.

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Policy No. CP-3-037

Adopted Date: 30/06/20 Version: 3

Responsible Department: Organisational Services

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Recordkeeping Policy

7. Council must:

- a. ensure records management is supported at all levels of the business;
- b. systematically manage records using governance practices that are integrated and consistent with broader Council and agency frameworks;
- c. create complete and reliable records; and
- d. actively manage permanent, high-value and high-risk records and information as a priority.

ASSOCIATED DOCUMENTS

- Australian Standard ISO 15489.1:2017, Information and documentation – Records management – concepts and principles
- Queensland State Archives Records Governance Policy
- Queensland Government Information Standard 34 – Metadata
- Queensland Government Information Standard 18 – Information Security

DOCUMENTS CONTROLS

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

POLICY OWNER

The Chief Legal Officer, Governance and Legal Services is the responsible person for this policy.

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Policy No. CP-3-037

Adopted Date: 30/06/20 Version: 3

Responsible Department: Organisational Services

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Related Party Disclosures Policy

HEAD OF POWER

- *Local Government Regulation 2012, section 177*
- *Australian Accounting Standards Board AASB 124 Related Part Disclosures*

INTENT

The purpose of this policy is to ensure that Council is in compliance with its obligations under the *Local Government Act 2009* (the Act), the *Local Government Regulation 2012* (the Regulation) and the Australian Accounting Standard AASB 124 *Related Party Disclosures* (the Standard).

SCOPE

This policy applies to key management personnel staff and Councillors, as defined by the Standard and this policy.

DEFINITIONS

Close family members means those family members who may be expected to influence or be influenced by that person in their dealings with the entity and includes the family members listed in the Standard.

Key management personnel means those persons having authority and responsibility for planning, directing and controlling the activities of the Council, directly or indirectly and includes Councillors, the Chief Executive Officer and senior executive employees.

Ordinary citizen transactions means transactions that occur during the course of delivering Council's public service objectives and which occur on no different terms to that of the general public. Examples include:

- Rates and utility charges.
- Use of Council facilities.
- Fines and other penalties on normal terms and conditions.
- Attendance at a Council function or activity open to the public.

Permitted purpose means to assess and verify a related party or related party transactions and to comply with and verify disclosure requirements.

Related party means a person or entity that is related to the entity that is preparing its financial statement and includes:

- Key management personnel;
- Close family members of key management personnel;
- Entities related to Council such as subsidiaries, joint ventures and associates; and
- Entities controlled or jointly controlled by key management personnel or close family members.

Related party transaction means a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

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Policy No. CP-3-039

Endorsed Date: 30/06/20 Version: 1

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Related Party Disclosures Policy

Senior executive employees means an employee of Council that reports directly to the Chief Executive Officer and whose position would ordinarily be considered to be a senior position in Council's corporate structure.

POLICY STATEMENT

1. Council must disclose certain related party and related party transactions in its financial statements.
2. Disclosure in Council's annual financial statements will be made in accordance with Australian Accounting Standards. Disclosure in Council's annual financial statements will only be made where a transaction has occurred with a related party and the transaction is material in nature or size, when considered individually or collectively.
3. Ordinary citizen transactions are, in accordance with the Standard, not required to be disclosed.
4. All key management personnel must periodically provide a Related Party Declaration which identifies any related parties.
5. The following people are permitted to access, use and disclose the information provided in a Related Party Declaration:
 - Chief Executive Officer;
 - Chief Financial Officer;
 - Financial officers;
 - Members of Council's Audit Committee;
 - an Auditor of Council; and
 - a Councillor (for their own Related Party Declaration) provided the information is accessed, used and disclosed for a permitted purpose.
6. Personal information contained in Related Party Declaration and any related party registers are classified as confidential and are not available for inspection or disclosure to the public, including through a Right to Information application.

ASSOCIATED DOCUMENTS

- Related Party Declaration

DOCUMENTS CONTROLS

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

POLICY OWNER

The Chief Financial Officer, Financial Services is the responsible person for this policy.

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Policy No. CP-3-039

Endorsed Date: 30/06/20 Version: 1

Responsible Department: Organisational Services

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Trade Waste Policy

HEAD OF POWER

- *Local Government Act 2009*, section 79

INTENT

The purpose of this policy is to ensure that Council meets statutory obligations under the relevant Acts and to regulate, enforce and ensure compliance of activities generating trade waste.

SCOPE

This policy applies to all staff and Councillors who are involved in the identification and management of Trade Waste generated on non-residential premises.

DEFINITIONS

Trade waste means waterborne waste from business, trade or manufacturing property, other than stormwater; and a prohibited substance.

POLICY STATEMENT

1. To ensure continued protection of our environment and waterways, whilst providing a service to the commercial section, Council will ensure minimal entry to the sewerage system of all substances which cannot be effectively treated. Council will adequately protect workers, assets and receiving waters from harmful trade waste substances.
2. Council will employ a Trade Waste Officer to implement Council's Trade Waste Environmental Management Plan.
3. Trade waste from non-residential premises will only be accepted into Council's sewer under conditions set out in Council's Trade Waste Environmental Management Plan and in the form of an approval.
4. Council will take all reasonable steps to ensure that the waste generator complies with the conditions of their approval.
5. The cost of utility services, including the cost of conveyance, treatment, wear and damage to the sewerage system will equitably be recovered.

ASSOCIATED DOCUMENTS

- Application for Trade Waste Approval
- *Environmental Protection Act 1994*, section 4
- *Standard Plumbing and Drainage Regulation 2003*, part 2(2)
- Trade Waste Environmental Management Plan

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Policy No. CP-3-04.1

Endorsed Date: 30/06/20 Version: 1

Responsible Department: Infrastructure Services

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Trade Waste Policy

- *Water Act 2000*, section 1048B
- *Water Supply (Safety & Reliability) Act 2008*, sections 180-194
- *Work Health and Safety Act 2011*, section 3
- Work Health and Safety Management Plan

DOCUMENTS CONTROLS

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

POLICY OWNER

The Branch Manager, Water Services, is the responsible person for this policy.

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Policy No. CP-3-04.1

Endorsed Date: 30/06/20 Version: 1

Responsible Department: Infrastructure Services

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Water Leak Relief Policy

HEAD OF POWER

- *Local Government Regulation 2012, part 10*

INTENT

The purpose of this policy is to facilitate a means for Council to provide relief to ratepayers by partially remitting water consumption charges in cases of financial hardship resulting from a concealed water leak which has occurred on a ratepayer's property.

SCOPE

This policy applies to properties connected to the Bundaberg Regional Council water supply scheme and have a Council approved water meter.

DEFINITIONS

Compelling reasons means:

- Medical reasons where medical evidence is produced to substantiate illness of the ratepayer, either housebound or hospitalised, supported by a statutory declaration declaring the ratepayer had no one to act for them or conduct their business affairs during incapacity.
- Infirmary of the ratepayer preventing 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.
- Temporary absence from their principal place of residence 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.

First and second step water tariff means the two-tiered charging system as outlined in Council's Revenue Statement.

Dedicated fire service means the connection for fire emergencies and testing purposes.

POLICY STATEMENT

Ratepayers must take all reasonable steps to ensure all plumbing on their property is kept in good condition and operates properly. Accordingly, responsibility for all plumbing on the property side of the meter resides with the property owner. This includes repairing leaks in a timely manner to conserve water and reduce partial costs.

Tenants have an obligation to report a suspected leak to the owner/managing agent of the property.

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Policy No. CP-3-042

Adopted Date: 30/06/20 Version: 2

Responsible Department: Organisational Services

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Water Leak Relief Policy

Council has no obligation to provide financial assistance to ratepayers affected by leaks on their property, however, Council recognises that at times water leaks can go undetected for relatively long periods and may cause financial difficulties for ratepayers. Bundaberg Regional Council ratepayers that have experienced a sudden and large increase in water use due to concealed leaks on their property may apply for financial assistance subject to conditions outlined in this policy.

1. Council may provide relief to ratepayers in accordance with part 10 – Concessions, of the *Local Government Regulation 2012* (the Regulation).
2. Applications for water leak relief is calculated by applying the first step water tariff to consumption above the first step water limit in the relevant half year period.
3. Application for water leak relief from a dedicated fire service is calculated by applying the second step water tariff to the water consumption in the relevant half year period.
4. The eligibility of a ratepayer to receive water leak relief from Council will be determined by the following criteria.
 - 4.1 The ratepayer applying for relief from water consumption charges must be responsible for the payment of the water consumption charges.
 - 4.2 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.
 - 4.3 As water leak relief is permitted in terms of the hardship provision of the Regulation, relief may only be provided if water consumption exceeds the first step in Council's water tariff.
 - 4.4 Relief excludes water leaks in occupied buildings as these are more likely to be detectable by the ratepayer e.g. running toilet.
 - 4.5 Ratepayers are limited to one water leak relief per property every three years from the date of the repair. Where an application is not approved, this restriction does not apply.

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, 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.

- 4.5.1 A ratepayer must have a water leak repaired by a current registered plumber or a service supplier related to the type of water leak (e.g. landscaping company, swimming pool), or must have the repair sighted and confirmed by a registered plumber, within 15 working days of the ratepayer becoming aware of the leak,

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Water Leak Relief Policy

or within 15 working days from the date of a letter from Council advising of a potential water leak, whichever is sooner, unless there are compelling reasons why these timeframes cannot be achieved. These timeframes serve to limit the loss of water which is a precious community resource.

4.5.2 Ratepayers must apply to Council for water leak relief by submitting the application form within 60 days.

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 this policy, the ratepayer must submit a water leak relief application within 60 days from the date on which the leak is repaired.
- 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 60 days from the date of Council's notification, as the leak has already been repaired.
- receives notification from Council and has a water leak repaired within 15 working days of the date of that notification, in terms of this policy, the ratepayer must submit a water leak relief application within 60 days from the date on which the leak is repaired.

These timeframes apply unless there is a compelling reason why these timeframes cannot be achieved.

4.5.3 The application for water leak relief must be submitted on Council's prescribed Water Leak Relief Application Form and must be accompanied by either:

- an account from a current registered plumber, providing details of the water leak that was repaired; or
- a letter from a registered plumber providing details of the water leak that was repaired and confirming that the leak was repaired correctly; or
- an account from a suitably qualified service supplier, such as a landscaping company or swimming pool company, providing details of a water leak that was repaired.

4.5.4 An exceptional water loss due to the unauthorised use or activity (e.g. break and enter, vandalism, water theft) during a period where the property is unattended for a period greater than two weeks may be considered for a rebate subject to the provision of satisfactory evidence and demonstrated financial hardship. Evidence must include a Police report, demonstrated absence from the property, the inability to claim insurance cover, and genuine circumstances of financial hardship. The application must be submitted within 60 days as per clause 4.5.2. The three-year restriction on successful applications does not apply to an application under this sub-clause.

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Water Leak Relief Policy

- 4.5.5** Compelling reasons exclude circumstances where ratepayers:
- are unable to contact a plumber;
 - experience a delay in receiving the plumbers account;
 - have failed to advise Council of a change of address thus delaying the receipt of a high consumption letter; or
 - were not advised by their Property Agent or tenant about a potential water leak.

ASSOCIATED DOCUMENTS

- *Local Government Act 2009*
- Revenue Policy
- Revenue Statement
- Water Leak Relief Application Form

DOCUMENTS CONTROLS

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

POLICY OWNER

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Policy No. CP-3-042

Adopted Date: 30/06/20 Version: 2

Responsible Department: Organisational Services

Page 4 of 4

**Item****30 June 2020****Item Number:**

J1

File Number:

.

Part:

WATER & WASTEWATER

Portfolio:

Infrastructure Services

Subject:

Fast-track Plumbing - Opt Out

Report Author:

Narelle D'Amico, Branch Manager Water Services

Authorised by:

Stuart Randle, General Manager Infrastructure Services

Link to Corporate Plan:

Our Environment - 2.2 Sustainable and affordable essential services - 2.2.3 Provide safe and efficient waste services to protect our community and environment.

Background:

The Queensland *Plumbing and Drainage Act 2018* allows for two streams of applications:

1. Fast-track applications:

- Approval timeframes reduced from five to two business days.
- Available for most new residential dwellings, sheds or domestic outbuildings (class 1a and 10a buildings).

2. Standard applications:

- Approval timeframe 10 business days.
- Available for all other types of buildings, including multi-unit residential and commercial buildings (class 2-9 buildings)

Throughout 2019 and 2020 Water Services has been focussing on the Corporate Value of Customer Focus, through defining and then implementing streamlined processes. Within the Plumbing and Compliance team this has been through use of digital workflows allowing for online applications, online payments and online booking, flowing into digital access of all forms and data for the Inspector whilst in the field. These processes have been progressively implemented since March 2020. It is anticipated these new processes will allow for further reduction in the timing for the determination of applications, as well as timely and effective inspections, without needing to have Fast-track applications.

The attached graph shows the performance throughout the current financial year, where the average approval time frame sits at around 4.5 business days.

This is well within the standard application timeframe. Through this period, Fast-track applications made up only 3.6% of all applications. If Council determined to continue supporting Fast-track applications and the number increased, the two day timeframe will have a flow on impact for all applicants, as the Fast-track applications will be prioritised over those already being worked on, creating delays to not just application assessments, but also inspections.

For noting, neighbouring local government areas of Fraser Coast, Gladstone and North Burnett have also made resolutions to opt-out of the Fast-track permit application process.

Associated Person/Organization:

Nil

Consultation:

General Manager Infrastructure Services

Chief Legal Officer's Comments:

Section 40 of the *Plumbing and Drainage Regulation 2019* provides that council may by resolution declare that it will not deal with an application relating to permits for work to be carried out in its local government area as fast-track applications.

Policy Implications:

There appears to be no policy implications.

Financial and Resource Implications:

There appears to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

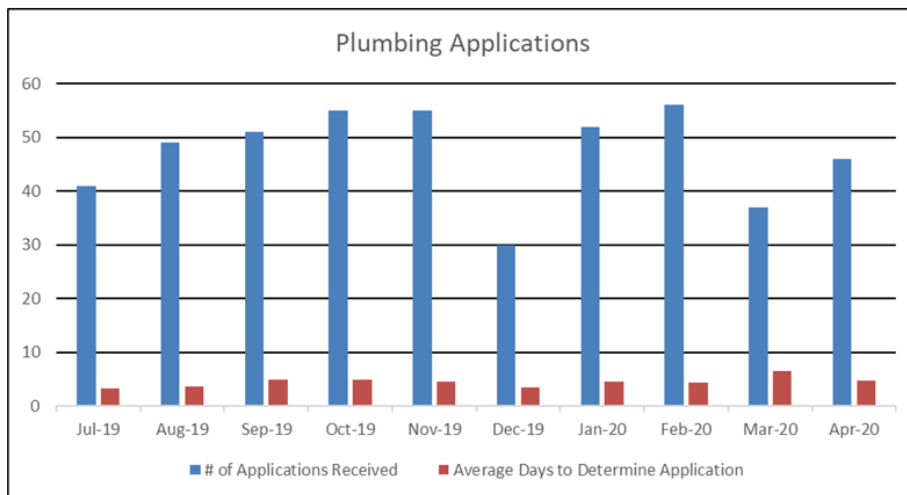
No

Attachments:

↓1 Fast Track Current Financial Year Graph

Recommendation:

That, pursuant to section 40 of the *Plumbing and Drainage Regulation 2019*, Council declare not to deal with any applications relating to permits for work to be carried out as fast-track applications.





Item

30 June 2020

Item Number:	File Number:	Part:
L1	522.2019.129.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

Material Change of Use for Rooming Accommodation and Short Term Accommodation - Morgan Way and Georgia Terrace, Kalkie

Report Author:

Scott Irwin, Planning Officer

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

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

Background:

APPLICATION NO	522.2019.129.1
PROPOSAL	Material Change of Use for Rooming Accommodation and Short-Term Accommodation
APPLICANT	SSS Community Pty Ltd
OWNER	DN Group Developments Pty Ltd
PROPERTY DESCRIPTION	Lot 99 on SP265725 and Lot 100 on SP279722
ADDRESS	Morgan Way and Georgia Terrace, Kalkie
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Low Density Residential Zone
OVERLAYS	Acid Sulfate soils, Agricultural land overlay, airport and Aviation facilities overlay, MSES Watercourse buffer area, MSES Regulated vegetation, Coastal management district, Local flood hazard.
LEVEL OF ASSESSMENT	Impact
SITE AREA	2.702 ha
CURRENT USE	Vacant
PROPERLY MADE DATE	6 September 2019
STATUS	The 35 business day decision period ends on 19 May 2020 (extension letter)
REFERRAL AGENCIES	Not applicable
NO. OF SUBMITTERS	42
PREVIOUS APPROVALS	325.2010.28294.1 (46 Units and standard format plan subdivision) 321.2016.44969.1 (27 lot subdivision)
SITE INSPECTION CONDUCTED	Last site inspection conducted on 31 May 2020
LEVEL OF DELEGATION	C3

1. INTRODUCTION

1.1. Proposal

This application seeks a Development Permit for a Material Change of Use for Rooming Accommodation (Student accommodation) and Short-Term Accommodation (Workers Accommodation). The application proposes to accommodate a maximum of 300 person within 50 units on the development site as tabulated below:

Accommodation	Units	Maximum number of persons per unit	Total persons
Workers Accommodation	26 x 2 bedrooms	6	156
Student Accommodation	24 x 3 bedrooms	6	144

The proposed 50 units will be developed using three (3) identical building designs comprising a triplex and two (2) duplex designs. The proposed triplex design is utilised twice with each unit having three (3) bedrooms, the three (3) bedroom duplex design is used nine (9) times and the two (2) bedroom duplex design is utilised thirteen 13 times. Each unit is fully self-contained, two (2) bedroom units include a single garage and the three (3) bedroom units have a double garage. All units are to be single storey, brick veneer, hip roof construction with colorbond roof sheeting.

The proposed development includes a communal open space area with a BBQ shelter facility. The development is to be accessed via a proposed driveway located at the end of the cul-de-sac in Georgia Terrace.

This development application was originally lodged in February 2019 for an undefined use (Community Residences) with the intention for the buildings to be occupied by residents accommodated under the National Disability Insurance Scheme (NDIS). Then on 6 September 2019 the applicant submitted a change application to change the application to be for Short Term Accommodation (Rural Workers) and Rooming Accommodating (Student Accommodation) comprising 50 units with a maximum of 384 persons residing on the premise. As a result of public submissions and Council's further advice letter the applicant changed the development application again on 20 April 2020. This change included some minor built form and internal alterations, however, ultimately changed the density from a maximum of 384 persons to 300 persons.

As this change only addressed matters associated with public submissions the change does not stop the assessment process or require the changed development to be public notification again in accordance section 26 of the development assessment rules.

1.2. Site Description

The subject site includes two (2) vacant low density residential zoned lots, Lot 99 on SP265725 and Lot 100 on SP279722 with a combined area of 2.702 ha. Both lots are serviced by underground electricity, reticulated water and sewer.

Lot 99

Lot 99 has a frontage of approximately 30 metres to Morgan Way which currently ends in a cul-de-sac. The lot is bound to the north, east and south by residential properties and the west by Lot 100 on SP265725.

Lot 100

Lot 100 has a frontage of approximately 15 metres to Georgia Terrace which also currently ends with cul-de-sac. The lot is bound to the south by an open stormwater drain, to the east by Lot 99 on SP265725 and to the north and west primarily by agricultural land under sugarcane cultivation.

2. ASSESSMENT PROVISIONS**2.1. Assessment Benchmarks**

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Zone Code: Low Density Residential Zone	Bundaberg Regional Council Planning Scheme 2015
Overlay Code <ul style="list-style-type: none"> • Agricultural land overlay code • Airport and aviation facilities overlay code • Biodiversity areas overlay code • Flood hazard overlay code 	Bundaberg Regional Council Planning Scheme 2015
Use Code <ul style="list-style-type: none"> • Multi-unit residential uses code 	Bundaberg Regional Council Planning Scheme 2015
Other Development Code <ul style="list-style-type: none"> • Landscaping code • Nuisance code • Reconfiguring a lot code • Transport and parking code • Works, services and infrastructure code 	Bundaberg Regional Council Planning Scheme 2015
Planning Scheme Policies <ul style="list-style-type: none"> • Planning scheme policy for development works • Planning scheme policy for waste management 	Bundaberg Regional Council Planning Scheme 2015

Benchmarks applying for the development	Benchmark reference
<ul style="list-style-type: none"> Interim Development Assessment Requirements 	State Planning Policy

2.2. Relevant Matters

The following matters were given regard to or assessment carried out against, in undertaking the assessment of this development application.

Other relevant matters to the assessment of the development under section 45(5)(b)

No other relevant matters were considered for this application.

3. ISSUES RELEVANT TO THE APPLICATION

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

Strategic Framework – Settlement Pattern Theme

The Settlement pattern theme seeks for urban development to be contained within identified urban areas to maximise the efficient provision of infrastructure and services. Additionally, Element 2 of the theme seeks for a compact urban form and diversity of residential lot types and housing configurations. The proposed development provides for an alternative range of low to medium density housing. Additionally, it caters for a specific housing market being rural workers and students and is located within an existing urban area with all general urban infrastructure services.

Strategic Framework – Economic Development Theme

The Economic theme outlines rural production and education activities as a key concept. The proposal, through providing specific housing for rural workers and students, will support and maintain existing key concepts of the theme.

Past Development Approval History

In April 2011 the Planning Environment Court approved the development of the subject land for the development of 46 multiple dwelling units. The development never progressed and the approval subsequently lapsed.

In February 2016 a development approval for reconfiguring a lot (27 lots in 2 stages - creating conventional low density residential lots), was approved by Council. This approval was not progressed and lapsed in February 2020.

Although both applications did not proceed, it is considered a relevant matter to note that the Council has previously agreed to development occurring on this land that has a density greater than that of the surrounding area.

Low Density Residential Zone Code

The Low Density Residential Zone is intended to provide predominately for dwelling houses and dual occupancies, although the zone code also envisages a limited range of other residential uses where compatible with the scale and intensity of the prevailing residential housing forms. Additionally, the code promotes a variety of housing size and choice.

The code prescribes a density of between 15 to 25 equivalent dwellings per hectare for residential developments. The subject development site comprises approximately 2.21 hectares excluding the 4,400 m² area located along the western boundary of the site that is identified as a future road under the Kalkie-Ashfield local development area local plan. In this regard, the maximum envisaged density for the site equates to 55 equivalent dwellings (2.21 x 25). While the proposed built form comprises 50 units it would comply with the general intent of the scheme from a built form perspective and general density arrangement. However, the proposal is Rooming Accommodation (Student accommodation) and Short-Term Accommodation (Workers Accommodation) which have a much higher occupancy rate than a dwelling unit. The proposal seeks approval for up to 6 persons in each unit totalling 300 persons. The 2016 Census data reveals the average household size for the Bundaberg Region is 2.4 persons and the Kalkie locality is 2.7 persons. In this regard, the average population within 50 units in the Kalkie locality would be anticipated to be 135 persons. Despite this, the planning scheme defines equivalent dwellings as detailed below:

The equivalence factor used to calculate density for a multiple-residential use, where:

- (a) a rooming unit is equivalent to 0.4 of a dwelling
- (b) a one bedroom dwelling is equivalent to 0.5 of a dwelling
- (c) a two bedroom dwelling is equivalent to 0.7 of a dwelling and
- (d) a three or more bedroom dwelling is equivalent to 1 dwelling.

The following tabulation outlines the equivalent dwellings for the proposed development.

Accommodation	Unit arrangement	Number of rooming units	Equivalent dwellings
Workers Accommodation	26 x 2 bedrooms	52	20.8
Student Accommodation	24 x 3 bedrooms	72	28.8
		Total	49.6

The above outlines the proposed equivalent dwelling density as defined by the planning scheme equates to being marginally less than the 50 units being proposed to be constructed on the site.

The proposal incorporates 14 units along the northern property that directly adjoins 8 residential properties. The direct density and built form adjoining the northern boundary is considered likely to be greater than that which would generally be expected to be in proximity to existing housing within the low-density residential zone. While fencing and landscaping treatments will be imposed to reduce any impacts, it is also considered necessary to condition the development to removal of two (2) units (duplex) and evenly space out the remaining 12 units along this boundary to ensure an appropriate amenity and built form will be provided to the adjoining premises (to comply with code). Additionally, the removal of two (2) units along the northern

boundary will increase the communal open space, provide an increased buffer from adjoining rural land uses and further reduce the overall density of the site.

Multi-unit Residential Uses Code

The code primarily regulates design and siting outcomes for multiple dwelling developments to ensure a visually attractive built form and good amenity is achieved. The proposed development generally complies with all applicable outcomes except for providing a built form that addresses the street. However, this is a result of the development site configuration only having two small frontages to cul-de-sacs. Creating multiple residential units in a low density residential built form outcome on such land does not permit addressing or overlooking the street. The development creates a gated community style development with a predominate access via Georgia Terrace. However, the development has fourteen (14) units that will overlook the drainage reserve that extends along the southern boundary of the site. Further it will be conditioned to extend Georgia Terrace and a number of units will overlook the street.

Private open space for 2 out of the 50 units (4%) being Units 4 and 5 are slightly below the minimum prescribed dimensions contained in the acceptable outcome for a three (3) bedroom unit. However, noting the available private open space and the communal open space proposed, it is considered sufficient open space is provided to meet the needs of residents in accordance with the code.

Transport and Parking Code

The Transport and parking code primarily seeks to ensure transport infrastructure is provided in a manner which meets the needs of the development, whilst maintaining a safe and efficient road network. The Kalkie Ashfield Local Development Area Structure Plan outlines that Georgia Terrace is a desired Non-Trunk Connection Road to enable connectivity with the emerging community zoned land to the north and west of the subject site when it is developed in the future. As the land to the north and west are currently utilised for rural purposes the applicant has incorporated the future road area as driveway and utilised it as a buffer area from the rural uses. In this regard, the dedication and construction of the extension to Georgia Terrace will be conditioned as part of the approval to ensure the connection road can be readily available for future development within the identified growth area. However, construction of the road past the entry point to the development will not be required.

The proposed development provides 125 car parking spaces with 74 being enclosed garage spaces within the units and 51 being open visitor spaces (28 to the north of the main entrance and 23 scattered throughout). The acceptable outcomes within the code outlines 1 covered space per rooming unit plus 1 visitor space per 10 rooming units for both Rooming Accommodation and Short-Term Accommodation. The total number of car parking spaces required by the code would be 135. In the circumstance that the overall unit density is conditioned to be reduced by 2 units, there would be a corresponding reduction in the number of enclosed car spaces being provided (74 to 72) and a reduction in total car parks required to be provided (125 to 123).

The applicant outlines the proposed development, like many other facilities within the Region, may utilise minibuses (similar to Maxi taxis) to take students to campuses and workers to places of employment as well as for shopping and other recreational activities. The use of shuttle buses will significantly reduce the general car parking requirements prescribed by the acceptable outcomes and reduce the number of

vehicle movements to and from the site. The applicant also outlines that other similar developments within the Low-Density Residential area exist that have a significantly higher density and significantly less car parking. In this regard, it is considered the proposed car parking and manoeuvring areas for the development will comply with the purpose of the code.

Landscaping Code

The proposal plans do not provide any detailed landscaping plans. The site plan outlines some internal and external fencing and some landscaped gardens primarily around the main car park and along the southern boundary. The development provides ample open space areas and the units are setback adequately from boundaries and other units. It is considered good landscaping throughout the site with particular attention to boundaries and the future road will be enhance the development and further integrate the development within the surrounding area.

In this regard, conditioning the submission of detailed landscaping plans as part of an operational works application is considered necessary to ensure compliance with the code.

Public Notification

The development was subject to a Public Notification period in accordance with the requirements of the Planning Act 2016. During the notification period a total of 42 properly made submission were received, along with 15 not properly made submissions. All submissions received were in objection to the proposal. The following matters were raised by submitters:

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
No planning need	The land the subject of this application is located in a residential zone and is intended to be developed for a future residential purpose. The Planning Scheme encourages the development of this zone for a variety of dwelling types. No information is provided supporting an argument that there is not a demand for development of this type, particularly where the land is being developed for its intended residential purpose.
Development inconsistent with Low density zone	The development accords with the general prescribed design and siting provisions and density requirements of the low-density residential zone contained in the Planning Scheme.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<p>Area is already over-crowded with illegal dual occupancies. Will cause further over population.</p>	<p>The Low-Density residential zone code prescribes up to 55 dwellings could be permitted on the site. The proposed development is for 50 dwelling units or below 50 equivalent dwellings as defined by the Planning Scheme. Only lawfully approved development can be considered in the assessment. To the extent that there are dual occupancies constructed in the locality they comply with the Planning Scheme criteria for development of the Low-Density Residential zone.</p>
<p>Application has no public amenity ie park</p>	<p>The development exceeds the applicable minimum private and communal open space requirements. The development includes a BBQ shelter and surrounding open space. Additionally, Council's Local Government Infrastructure Plan (LGIP) identifies priority areas for future parks within the region.</p>
<p>Increased traffic. Roads not designed for high traffic volumes. Street is too narrow and already congested.</p>	<p>Council development assessment records indicate that the road construction standards applied to Georgia Terrace and Morgan Way (stage 1 and 2 of One Mile Crossing Estate) anticipated that the subject development site (notionally Stage 3 of the Estate) would be developed for a multiple dwelling purpose. As a result, Council Development Engineers are satisfied that the design, layout and structural strength of the roads are adequate to cater for the frequencies and weights of vehicles associated with the development.</p>
<p>Will cause parking issues on the surrounding roads.</p>	<p>The development will be conditioned to provide a minimum of 123 car parking spaces through the development and the proposal will have a dedicated future road frontage of over 100 metres. Conditions of approval will also be imposed restricting the use of adjoining road reserve areas external to the site for parking purposes.</p>

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
Sufficient agricultural buffers have not been provided,	The development units are located over 40 metres from the western adjoining farming parcel and the car parking area adjoins the rural farming parcel to the north. The development is consistent with the existing setbacks of residential uses to the adjoining farming properties. It is also noted the prevailing breezes do not direct from the farms to the land and the farming land is identified for future urban purposes. Additionally, a condition requiring an agricultural buffer and landscaping has been included in the recommended condition package.
Potential for noise impacts.	The development is buffered from adjoining residential uses by a solid screen fence and the number of units adjoining each existing residential property could be expected under general provisions for dual occupancy developments if the and was development for traditional residential Lots. Additionally, an earlier approval for multiple dwelling units over the land provided a similar built form particularly to adjoining residential lots.
Will introduce a transient population into a family neighbourhood	The planning scheme promotes a variety of housing sizes and choice along with limited other forms of residential activities rather than restricting low density residential areas to family housing.
The site is not suitable for students as it is not close to TAFE or the University and there is not any public transport available.	The majority of residents are likely to have or share vehicles for transportation. Additionally, the car parking rates included in the development and outlined in the Planning Scheme consider the general reliance on cars for commuting within a regional area. Such facilities generally also incorporate minivan shuttle services for occupants if necessary. Further, Bargara Road which is a main bus route is located approximately 1 kilometre from the site.
Significant impact on the character of the area.	With the removal of two units as mentioned in the assessment above, the development will be consistent with the surrounding built form comprising single storey buildings and compliant with the prescribed density provisions.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
Not in keeping with the local density of approximately 13 dwellings per hectare.	As noted above, the development will achieve the desired density for development in the Low-Density Residential Zone, having a density of X/dwellings per hectare after conditioned changes are made.
Application is not properly made pursuant to S 51 (5) of the Planning act.	Council as the assessment manager determined the application was properly made in accordance section 51 of <i>Planning Act 2016</i> .
Precedence is not a planning ground	While the applicant references the function of another existing facility to justify the development such considerations or use of precedence has not been used in the assessment of the application. What does represent a relevant assessment matter is that fact the subject land has previously been approved for multiple development (46 units) in 2011 as well as a conventional residential subdivision in 2016. This previous development history over the land will have provided surrounding residents with some understanding that the land may be capable of being developed for a variety of residential uses.
<p>Proposal fails to address the strategic framework of the planning scheme particularly:</p> <p><i>Settlement pattern</i></p> <p><i>Compact, efficient and functional urban form</i></p> <p><i>Activity centre network</i></p> <p><i>Affordable living</i></p> <p><i>Economic development</i></p> <p><i>Community identity, culture and sport and recreation</i></p>	While the applicant did not go into detail or specifically address the strategic framework, an assessment against the strategic framework revealed the proposal complied with the applicable strategic framework outcomes and no significant issues were identified.
Other zones better suited to this style of development	While the Medium and High-Density residential zones encourage these uses, there is no obligation to locate these type of developments there especially when it can be demonstrated that the proposal an comply with the applicable assessment benchmarks.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<p>Site is isolated and lacks accessibility to community facilities, employment, and public open space and active transport facilities.</p>	<p>The surrounding area incorporates numerous parks and the land is approximately 1 kilometre from Bargara Road that is within a public transport route and includes fast food outlets and a small shopping centre. The site incorporates significant car parking that would indicate the occupants are likely to utilise private transport and such uses generally provide communal vehicle arrangements. Vehicle dependence over more active transport modes is going to occur being a regional area given the spread of facilities and employment nodes (particularly rural workers) given to the low densities within the region. Significant low-density residential development surrounds the site which is also requires the same standard of facilities. Such development is likely to fast track such facilities being provided through increased need and additional infrastructure contributions being provided within the catchment.</p> <p>Additionally, the site is located adjoining an emerging community area that is expected to be developed for additional residential uses into the future that will bring additional community infrastructure.</p>
<p>Property is gated and is not connected to the local community.</p>	<p>The Development will have a direct access to a local road (Georgia Terrace) and pedestrian access to two local roads and is open along the southern boundary. This will ensure connection with the general local community occurs. The general design features and private ownership of such developments and other residential uses including retirement and residential care facilities, relocatable homes parks and multiple dwellings usually have limited general community access to internal facilities.</p>
<p>Carpark has the potential to cause nuisance to adjoining land if it is developed to residential. However, a condition imposing a 2 metre high solid acoustic fence will mitigate impacts.</p>	<p>The applicable car park has a landscape buffer to the adjoining land and a standard condition requiring a 1.8 metre high solid fence along the boundary is incorporated in the conditions of approval.</p>

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment - Engineering	11 May 2020
Water and Wastewater	13 September 2019
Community & Environment	21 February 2019

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 *Planning Act 2016*, this application was advertised for 15 business days from 27 September 2019. The Applicant submitted documentation on 23 October 2019 advising that public notification had been carried out in accordance with the *Planning Act 2016*. Council received 57 submissions in relation to this development application during this period. Any significant issues raised have been included in section 3 of this report.

6. DRAFT CONDITIONS

Draft conditions were issued to the Applicant on 11 June 2020.

The Applicant submitted representations to Council on 16 June 2020 relating to the following draft conditions:

- Condition 4 and 5 – Approved Plans
- Condition 6 – Use Specific
- Upon review of the representations, no changes were made to the draft condition package. It is considered that the conditions as drafted are necessary to ensure compliance with the assessment benchmarks and address matters raised in submissions.

7. REASONS FOR DECISION

The reasons for this decision are:

- The development land is a large 2.702 hectare site located within the low density residential zone of the Planning Scheme.
- The development connects to an existing urban residential area and can be appropriately serviced with urban infrastructure including connecting roads, stormwater systems, and reticulated water and sewerage services.

- The scale, built form and density of the development is determined to be consistent with the planning intent of this locality and for the development of land located in the low density residential zone of the Planning Scheme, subject to the imposition of reasonable and relevant conditions.
- The built form of the development comprised of single storey dwellings is compatible with the low rise, predominantly single storey character of the surrounding residential locality.
- The development conditions require the removal of 2 units at the northern boundary of the site reducing the impacts of the development on adjoining residential properties and reducing the overall number of units in the development to a total of 48 dwellings.
- The development is sited and designed to provide good amenity for users of the premises incorporating communal recreational areas and private open space, and is provided with landscaped buffers to avoid any conflicts with rural activities on surrounding properties.
- An assessment against the Bundaberg Regional Council Planning Scheme 2015 has demonstrated that the development complies, or can be conditioned to comply with, the assessment benchmarks.

Communication Strategy:

Communications Team consulted.

- Yes
 No

Attachments:

- [↓1](#) Locality Plan
[↓2](#) Site Plan
[↓3](#) Proposal Plans
[↓4](#) Infrastructure Charges Notice

Recommendation:

That the Development Application 522.2019.129.1 detailed below be decided as follows:

1. Location details

Street address: Morgan Way and Georgia Terrace, Kalkie
 Real property description: Lot 99 on SP265725 and Lot 100 on SP279722
 Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use (Rooming Accommodation & Short Term Accommodation)

3. Decision

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material Change of Use				
Site and Locality Plan (as amended)	John Gatley Building Designs	15/05/20	8975-01	G
Floor Plan (2 Bed)	John Gatley Building Designs	15/05/20	8975-02	G
Front and Side Elevation (2 Bed)	John Gatley Building Designs	15/05/20	8975-03	G
Side and Rear Elevation (2 Bed)	John Gatley Building Designs	15/05/20	8975-04	G
Floor Plan (2x3 Bed)	John Gatley Building Designs	15/05/20	8975-05	G
Front and Side Elevation (2x3 Bed)	John Gatley Building Designs	15/05/20	8975-06	G
Side and Rear Elevation (2x3 Bed)	John Gatley Building Designs	15/05/20	8975-07	G
Floor and Elevations (3x3 bed)	John Gatley Building Designs	15/05/20	8975-08	G

5. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

6. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

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

7. Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter		Residential or Business Address	Electronic Address
First Name	Surname		
Giovanni	Santalucia	301 Goodwood Road, Bundaberg, QLD 4670	
	C Jurriaans & L Jealous	C/- Angelo Oliaro Town Planning, Hervey Bay QLD 4655	aoliaro@bigpond.net.au
Doreen	Blainey	2/1 Alison Drive, Kalkie QLD 4670	theoldfossils@hotmail.com
Bernadette	Spink	16B Georgia Terrace, Kalkie QLD 4670	bnspink@gmail.com
Mark	Jenney	8 Mandi Court, Kalkie QLD 4670	mark.jenney@gmail.com
Gillian	Jenney	8 Mandi Court, Kalkie QLD 4670	gillian.jenney@gmail.com
Gail	Daniels	18 Zac Street, Kalkie QLD 4670	gdaniels61@outlook.com
Forbes	Ben	2/24 Morgan Way, Kalkie QLD 4670	benforbes51@yahoo.com.au
Melanie	Reeves	15 Morrison Street, Kalkie QLD 4670	yenseina@dodo.com.au
C J	Toomey	9 Morrison Street, Bundaberg East QLD 4670	toomeycj9@optusnet.com.au

W F	Toomey	9 Morrison Street, Bundaberg East QLD 4670	toomeycj9@optusnet.com.au
G	Stedman	13A Zac Street, Kalkie QLD 4670	stedmang@bigpond.com
R	Driver	19 Morrison Street, Bundaberg East QLD 4670	rndriver@yahoo.com
J	Wentriro	2 Zac Street, Kalkie QLD 4670	jessewentriro200@gmail.com
Tanya	Jiggins	9/46 Jealous Road, Bundaberg East QLD 4670	
Cameron	Puckering	22 Morgan Way, Kalkie QLD 4670	cameronpuckering@gmail.com
Andrew	Hoogstraten	20 Morgan Way, Kalkie QLD 4670,	andrew_hoogs89@outlook.com
Tony	McDuff	11 Zac Street, Kalkie QLD 4670	tonymcduff6@gmail.com
J and A	Gorlick	46 Maike Street, Kalkie QLD 4670	jgorlick28@gmail.com
Kristy-Lee	Roberts	11 Morgan Way, Kalkie QLD 4670,	kristyleeroberts@me.com
Louise	Jealous	4 McGills Road, Kalkie QLD 4670	louisejealous@gmail.com
Chris	Pratt	50 Maike Street, Kalkie QLD 4670	chrisandnoeleen@aapt.net.au
	J Fryer & W Gough	2/13 Alison Drive, Kalkie QLD 4670	fryer.jacqueline@gmail.com & williamashtongough@gmail.com
Kat	Goretic	10A Alison Drive, Kalkie QLD 4670	katgoretic@gmail.com
Vashti	Scott	16A Alison Drive, Kalkie QLD 4670	vashti.scott@yahoo.com.au
Kristy	Stewart	16B Alison Drive, Kalkie QLD 4670	kristystewart1@gmail.com
Alan and Sue	Hagenson	33 Toft Street, Millbank QLD 4670	achag0@bigpond.com
Ben	Rich	1/24 Morgan Way, Kalkie QLD 4670	achag0@bigpond.com
Raymond and Dorothy	McCullough	18 Morgan Way, Kalkie QLD 4670	No email
T and B	Fleming	16 Morgan Way, Kalkie QLD 4670	tracyfleming25@gmail.com
Erin	Stout	40 Maike Street, Kalkie QLD 4670	erin.stout@hotmail.com

Beau	Dick	52 Maike Street, Kalkie QLD 4670	beau.dick87@gmail.com
Nympha	Gamutan	8 Morgan Way, Kalkie QLD 4670	nymsgamut@yahoo.com.ph
Matt	Roberts	11 Morgan Way, Kalkie QLD 4670	mattdmroberts@icloud.com
Bryn	Fehr	17b Alison Drive, Kalkie QLD 4670	brynfehr1@gmail.com
Thomas	Wedemeyer	1/16 Georgia Terrace, Kalkie QLD 4670	wedemeyerthomas@gmail.com
Meredith	Preston	1/12 Alison Drive, Kalkie QLD 4670	
Stphanie	Walther	1/16 Georgia Terrace, Kalkie QLD 4670	stephanie-000@outlook.com
Dion	Turner	12 Zac Street, Kalkie QLD 4670	
Sandra	Perkins	48 Maike Street, Kalkie QLD 4670	sandra_perkins69@hotmail.com
Ganga	Ale	6 Zac Street, Kalkie QLD 4670	ganga.ale21@gmail.com
Cornelius	Jurriaans	4 McGills Road, Bundaberg QLD 4670	cornelius.jurriaans@gmail.com

8. Referral agencies for the application

Not applicable

9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

10. Agreements under Section 49(4)(b) or 66(2)(b) or (c) of the Planning Act 2016

There are no agreements about these matters.

11. Conditions about infrastructure

The following conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*:

Condition/s	Provision under which the condition was imposed
28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 41	Section 145 – Non-trunk Infrastructure
N/A	Section 128 – Trunk Infrastructure

12. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see Schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*.

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

NO.	CONDITION	TIMING
GENERAL		
1.	Comply with all conditions of this development approval and maintain compliance whilst the use continues.	At all times unless otherwise stated

2.	Where there is any conflict between the conditions of this Development approval and details shown on the Approved plans, the conditions prevail.	At all times
3.	The full cost of all work and any other requirements associated with this development must be met by the developer, unless specified in a particular condition or Infrastructure agreement.	At all times
APPROVED PLANS		
4.	<p>Submit to and have approved by the Assessment Manager amended plans which incorporate the following:</p> <ul style="list-style-type: none"> a. The removal of 2 units along the northern boundary (units identified 16 -28); b. With the removal of units in accordance with condition 4.a., evenly space remaining 12 units with the most western unit being located a minimum distance of 15 metres from Lot 31 on SP 240533. c. The additional space to the west must be included as communal open space surrounding the BBQ Shelter and act as an increased buffer from the adjoining rural land. <p>Once approved, the amended plans will form part of the Approved plans.</p>	Prior to the submission of an Operational work or Building Work application, or commencement of work, whichever comes first
5.	Ensure a legible copy of each relevant Development approval, including Approved drawings, is made available on site at all times during construction.	During construction
USE SPECIFIC		
6.	Ensure the development is limited to Rooming Accommodation (Student accommodation) and Short-Term Accommodation (Workers Accommodation) within the nominated units identified on the approved site plan. Each unit is restricted to a maximum of 6 occupants.	At all times
7.	<p>Where habitable room windows look directly at habitable room windows in an adjacent unit within 3m at the ground floor. Privacy is protected by:</p> <ul style="list-style-type: none"> a. window sill heights must be a minimum of 1.5m above floor level; or b. fixed opaque glazing must be applied to any part of a window below 1.5m above floor level; or c. fixed external screens; or d. provision of a 1.8m high solid screen fence. 	Prior to the commencement of the use and then to be maintained
8.	<p>Provide and maintain a solid screen fence with a minimum height of 1.8 metres along the full extent of the eastern and northern side boundaries.</p> <p>The erection of a second boundary fence parallel to any existing fence is prohibited. All fencing costs, including removal of existing fencing, is to be borne by the developer.</p>	Prior to the commencement of the use and then to be maintained

9.	Any fence or wall provided along the western frontage to the future road (Georgia Terrace) and the southern boundary, must not exceed a height of: a. 1.8 m if 50% transparent; or b. 1.2 m if solid Additionally, any solid screen fence or wall greater than 1.2m in height provided along a street frontage (or other public space) is set behind a landscape strip or articulated by recesses to allow for vegetation screening.	Prior to the commencement of the use and then to be maintained
10.	Provide one (1) letter box for each dwelling unit plus one (1) letter box for the use of the body corporate or management. All letter boxes must form an integral part to the building / landscape design and must be located on the primary road frontage.	Prior to the commencement of the use and then to be maintained
11.	All clothes drying facilities must be fully screened from view at the front property boundary and adjoining properties.	Prior to the commencement of the use and then to be maintained
AMENITY		
LIGHTING		
12.	Design and install all external lighting in accordance with <i>AS4282 – Control of the obtrusive effects of outdoor lighting</i> so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.	Prior to the commencement of the use and then to be maintained
USE OF OPEN SPACE OF AREAS		
13.	The barbeque shelter and communal open space areas are not to be used in a manner that creates offsite amenity impacts to neighbouring properties and are not to be used between the hours of 10.00 pm and 6.00 am.	
SCREENING OF PLANT AND SERVICES		
14.	Install and maintain suitable screening to all air conditioning, lift motor rooms, plant, service facilities, or similar equipment located on the rooftop or to an external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the building façade or as an architectural feature of and visually consistent with the profile of the building.	Prior to the commencement of the use and then to be maintained

LANDSCAPING		
15.	<p>Prepare and submit for approval to the Assessment Manager a landscape plan. The plan must be prepared in accordance with the applicable Planning scheme codes, the planning scheme policy for development works, and the conditions of this approval.</p> <p>The plan is to include, but not be limited to the following:</p> <ul style="list-style-type: none"> a. the area set aside for landscaping b. location and name of existing trees c. a plan and schedule of all species which identifies: <ul style="list-style-type: none"> i. the location and sizes at planting and at maturity ii. the botanical and common names iii. the location of all areas to be covered by turf or other surface materials including pavement d. measures to ensure that the landscaping will be retained and managed to allow growth to maturity e. details of any landscape structures, including entrance statements f. details of cutting and filling and all retaining structures, fences and associated finishes g. contours or spot levels if appropriate h. fences size and materials i. inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved testable backflow prevention device j. location of any overhead or underground services that traverse the site e.g. drainage, sewerage, electricity k. property boundary garden/landscape bed edge walls to be provided with sleeper or equivalent retaining walls to contain the garden material within the site. Such walls must be constructed to a height that is at or above the adjacent kerb l. provide shade trees in car parking areas at a minimum ratio of one (1) tree for every six (6) parking spaces m. particular attention to providing enhanced landscaping along the northern boundary of the site must be provided. <p>All landscaping must be carried out in accordance with an approved Landscaping plan.</p> <p>Note: <i>Submission of the landscape plan must form part of an Operational works application.</i></p>	<p>Prior to the site work commencing and at all times during construction and then to be maintained</p>

WASTE MANAGEMENT		
16.	Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.	At all times
17.	Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.	At all times
AGRICULTURAL BUFFERS		
18.	<p>Establish a vegetated agricultural buffer over the land area identified as buffer area on the approved site plan on the subject site. The buffer must:</p> <ol style="list-style-type: none"> have a minimum width of 20 m contain random plantings of a variety of tree and shrub species of differing growth habits at spacings of 4-5 m for a minimum width of 10 m, on the western side of the Georgia Terrace extension include species with long, thin, and rough foliage which facilitates the more efficient capture of spray droplets provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space) foliage is from the base to the crown include species which are fast growing and hardy have a mature tree height 1.5 times the spray release height or target vegetation height of the adjacent agricultural activity, whichever is higher have mature height and width dimensions which do not detrimentally impact upon adjacent agricultural activity include an area of at least 5 m clear of vegetation (excluding grass) or flammable material to either side of the vegetated area. 	Prior to the commencement of the use and then to be maintained until the adjoining land is utilised for urban purposes
OPERATIONAL WORK ASSOCIATED WITH THE MCU		
19.	<p>Ensure all Operational work that is Accepted development complies with the nominated assessment benchmarks or a Development application for Operational work is submitted to and approved by Council.</p> <p>Note: <i>Where Accepted development does not comply with a nominated requirement for accepted development, a Development application for Operational work must be submitted to Council.</i></p>	Prior to the commencement of work

20.	<p>Provide certification from a Registered Professional Engineer of Queensland (RPEQ) that any operational work that is Accepted development has been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by Council.</p> <p>Note: <i>Council does not require the submission of an Operational works development application for work that is nominated as Accepted development where the works comply with the nominated requirements for Accepted development and are certified by a RPEQ.</i></p>	Prior to the commencement of the use
21.	Ensure all assessable Operational Work (in this instance –extension of Georgia Terrace) is carried out in accordance with a valid Operational Work approval.	Prior to the commencement of work
CONSTRUCTION MANAGEMENT		
22.	<p>Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from work is made:</p> <p>a. on a business day or Saturday, before 6.30 am or after 6.30 pm</p> <p>b. on any other day, at any time.</p>	At all times during construction
23.	Contain all litter, building waste, and sediment on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or public spaces.	At all times during construction
24.	Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.	At all times during construction
EARTHWORKS		
25.	<p>Carry out all earthworks in accordance with the approved plans, the applicable Planning scheme codes, and the Planning scheme policy for development works.</p> <p>Note: <i>Earthworks that comply with the applicable requirements for accepted development do not require the submission of an operational work development application. Where the applicable requirements for accepted development are not met, an operational work development application must be submitted to the Assessment Manager.</i></p>	At all times
26.	Provide to the Assessment Manager certification from a Registered Professional Engineer of Queensland (RPEQ) that the Earthworks have been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by the Assessment Manager.	Prior to the commencement of the use

EROSION AND SEDIMENT CONTROL		
27.	Prepare and implement an Erosion and sediment control (ESC) management plan for the site in accordance with the Environment Protection Agency's (EPA – Guideline – <i>EPA Best Practice Urban Stormwater Management</i> – Erosion and Sediment Control and International Erosion Control Association's (IECA) – <i>Best Practice Erosion and Sediment Control</i> , and the <i>Queensland Urban Drainage Manual (QUDM)</i> .	Prior to site work commencing and at all times during construction
28.	Implement and maintain the Erosion and sediment control (ESC) management plan on-site for the duration of the operational and/or building works, and until all exposed soil areas are permanently stabilised (e.g. turfed, hydro-mulched, concrete, landscaped).	Prior to site work commencing and at all times during construction
STORMWATER		
29.	Carry out all stormwater drainage work in accordance with Cozens Regan Group site-based stormwater management plan dated May 2019 with amendments to the satisfaction of an RPEQ qualified engineer to be consistent with the approved plans in this decision notice. Details to be determined as part of the operational work assessment.	Prior to the commencement of the use and then to be maintained
30.	The external catchment bypass drain (Cozens Regan drawing 14078 Sk2 P1 dated 05/19) must be amended to cast a new chamber with a surcharge grate over the existing low flow pipe (Council reference DP.13765) or connect to an existing chamber (Council reference DPT.12270) instead of a discharge headwall onto a grassed surface.	Prior to the commencement of the use and then to be maintained
31.	The east treatment area outlet (Cozens Regan drawing 14078 Sk2 P1 dated 05/19) must be amended to connect to Council's existing stormwater structure (Council reference DPT.12268) instead of a discharge headwall onto a grassed surface.	Prior to the commencement of the use and then to be maintained
32.	The west treatment area outlet (Cozens Regan drawing 14078 Sk2 P1 dated 05/19) must be amended to connect to Council's existing stormwater structure (Council reference CUL.00011) instead of a discharge headwall onto a grassed surface and enter into appropriate arrangements for private work within a Council road so that infrastructure linking the east portion contributing catchment to the west portion treatment device.	Prior to the commencement of the use and then to be maintained

	Or Move the west stormwater treatment to the area behind proposed units 6, 7 & 8 discharging to the existing adjacent headwall.	
33.	Provide for piped minor and overland major design storm events contributing to the Georgia Terrace extension from the identified 1.375ha upstream catchment less that allowed for in the piped inter-allotment drainage bypass.	Prior to the commencement of the use and then to be maintained
WATER		
34.	Provide a metered water service, and internal infrastructure as required, to satisfy the firefighting and water supply demands of the development. Note: <i>Water infrastructure must be designed by an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting requirements in accordance with AS2419 – Fire hydrant installation.</i>	Prior to the commencement of the use and then to be maintained
35.	Extend the water main in Georgia Terrace to the same extent as the new road construction. Water supply must be taken from the extension of Georgia Terrace and not from the stub in Morgan Way unless it is shown via hydraulic modelling that a second connection is required for capacity to supply the development. Note: If the stub at Morgan Way is not needed, Council may disconnect the section of otherwise stagnant main past the tee junction in front of lot 42 on SP265725 (21 Morgan Way).	Prior to the commencement of the use and then to be maintained
SEWERAGE		
36.	Provide point/s of connection to service the sewerage demands of the development. Note: There are 150 mm stubs in the chambers near the cul-de-sacs of Morgan Way and Georgia Terrace. Connection to either or both if necessary due to grade would be suitable but will need to be converted from 150 mm sewerage stub/s to 100 mm point/s of connection.	Prior to the commencement of the use
ROADWORKS, ACCESS, AND CAR PARKING		
37.	Design and construct the site access and driveways in accordance with the approved plans, applicable planning scheme codes, the planning scheme policy for development work and the following specific amendments: a. Reconstruct the existing Georgia Terrace cul-de-sac to allow for the continuation of straight kerb along the east side through to the entrance gate north west of unit 1	Prior to the commencement of the use and then to be maintained

	<ul style="list-style-type: none"> b. Reconstruct the existing Georgia Terrace cul-de-sac to allow for the introduction of straight kerb along the west side through to opposite the entrance gate north west of unit 1 c. Construct the extension of Georgia Terrace in line with existing kerb line through to the area nominated as 'future road connection' in accordance with Access Street typical section – BRC standard drawing R2004A ie 7 metres within an 18 metre corridor. d. Construct a sealed temporary turnaround minimum 20m diameter in the northern portion of the area nominated as 'future road connection' e. Provide access to the entrance gate northwest of unit 1 in accordance with Council's standard drawing R1011 Industrial and Commercial Driveway Slab Two Way Access f. Widen the future road alignment from 15m to 18m and narrow the buffer area allocation from 24.952m to 21.952 m g. Specific details for the above amendments to be determined as part of the required code assessment operational work h. Extend the existing footpath in Georgia Terrace to connect to the entry/access point of the development. i. Install appropriate signage and line marking to prevent the parking of vehicles within Morgan Way and Georgia Terrace for the full frontage of the development land. 	
38.	<p>Design and construct off-street car parking, access, and manoeuvring areas in accordance with the Approved plans, applicable Planning scheme codes, and the Planning scheme policy for development work.</p> <p>Car parking, access, and manoeuvring areas must:</p> <ul style="list-style-type: none"> a. provide a minimum of 51 visitor parking spaces and garages in each unit b. be designed and constructed in accordance with AS2890 Parking facilities – off-street car parking c. provide parking spaces for people with a disability in accordance with the Building Code of Australia and AS2890.6 Off-street parking for people with disabilities d. provide on-site loading, unloading, and manoeuvring for all necessary service vehicles e. allow all design vehicles to enter and exit the site in a forward gear f. be constructed and sealed with concrete, pavers or asphalt 	<p>Prior to the commencement of use and then to be maintained</p>

	<p>g. be signed and delineated in accordance with the Queensland manual of uniform traffic control devices</p> <p>h. allow for the provision of fill and/or boundary retaining walls and the containment and management of site stormwater drainage</p> <p>i. be drained to a legal point of discharge</p> <p><i>Note: Where there is any conflict between the Approved plans and the Planning Scheme provisions, the Approved plans prevail.</i></p>	
39.	A minimum of one (1) mini bus is to be provided at all times in association with the operation of the use, to service the transport needs of occupants. The bus is to be accommodated on-site.	
LAND DEDICATION		
40.	<p>Dedicate land shown on the Approved plans, plus 3m for a total of 18 m wide, over the extension of Georgia Terrace through to the north boundary as follows:</p> <p>a. land identified as road reserve must be dedicated to the State as 'New Road'</p> <p>The land to be dedicated is 'non-trunk infrastructure for the purposes of the <i>Planning Act 2016</i>.</p>	Prior to the commencement of the use
41.	The land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses.	Prior to the commencement of the use
42.	Submit Transfer documents to the satisfaction of Council's Chief Legal Officer and signed by the transferor such that when clear title is registered, Council can execute the transfer documents and lodge with titles to finalise the land transfer independent of the development survey plan.	Prior to the commencement of the use
EASEMENTS		
43.	<p>Lodge to the State (Titles office) for registration the following easements:</p> <p>a. Drainage easement over external catchment bypass drain (Cozens Regan drawing 14078 Sk2 P1 dated 05/19) between lot 31 on SP240533 (neighbouring land over north boundary) and lot 102 on SP279722 (drainage corridor along south boundary)</p> <p>b. Surrender benefit of access to easement A on RP170511 (easement along east side of land to the north)</p> <p>c. A public thoroughfare easement over the temporary turnaround area for Georgia Terrace that locates outside of the road reserve.</p>	Prior to the commencement of the use

44.	Submit draft easement documentation to the Assessment Manager for endorsement.	Prior to the commencement of the use
45.	All works must be clear of any existing or proposed easements on the subject land, unless agreed in writing by the Grantee.	At all times
46.	Ensure that any easement and rights pertaining to the parcel of land associated with this approval are maintained unless otherwise stated on the approved plan(s) or the conditions of this approval. Proof of the registration or surrender of any easements is to be submitted to the Assessment Manager at the time of the submission of the Survey plan for endorsement.	Prior to the commencement of use
AMALGAMATION		
47.	Register a Plan of Survey with the State (Titles Office) that amalgamates all lots that form part of this development into a single lot.	Prior to the commencement of use

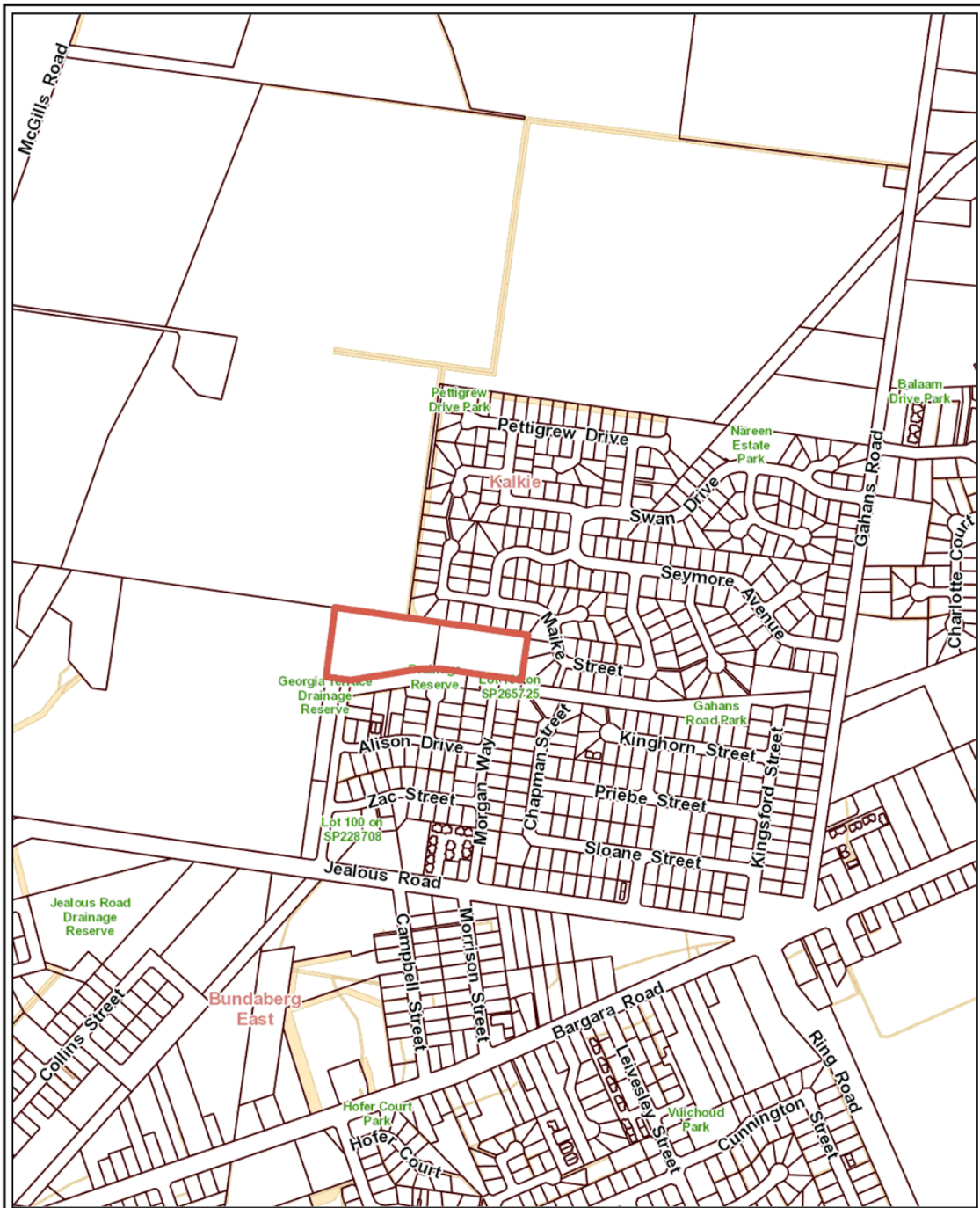
PART 1B – ADVICE NOTES

NO.	ADVICE	TIMING
INFRASTRUCTURE CHARGES		
1.	Infrastructure charges notice (331.2020.1189.1) applicable to the development is attached to this Development approval.	At all times
SUBMISSION OF AMENDED PLANS FOR APPROVAL		
2.	The conditions of this Decision notice require submission of amended plan to the Assessment Manager. Address the amended documents to the Assessment Manager and reference 522.2019.129.1. To avoid delays and assessment issues with the Operational works application, it is recommended the amended documents be submitted prior to lodgement of any Operational works application.	Prior to the commencement of the use and then to be maintained
GENERAL AMENITY		
3.	Ensure the development does not cause environmental nuisance or environmental harm as per the <i>Environmental Protection Act 1994</i> .	At all times
WATER CONNECTIONS		
4.	Connection to Council's water infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.	Prior to the commencement of the use

	<p>Council permits only one water service for each property. This means only one connection to the water main although there may be a potable and fire service feeding from that connection.</p> <p>Arrangements for the installation of any new metered service and sub-meters, or removal of an existing service, must be made with Council's Water and Wastewater Infrastructure Planning Technical Support Section.</p>	
SEWERAGE		
5.	<p>Connection to sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.</p> <p>No plumbing and drainage works are to commence prior to the issuing of the Plumbing and Drainage Approval by the Council.</p>	Prior to the commencement of the use
FENCES		
6.	Should any existing fence not comply with the requirements of this approval, the existing fence must be replaced in accordance with the requirements of this approval at the Developer's expense.	Prior to the commencement of the use and then to be maintained
7.	Fencing should be undertaken in accordance with the provisions of this approval and the <i>Neighbourhood Disputes (Dividing Fences and trees) Act 2011</i> . This includes appropriate mediation practices and agreements regarding the type of materials. Where a conflict exists between this approval and the Act, the approval prevails.	Prior to the commencement of the use and then to be maintained
ABORIGINAL CULTURAL HERITAGE		
8.	All development should proceed in accordance with the Duty of care guidelines under the <i>Aboriginal Cultural Heritage Act 2003</i> . Penalties may apply where duty of care under that act has been breached.	At all times



PART 1C – PROPERTY NOTES

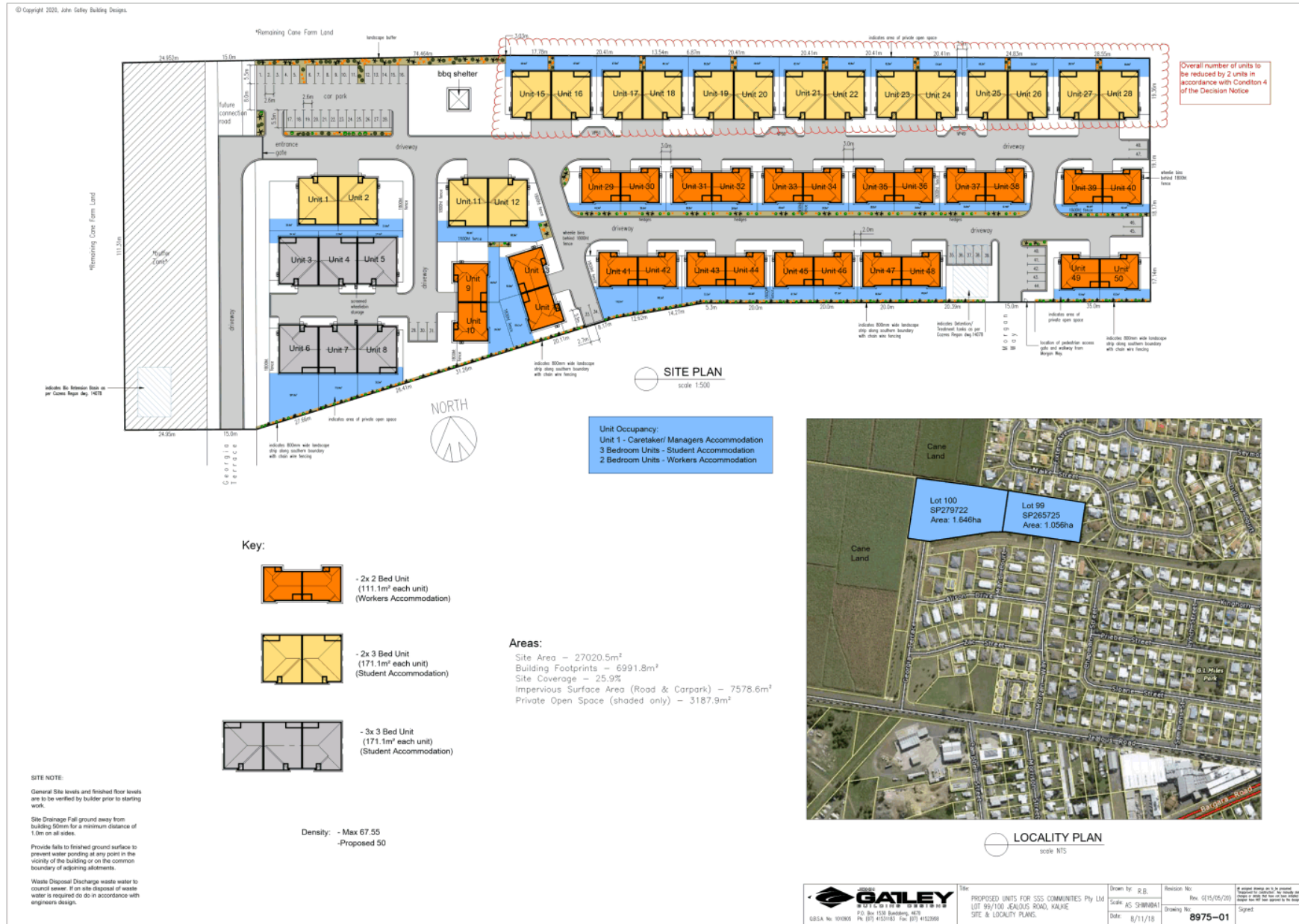
AGRICULTURAL BUFFER		
9.	<p>Development approval 522.2020.129.1 – Agricultural buffer</p> <p>The following notation applies to the use:</p> <p>An agricultural buffer has been established on this property to help mitigate any impacts (eg spray drift, noise etc.) from current and future agricultural activities located nearby. The owner is responsible for the maintenance of the agricultural buffer as shown on the Approved plans and the terms of the Agricultural buffer covenant registered over the property.</p>	<p>Until the adjoining land is utilised for urban purposes</p>



		Document Name Title	
Projection: GDA_1994_MGA_Zone_56	Date: 18/6/2020 12:28 PM	Scale 1 : 8,000.00	on A4 Sheet
<p>© The State of Queensland (Department of Natural Resources and Mines) 2020. Based on Cadastral Data provided with the permission of the Department of Natural Resources and Mines 2020. The information contained within this document is given without acceptance of responsibility for its accuracy. The Bundaberg Regional Council (and its officers, servants and agents), contract and agree to supply information only on that basis.</p>		<p>While every care is taken to ensure the accuracy of this data, the Department of Natural Resources and Mines and the Bundaberg Regional Council makes no representation or warranties about its accuracy, reliability, completeness or stability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.</p>	
	Author: -Author-		



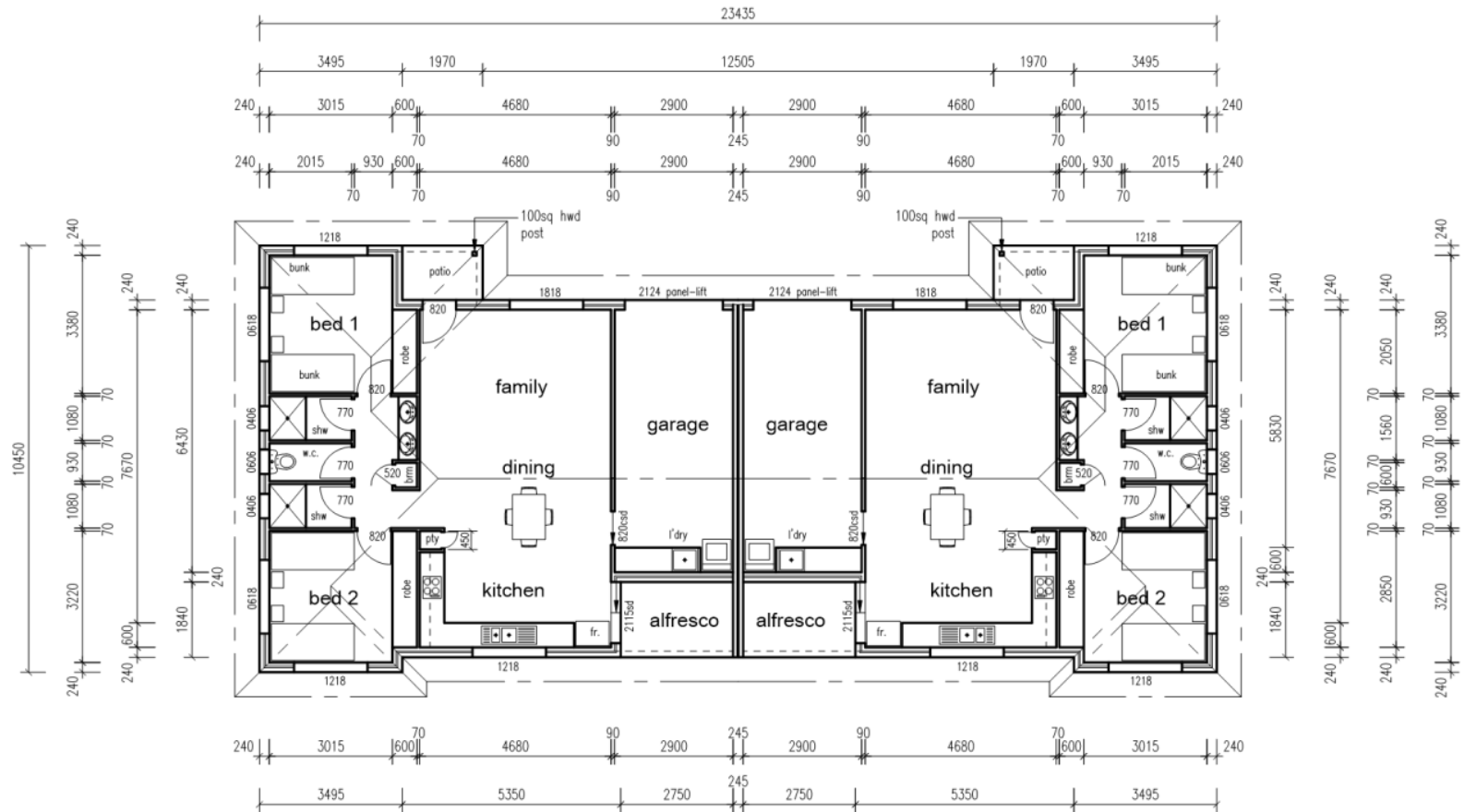
		<p>Document Name Title</p>
<p>Projection: GDA_1994_MGA_Zone_56</p>		<p>Date: 18/6/2020 12:27 PM</p>
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<p>0 30.00 60.00 METERS</p>		<p>While every care is taken to ensure the accuracy of this data, the Department of Natural Resources and Mines and the Bundaberg Regional Council makes no representation or warranties about its accuracy, reliability, completeness or stability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.</p>
<p>Author: -Author-</p>		



Overall number of units to be reduced by 2 units in accordance with Condition 4 of the Decision Notice

Unit Occupancy:
Unit 1 - Caretaker/ Managers Accommodation
3 Bedroom Units - Student Accommodation
2 Bedroom Units - Workers Accommodation

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Areas:

1st Unit:

- O/s walls - 103.2m²
- Patio - 2.6m²
- Alfresco - 5.3m²
- Total - 111.1m²

Areas:

2nd Unit:

- O/s walls - 103.2m²
- Patio - 2.6m²
- Alfresco - 5.3m²
- Total - 111.1m²

Total Area of Units - 222.2m²



FLOOR PLAN (2 BED)

scale 1:100

GATLEY
 P.O. Box 1530 Bundaberg, 4670
 Ph: (07) 41531183 Fax: (07) 41523958

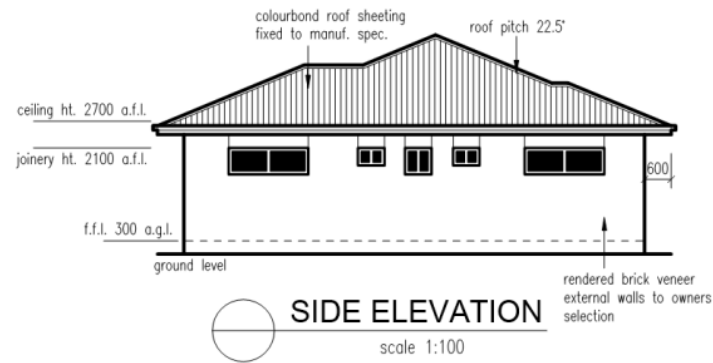
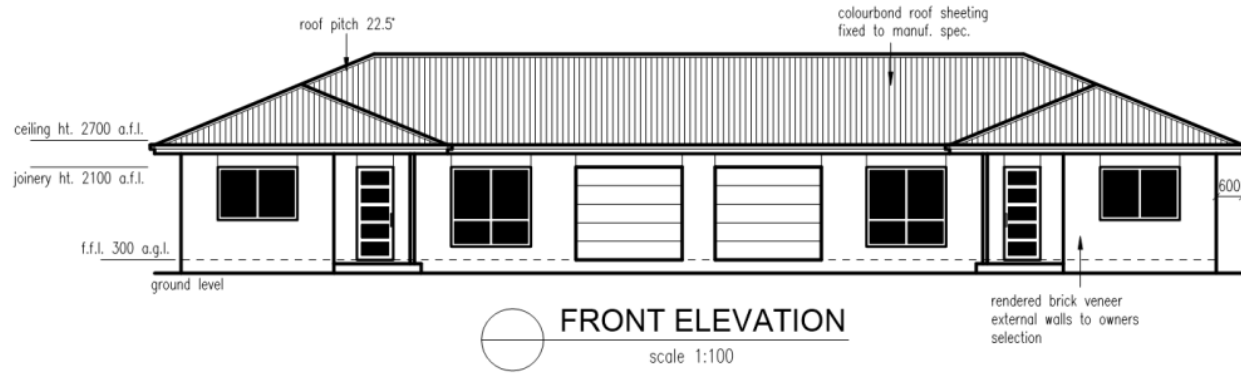
Title:
 PROPOSED UNITS FOR SSS COMMUNITIES Pty Ltd
 LOT 99/100 JEALOUS ROAD, KALKIE
 FLOOR PLAN.

Drawn by: R.B.
 Scale: 1:100
 Date: 8/11/18

Revision No:
 Rev. G(15/05/20)
 Drawing No:
8975-02

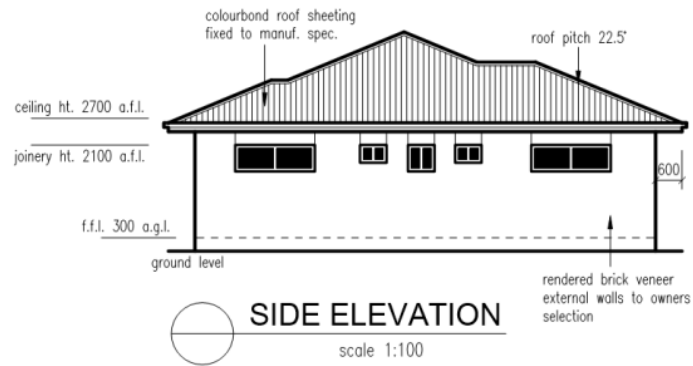
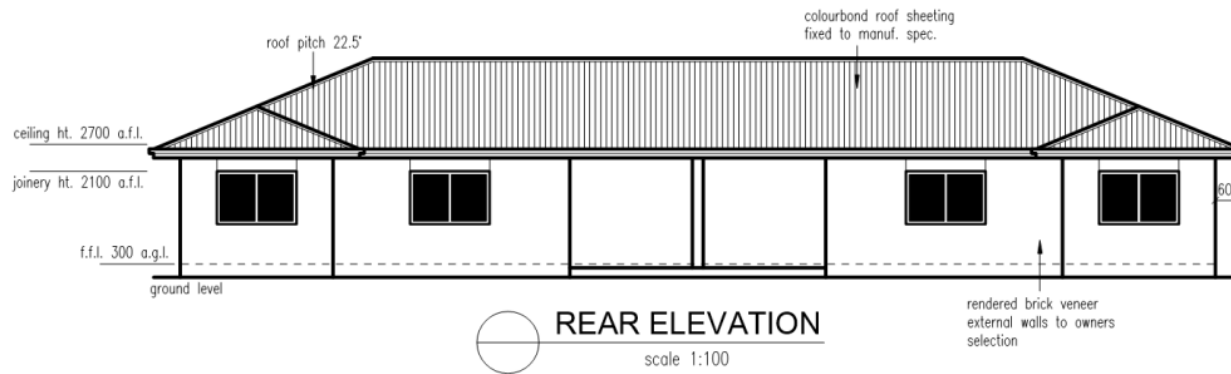
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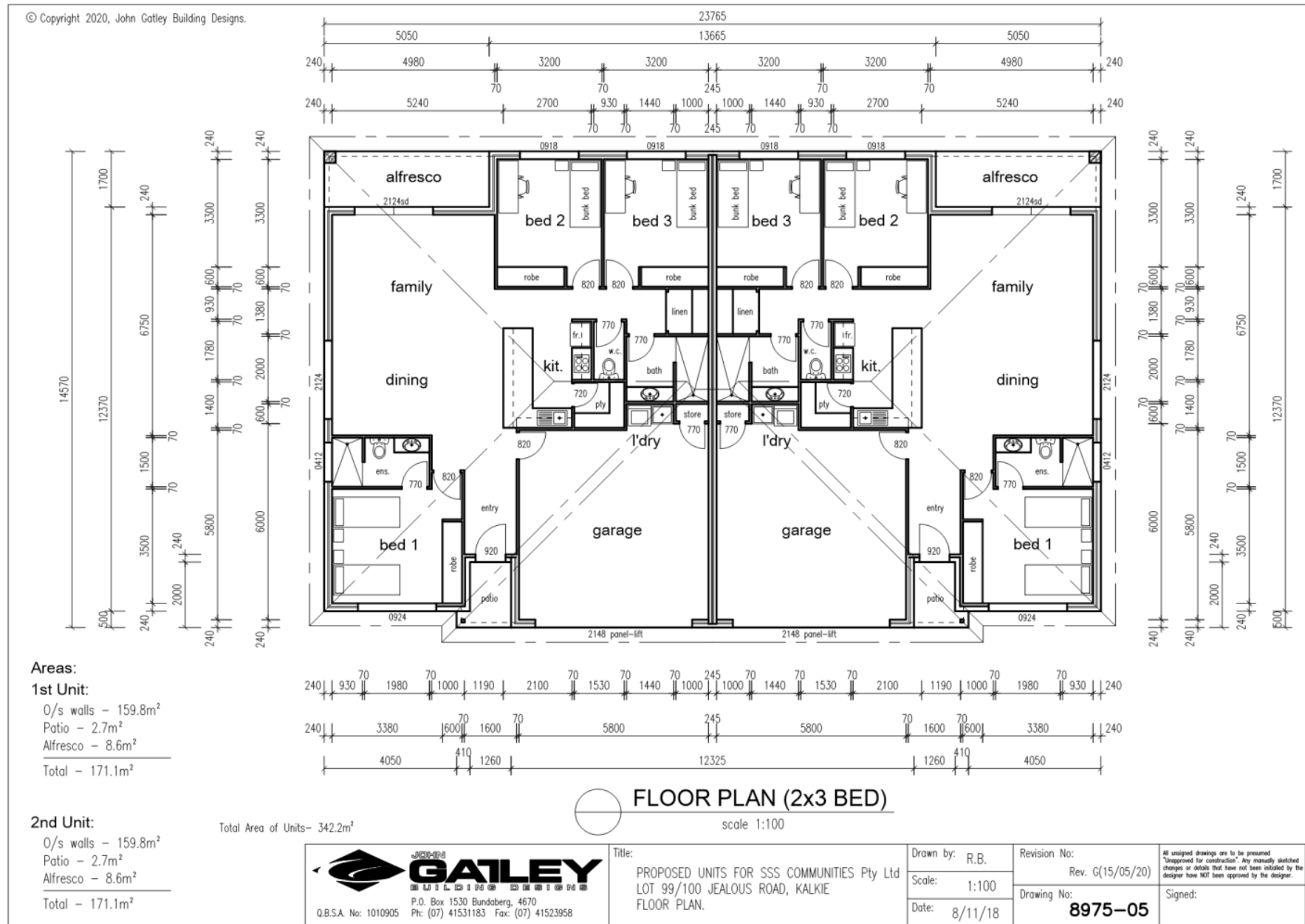


<p>GATLEY</p> <p>P.O. Box 1530 Bundaberg, 4670 Ph: (07) 41531183 Fax: (07) 41523958</p>	<p>Title:</p> <p>PROPOSED UNITS FOR SSS COMMUNITIES Pty Ltd LOT 99/100 JEALOUS ROAD, KALKIE ELEVATIONS.</p>	<p>Drawn by: R.B.</p>	<p>Revision No:</p>	<p>All unsigned drawings are to be presumed "unapproved for construction". Any manually attached changes or details that have not been indicated by the designer have NOT been approved by the designer.</p>
		<p>Scale: 1:100</p>	<p>Rev. G(15/05/20)</p>	
		<p>Date: 8/11/18</p>	<p>Drawing No: 8975-03</p>	
				<p>Signed:</p>

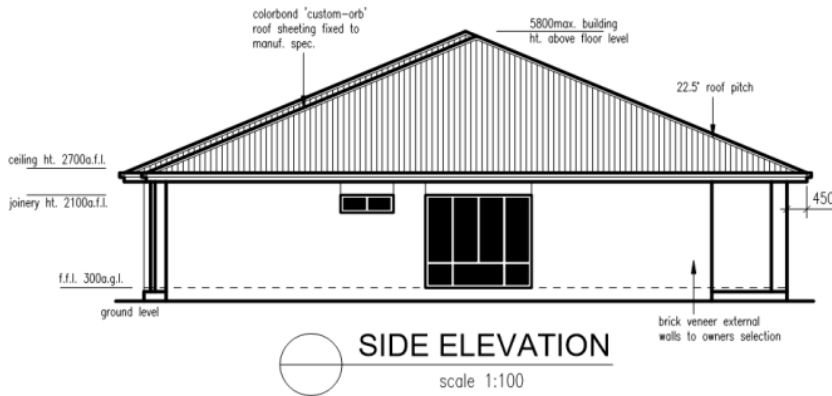
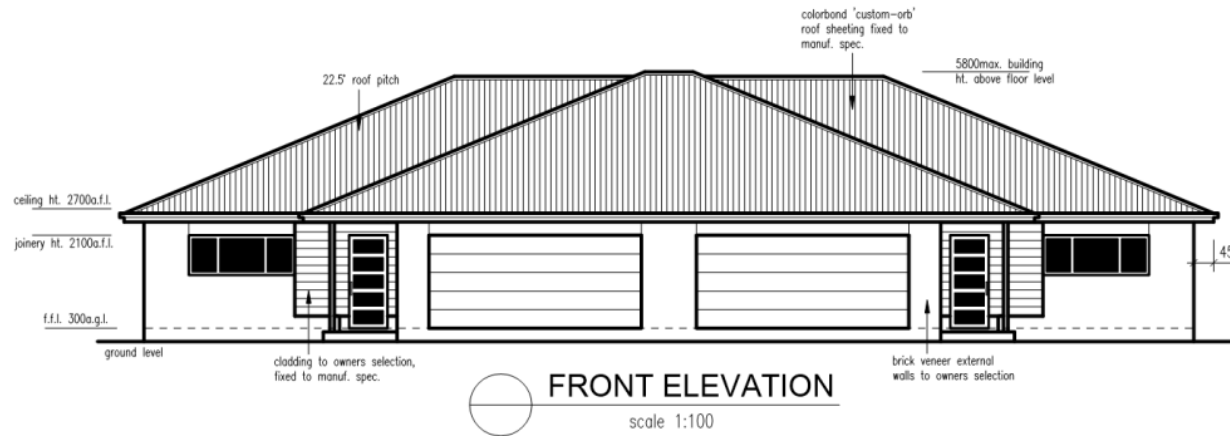
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 <p>Q.B.S.A. No: 1010905 P.O. Box 1530 Bundaberg, 4670 Ph: (07) 41531183 Fax: (07) 41523958</p>	<p>Title: PROPOSED UNITS FOR SSS COMMUNITIES Pty Ltd LOT 99/100 JEALOUS ROAD, KALKIE ELEVATIONS.</p>	<p>Drawn by: R.B.</p>	<p>Revision No: Rev. G(15/05/20)</p>	<p>All unsigned drawings are to be presumed "unapproved for construction". Any manually attached changes or details that have not been indicated by the designer have NOT been approved by the designer.</p>	
		<p>Scale: 1:100</p>	<p>Drawing No: 8975-04</p>		<p>Signed:</p>
		<p>Date: 8/11/18</p>			

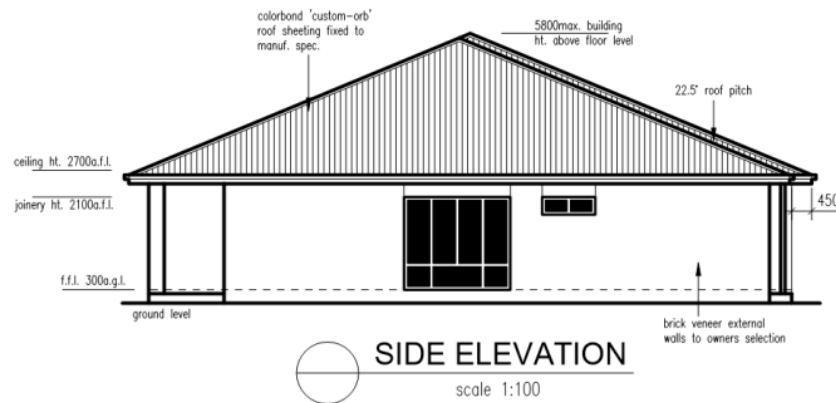
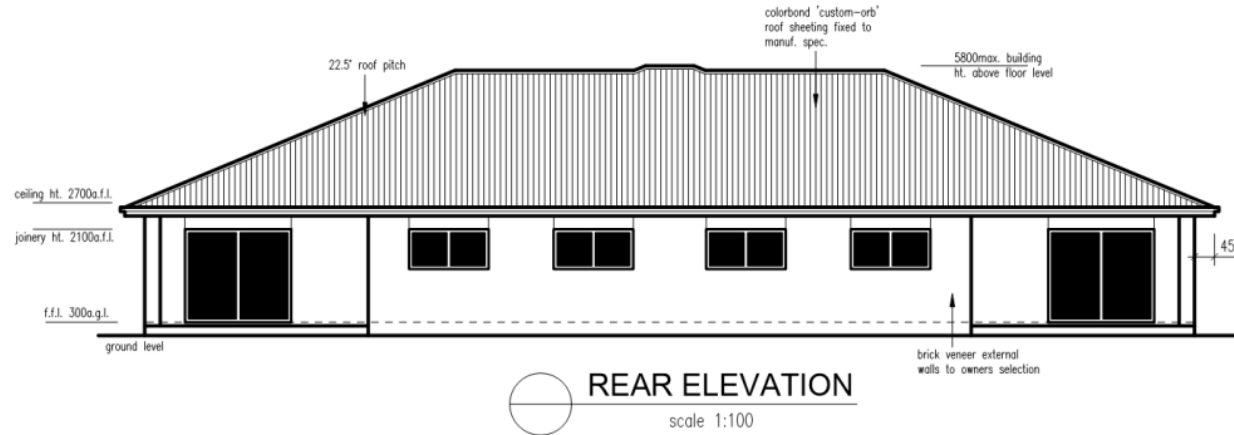


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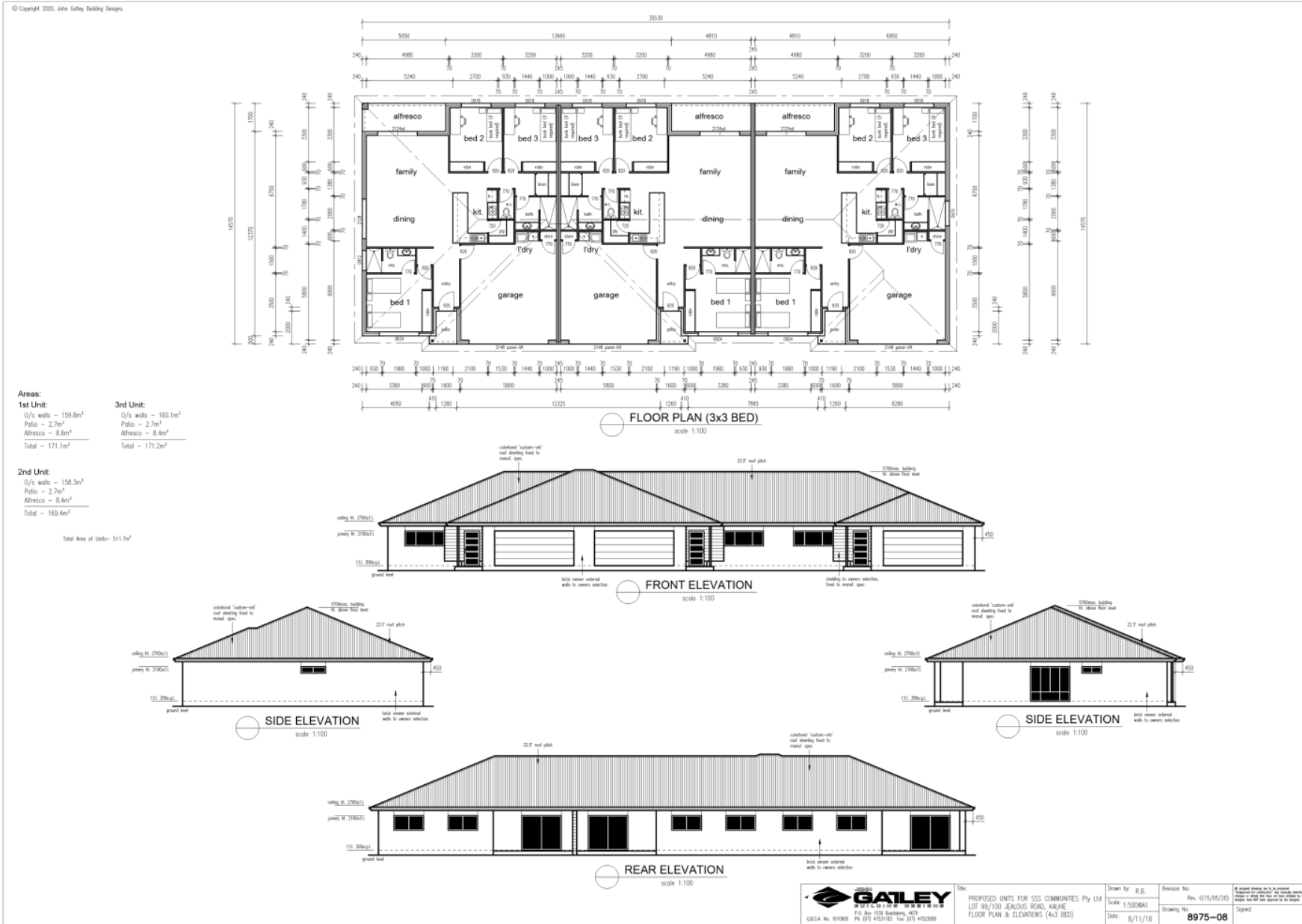


<p>GATLEY</p> <p>P.O. Box 1530 Bundaberg, 4670 Ph: (07) 41531183 Fax: (07) 41523958</p> <p>Q.B.S.A. No: 1010905</p>	<p>Title:</p> <p>PROPOSED UNITS FOR SSS COMMUNITIES Pty Ltd LOT 99/100 JEALOUS ROAD, KALKIE ELEVATIONS.</p>	<p>Drawn by: R.B.</p>	<p>Revision No:</p>	<p>All unsigned drawings are to be presumed "unapproved for construction". Any manually attached changes or details that have not been indicated by the designer have NOT been approved by the designer.</p>
		<p>Scale: 1:100</p>	<p>Rev. G(15/05/20)</p>	
		<p>Date: 8/11/18</p>	<p>Drawing No: 8975-06</p>	
				<p>Signed:</p>

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<p>JOHN GATLEY BUILDING DESIGNS P.O. Box 1530 Bundaberg, 4670 Ph: (07) 41531183 Fax: (07) 41523958 Q.B.S.A. No: 1010905</p>	<p>Title: PROPOSED UNITS FOR SSS COMMUNITIES Pty Ltd LOT 99/100 JEALOUS ROAD, KALKIE ELEVATIONS.</p>	<p>Drawn by: R.B.</p>	<p>Revision No: Rev. G(15/05/20)</p>	<p>All unsigned drawings are to be presumed "unapproved for construction". Any manually attached changes or details that have not been indicated by the designer have NOT been approved by the designer.</p>
		<p>Scale: 1:100</p>	<p>Drawing No: 8975-07</p>	
		<p>Date: 8/11/18</p>	<p>Signed:</p>	





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

INFRASTRUCTURE CHARGES NOTICE

Charges Resolution (No. 1) 2018

To: SSS Community Pty Ltd
 C/- InsiteSJC

Date of Issue: 30/06/2020

Register No.: 331.2020.1189.1

Land to which the Levied Charge applies

Address: Morgan Way, KALKIE

Property Description: lot 99 on SP265725 & lot 100 on SP279722

Development to which the Levied Charge applies

The adopted infrastructure charge applies to the following development type: Material Change of Use

Development Approval No.: 522.2019.129.1

Current amount of the Levied Charge

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

<i>Total Adopted Infrastructure Charge applicable to this development =</i>	\$972,000.00
<i>Total Offset applicable to this development =</i>	n/a
<i>Total Levied Charge (i.e., amount payable) =</i>	\$972,000.00

(as at date of issue)

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

Refund

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

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

Payment of Levied Charge

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

Automatic Increase

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

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



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automatic increase provision = (Smoothed PPI (paid date) / Smoothed PPI (levied date))(1)

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

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

levied charge payable = levied charge x automatic increase provision(2)

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

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

Other Important Information

1. PAYMENT

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

2. GOODS AND SERVICES TAX

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

3. INFRASTRUCTURE CHARGES ENQUIRIES

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

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

Michael Ellery
Group Manager Development



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SCHEDULE 1 – Calculation of Levied Charge, Offsets and Refunds

Table 1 - Summary of Charges, Offsets and Refunds

Register No:	331.2020.1189.1
Inside PIA:	Yes
Total Adopted Infrastructure Charges:	\$972,000.00
Total Offsets:	n/a
Total Refund:	n/a
Refund Payment Date:	n/a
Total Levied Charge (Amount Payable):	\$972,000.00

Table 2 - Details of Charges, Offsets and Refunds

Stage	Type	Description	Discount	Quantity	Charge/Cost	Total
n/a	New charge	MCU - Fully Serviced - Caretakers - Residential - Dwelling unit	0%	1	\$25200 per 3 or more bedroom dwelling	\$ 25,200.00
n/a	New charge	MCU - Fully Serviced - Workers - Residential - Dwelling unit	0%	26	\$18000 per 2 bedroom dwelling	\$ 468,000.00
n/a	New charge	MCU - Fully Serviced - Student - Residential - Dwelling unit	0%	15	\$25200 per 3 or more bedroom dwelling	\$ 378,000.00
n/a	New charge	MCU - Fully Serviced - Student - Residential - Dwelling unit	0%	6	\$25200 per 3 or more bedroom dwelling	\$ 151,200.00
n/a	Existing credit	MCU - Fully Serviced - 2 lots - Residential - Dwelling house	0%	2	-\$25200 per 3 or more bedroom dwelling	\$ (50,400.00)
					Stage n/a Levied Charge	\$ 972,000.00
					Total Levied Charge	\$ 972,000.00



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INFRASTRUCTURE CHARGES NOTICE INFORMATION NOTICE

1. REASON FOR DECISION

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

2. APPEAL RIGHTS

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

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

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

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

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



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

230 Notice of appeal

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

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

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



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



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

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

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

**Item****30 June 2020**

Item Number:	File Number:	Part:
L2	522.2020.185.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

Material Change of Use for Hotel (Tavern) & Shop (Bottle Shop) - 699 and 707 Bargara Road, Bargara

Report Author:

Katrina Peardon, Planning Officer

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

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

Background:

APPLICATION NO	522.2020.185.1
PROPOSAL	Material Change of Use for Hotel (Tavern) & Shop (Bottle Shop)
APPLICANT	Stockwell Development Group Pty Ltd
OWNER	Bargara Property Holdings Pty Ltd
PROPERTY DESCRIPTION	Lot 22 on SP111853 and Lot 7 on RP106364
ADDRESS	699 and 707 Bargara Road, Bargara
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	District Centre Zone
OVERLAYS	Acid sulphate soils Local defined flood event area Steep land Sea turtle sensitive area State controlled road corridor (within 25 m)
LEVEL OF ASSESSMENT	Code
SITE AREA	1.574 ha, 1.926 ha
CURRENT USE	Bargara Central Shopping Central
PROPERLY MADE DATE	24 March 2020
STATUS	The 35 business day decision period ends on 23 June 2020
REFERRAL AGENCIES	Department of State Development, Manufacturing, Infrastructure and Planning
NO OF SUBMITTERS	Not Applicable

PREVIOUS APPROVALS	<ul style="list-style-type: none"> • 322.2004.51745.2 – Request to Change an Existing Approval (Shopping Centre) – approved 19 February 2016 • 322.2006.51853.1 – Material Change of Use for General Business – approved 16 May 2007 • 322.2007.51641.1 Material Change of Use for Telecommunication Facility (Major) – approved 16 September 2008 • 322.2008.50005.1 – Material Change of Use for General Business – approved 19 June 2008 • 325.2011.330369.1 Material Change of Use for General Business (Restaurant) and Reconfiguring a Lot for Access Easement – approved 11 October 2012
SITE INSPECTION CONDUCTED	Council's GIS records were used to assess the proposal
LEVEL OF DELEGATION	C2

1. INTRODUCTION

1.1. Proposal

The Applicant seeks a Development Permit for Material Change of Use for Hotel (Tavern) and Shop (Bottle Shop). The proposed tavern has a floor area of 800 m², comprising of a sports bar, bistro, gaming area, kitchen and amenities, and a 200 m² covered outdoor beer garden facing Bargara Road. The proposed bottle shop has a floor area of 400 m² and includes a drive through component. The proposed hours of operation for the Tavern are 9.00 am to 1.00 am and Bottle Shop are 9.00 am to 10.00 pm.

The proposed development is sited over the unimproved frontage of Bargara Road, located over the stormwater detention basin servicing the site. The proposed buildings and carparking areas are to be constructed upon a suspended slab configuration on concrete piles over the detention basins, to allow the existing storage volume to be retained. Both the tavern and bottle shop are setback 16m from the Bargara Road frontage, allowing for future road reserve resumption of 10m as indicated by the State, ensuring the development would provide a minimum 6m setback if this were to occur.

Existing access via Bargara Road and Davidson Street will service the proposed development, with an additional 19 car parking spaces proposed to service the development, in addition to utilising the existing carpark located on the site.

1.2. Site Description

The subject site is described as Lot 22 on SP111853 and Lot 7 on RP106364 with a combined area of 3.5 ha (1.574 ha and 1.926 ha respectively). Both lots are located within the District centre zone with the site containing a shopping centre (Bargara Central Shopping Centre) in the northern portion of both sites, and a service station (Caltex-Woolworths) in the south-eastern corner of 707 Bargara Road. A large stormwater detention basin is located in the southern portion of the site.

The sites have a combined frontage of approximately 200 metres to both Bargara Road (southern boundary) and Whalley Street (northern boundary). 699 Bargara Road

has a frontage of approximately 132 metres to Davidson Street (western boundary). It is noted that Bargara Road is a state-controlled road.

Vehicular access to the site is via Bargara Road and Davidson Street. No access is provided from Whalley Street. It is noted that the access from the site to Bargara Road is a left turn only.

An access easement (Easement E on SP261829) with an area of 1,418 m² is located over 699 Bargara Road facilitating vehicular access from Davidson Street to 707 Bargara Road. An access easement (Easement F on SP261829) with an area of 1,854 m² is located over 707 Bargara Road facilitating vehicular access from Bargara Road to 699 Bargara Road. This easement also facilitates vehicular access to 50 Bauer Street (McDonalds Restaurant). A sewer manhole is located in the south-western corner of 699 Bargara Road.

707 Bargara Road is bound to the east by a restaurant (McDonalds) located at 50 Bauer Street. The site is also adjoined by a vacant District Centre zone lot with an area of 1.659 ha. The Bargara Golf Club is located on the southern side of Bargara Road. The Bargara CBD is located approximately 700 metres north-east of the site. The surrounding locale is predominantly residential in nature with a mixture of low and medium density housing developments.

2. ASSESSMENT PROVISIONS

2.1. Assessment Benchmarks

The following are the benchmarks applying for this development

Benchmarks applying for the development	Benchmark reference
Zone Code: District Centre Zone	Bundaberg Regional Council Planning Scheme 2015
Overlay Code <ul style="list-style-type: none"> Coastal protection overlay code Flood hazard overlay code Infrastructure overlay code Sea turtle sensitive area code Steep land (slopes > 15%) overlay code 	Bundaberg Regional Council Planning Scheme 2015
Use Code <ul style="list-style-type: none"> Business uses code 	Bundaberg Regional Council Planning Scheme 2015
Other Development Code <ul style="list-style-type: none"> Landscaping code Nuisance code Transport and parking code Works, services and infrastructure code 	Bundaberg Regional Council Planning Scheme 2015
Planning Scheme Policies <ul style="list-style-type: none"> Planning scheme policy for development works 	Bundaberg Regional Council Planning Scheme 2015

Benchmarks applying for the development	Benchmark reference
<ul style="list-style-type: none"> • Planning scheme policy for waste management 	
<ul style="list-style-type: none"> • Interim Development Assessment Requirements 	State Planning Policy

3. ISSUES RELEVANT TO THE APPLICATION

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

District centre zone code

The purpose of the District centre zone code is to provide for a range of uses and activities that service the needs of district catchments in centres that are highly accessible and well connected to the catchment areas that they serve. The zone may accommodate a concentration of land uses including retail and small-scale entertainment and recreational facilities capable of servicing the day-to-day and weekly shopping and service needs of a district, provided these facilities should not more appropriately be accommodated in the Bundaberg CBD.

Land use

The proposed development is compliant with land uses envisaged for the District centre zone, as identified in AO4 of the code, providing both retail uses and entertainment uses.

Building design

PO7 of the code states development is to have a predominantly low-rise built form, compatible with the existing and intended scale and character of the streetscape and surrounding area, with AO7 prescribing a maximum building height of three storeys and 12 m. The proposed buildings are of a compliant height being single storey, with a maximum height of 5.1 m for the bottle shop component and 5.4 m from the tavern component.

PO8 of the code states that the structure and form of development provides high level of connectivity between uses and the public realm. The proposed development integrates with the existing Bargara Central Shopping Centre development and Caltex service station, using existing vehicle access to the site, consistent carparking design and pedestrian transport networks.

PO9 states that the built form and urban design of development incorporates a high standard of architecture, urban design and landscaping that creates attractive and functional buildings, streets and places. The proposed development primarily presents to the internal parking areas of the site, as the main building entrances are located along the northern elevation, however the beer garden component of the Tavern has been positioned to front Bargara Road, providing building articulation, street activation and landscaping along Bargara Road. Proposal plan (DA-501) shows external building features to be provided, including batten screening, window hoods, open beer garden area with high ceilings, signage and exposed timber soffit.

Transport networks

PO13 states that development encourages public transport accessibility and use and also provides for pedestrian, bicycle and vehicular movement networks that maximise connectivity, permeability and ease of movement within and to the centre. The development site is highly accessible to the community via vehicle, public bus and by foot with an existing concrete ribbon footpath provided along Whalley Street, Davidson Street and Bargara Road for the full length of the site's frontage.

Infrastructure

PO14 and PO15 relate to infrastructure and services, refer to Infrastructure overlay code assessment below.

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 a high quality design which reflects good centre design principles and appropriately responds to local character, environment and amenity considerations.

Proposed use

PO1 The business use is of a type, scale and intensity that is consistent with the role and function of the centre and the intentions of the zone it is located in. The proposed use of Hotel (Tavern) and Shop (Bottle shop) is consistent with the intent of the District centre zone code as outlined above and is considered to be consistent with the zoning of the site.

Building setbacks

AO2.2 of the code requires buildings located in areas other than where located in a main street or a core retail area are setback at least 6m from the street frontage and main entrances front the street. The proposed buildings are setback 16m from the Bargara Road frontage allowing for future road reserve resumption of 10m as indicated by the State as part of pre-lodgement discussions, ensuring the development would provide a minimum 6m setback if this were to occur.

Carparking and pedestrian pathways

The proposed development will utilise existing access arrangements, with carparking areas internalised ensuring they do not dominate the streetscape, compliant with PO3 of the code.

PO4 of the code requires the provision of pathways, walkways and other spaces intended primarily for pedestrians to be comfortable to use and adequately sheltered from excessive sunlight and inclement weather. A concrete ribbon pathway is provided along the full length of Whalley Street, Davidson Street and Bargara Road, extending into the site to provide internal pathways to the existing Bargara Central Shopping Centre. The road frontage and internal footpaths are to be retained to provide pedestrians safe and convenient access to the site.

Building presentation to street

AO5.1 requires that development provides for a minimum of 65% of the building frontage to a public street or other public space to present with clear or relatively clear windows and glazed doors. The submitted elevation plans of the tavern show the

Bargara road elevation consists of large glass door opening along the full elevation, with an open beer garden and landscaping also proposed. The bottle shop provides a large awning along the Bargara Road elevation, providing shelter for the drive through, with screening and additional landscaping provided along the bottle shop elevation to Bargara Road.

Building features and articulation

AO7.1 of the code requires that buildings provide articulated and textured facades that incorporates design features to create a high level of openness and visual interest, and provide shading to walls and windows. AO7.2 of the code also requires buildings to be articulated and finished in a manner that positively responds to attractive and notable elements of adjacent buildings and the streetscape. The proposal plans submitted show building articulation to the tavern provided, including building features such as parapet façade, feature façade treatment, covered awning walkways and window hoods. The beer garden is also covered by a large opening awning with feature screening provided. The bottle shop includes parapet façades, feature façade cladding treatment, awnings and window hoods.

AO7.3 of the code requires that buildings incorporate vertical and horizontal articulation such that no unbroken elevation is longer than 15m. The proposed bottle shop has an unbroken elevation along the northern elevation, with no openings provided along this elevation as it directly faces the existing internal driveways and carparking areas. Feature façade cladding treatment has been proposed to provide visual interest, complying with the correlating PO7 of the code.

Environmental impacts

AO9.1 of the code requires undesirable visual, noise and odour impacts on public spaces and residential uses, are avoided or reduced by:

- (a) where appropriate, limiting the hours of operation of the business use to maintain acceptable levels of residential amenity relative to the site context and setting;
- (b) providing vehicle loading/unloading and refuse storage/collection facilities within enclosed service yards or courtyards; and
- (c) not locating site service facilities and areas along any frontage to a street or other public space.

The proposed development included proposed hours of operation being 9:00am to 1:00am for the Tavern use and 9:00am to 10:00pm for the Bottle shop. To support these hours of operation an Environmental Noise Level Impact Assessment was undertaken and submitted as part of the development application (refer to Nuisance code below for further assessment). A condition restricting hours of operation to those proposed is recommended. The bottle shop provides a loading bay to service the development with manoeuvring areas for heavy rigid vehicles. The loading bay is located along the western elevation of the bottle shop building, with an enclosed bin storage area and landscaping buffering this area from the Bargara Road frontage, however a condition restricting deliveries, vehicle loading/unloading and refuse collection within the hours of 7:00am to 10:00pm is recommended to ensure noise impacts on nearby residential uses does not occur, as determined in the Environmental Noise Level Impact Assessment.

AO9.2 of the code requires where the business use requires the use of acoustic attenuation measures to mitigate adverse impacts on nearby sensitive land uses, such measures are designed and constructed to be compatible with the local streetscape.

Refer to assessment against Nuisance Code below, noting that an amended Environmental Noise Level Impact Assessment is required to be submitted and approved by Council, including any details of noise control measures.

PO11

Development contributes to a safe and secure pedestrian environment by:

- (a) allowing casual surveillance to and from the street and other public spaces;
- (b) orienting the upper level windows so that they overlook the street and other public spaces;
- (c) ensuring entrances to businesses are clearly defined and visible from the street, car parking areas and pathways;
- (d) providing adequate lighting of entrances;
- (e) providing clear sightlines for pathways and routes;
- (f) presenting an active face to the street by generous provision of windows and openings and avoiding the use of security shutters;
- (g) using external building materials and finishes that are robust and durable; and
- (h) avoidance of blank exposed walls to discourage vandalism.

The proposed tavern has been orientated on site to allow the beer garden to front Bargara Road, allowing for casual surveillance and street activation. Existing footpaths locate along the Bargara Road frontage, linking to internal pedestrian pathways within the site. The building design allows for entrances to be clearly defined when entering the site, with the carparking areas fronting the entrances to the buildings. Lighting is proposed to the entrance of the building and pathway networks, in accordance with the Sea Turtle Sensitive Area Code of the TLPI 1/2019 (refer to assessment below).

Landscaping code

The purpose of the Landscaping code is to ensure that landscaping is provided in a manner which is consistent with the desired character and amenity of the Bundaberg Region.

As part of the proposal, a Landscape Concept plan was submitted showing the location of proposed landscaping on the site. Landscaping is provided along the full frontage of Bargara Road continuing into the entrance of the site, with additional plantings proposed to supplement the existing landscaping provided on site, particularly within the carparking and bottle shop location. It is recommended that a condition be applied that landscaping be undertaken as per the Landscape Concept plan submitted.

Nuisance code

The purpose of the Nuisance code is to maintain community wellbeing and protect environmental values by preventing or mitigating nuisance emissions from development adversely impacting on surrounding sensitive land use and the exposure of proposed sensitive land uses to nuisance emissions from surrounding development.

Noise

As part of the proposal, an Environmental Noise Level Impact Assessment prepared by David Moore & Associated Pty Ltd was submitted addressing potential noise impacts.

The report concludes that steady state noise sources (air-conditioning, refrigeration, fans etc) comply with the default noise standards, however there is a potential for the combined noise level to exceed the night-time acoustic quality objective. As such, a recalculation of the noise impacts will be required once the noise sources specifically required for the development are determined. A condition requiring an amended acoustic report with the -recalculation of noise impacts is recommended to be applied, with an additional clause requiring noise control measures to be provided should the noise levels exceed the Environmental Protection (Noise) Policy 2019. It is also noted that in order for the Hotel use to obtain a liquor licence through the Office of Liquor and Gaming Regulation, amplified music noise limits will be conditioned.

Given the location of the proposed development to residential development (Ocean Heights Estate) to the south, on the opposite side of Bargara Road it is recommended that patron behaviour be managed to ensure that nuisance does not occur when patrons are leaving the establishment. While it is noted that unbroken fencing is established along the full length of the residential estate on Bargara Road, further conditions managing potential noise impacts are recommended. This can be achieved through both the preparation and implementation of a patron management plan and the provision of bus transportation, allowing patrons to leave the site upon exiting the building. It is recommended a condition requiring this is to be applied.

It is also recommended that all deliveries, loading and unloading activities and waste collection be restricted to the hours of 7:00am to 10:00pm.

Lighting

As the site locates within the Sea Turtle Sensitive Area Overlay, specific lighting requirements are prescribed as part of the overlay code as part of Council's TLPO. See assessment against the code below.

Transport and parking code

The purpose of the Transport and parking code is to ensure that transport infrastructure (including pathways, public transport infrastructure, roads, parking and service areas) is provided in a manner which meets the needs of the development, whilst maintaining a safe and efficient road network, promoting active and public transport use and preserving the character and amenity of the Bundaberg Region.

As part of the application a Traffic Impact Assessment prepared by Rytenskild Traffic Engineering was provided addressing access and servicing arrangement, pedestrian and cyclist provisions, carparking and manoeuvring and road network impact.

Access

The proposed development does not include any changes to the existing access provided to the site. Existing access is via Bargara Road (left in, left out only) and Davidson Street. As Bargara Road is a State-controlled road, the development application required referral to the Department of State Development, Manufacturing, Infrastructure and Planning. A Concurrence Agency Response was provided with Conditions applied regarding access and stormwater.

Manoeuvring

As part of the application, swept paths were provided showing all internal manoeuvring, for the site including access to loading bays for heavy rigid vehicles, service vehicles and passenger van.

On-site car parking

Table 9.3.5.3.3 of the Transport and parking code prescribes a car parking rate of one (1) space per 15m² GFA for the Hotel component and one (1) space per 20m² GFA for the Shop, resulting in a total of 73 required to service the development. As part of the development, an additional 19 parking spaces are proposed, resulting in a total of 403 parking spaces for the development site. As part of the Traffic Impact Assessment, a car parking generation survey was undertaken, determining that the peak occupancy rate of 60% occurs between the hours of 11:30am and 12:30pm on Saturday, with an average occupancy rate of 50% calculated. Based on the existing GFA of 709m² the Bargara Central Shopping Centre, and the proposed GFA of 1200m², a parking ratio of one (1) space per 21m² of GFA is provided for the development site. Due to the nature of the proposed use and the number of existing parking spaces provided on the site, it is considered that the development site will be able to cater for all vehicles entering the site. Standard conditions relating to the provision of car parking are recommended.

Works, services and infrastructure code

The purpose of the Works, services and infrastructure code is to ensure that development works and the provision of infrastructure and services meets the needs of the development, and is undertaken in a professional and sustainable manner.

As part of the application a Stormwater Management Plan and Engineering Assessment Report prepared by RMA Engineers was submitted addressing stormwater, sewer and water infrastructure.

Water & Sewerage

Water services have advised the current water main located at Davidson Street (WP.06085) and sewer infrastructure (gravity sewer main SP.08408) has enough capacity to cater for the additional demands of the proposed 800m² Tavern and 400m² Bottle Shop. The existing water and sewer connections for 699 and 700 Bargara Road are to be utilised for new development. Standard conditions requiring the development to provide infrastructure to satisfy the demand for the development are recommended.

Stormwater

The following are the conditions on the original basin (originally established in 2007):

- The retention basin is approved as a Dry Retention Basin only, design and construction shall be that water shall not pond over any section for extended periods.
- Should the basin pond water over extended periods Council may direct the formalisation of drainage through the construction of a concrete spoon drain
- A gross pollutant trap (Humesceptor STC 3) shall be installed at the discharge point from all pipes discharging to the retention basin. The design of the GPT shall be submitted to and approved by Council prior to works commencing.

It was agreed to at the pre-lodgement meeting that the difference between pre and post development outcomes would be negligible as the basin will be retained and water flow will still fall onto the surface above the basin and flow below into the basin as it would pre-development.

The Stormwater Management Plan, Quality Maintenance Plan and proposed underground detention details provided are acceptable. General conditions regarding construction in accordance with those documents only are recommended.

Flood hazard overlay code

The existing stormwater detention basin is located within the flood hazard overlay, however as the proposed development locates above the flood height, no buildings are proposed to locate within the flood hazard area.

Sea turtle sensitive overlay code / TLPI 1/2019

The purpose of the Sea turtle sensitive area overlay code is to ensure that development does not create harm to sea turtle nesting and sea turtle activity by avoiding adverse impacts generated from artificial lighting.

The applicant advises that ambient lighting that is contributory to sky glow will be minimised in accordance with PO2 and PO3 of the TLPI 1/2019 Sea turtle sensitive area overlay code and has requested this be conditioned. Standard lighting conditions for the development including the provision of the most energy efficient, dark sky compliant external lighting be installed are recommended.

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment - Engineering	4 June 2020
Health and Regulatory Services	8 April 2020

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

4.2 Referral Agency

Referral Agency responses were received from the following State agencies:

Agency	Concurrence/ Advice	Date Received	Conditions Yes/No
Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence	15 May 2020	Yes

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

5. PUBLIC NOTIFICATION

Not Applicable.

6. DRAFT CONDITIONS

Draft conditions were issued to the Applicant on 15 June 2020.

The Applicant submitted documentation to Council on 17 June 2020 advising that they were satisfied with the draft conditions.

7. REASONS FOR DECISION

The reasons for this decision are:

- The development is for a Hotel and Shop, on a site situated in the District Centre Zone. The proposed development is code assessable development in this zone.
- The site is located within the District Centre Zone and the proposed Hotel and Shop development are consistent with the outcomes of the District Centre Zone.
- The development complies with the requirements or can be conditioned to comply with the relevant applicable assessment benchmarks.
- The use can be provided with an appropriate level of infrastructure.

Communication Strategy:

Communications Team consulted.

Yes

No

Attachments:

- ↓1 Locality Plan
- ↓2 Site Plan
- ↓3 Proposal Plans
- ↓4 DSDMIP Referral Agency Response
- ↓5 Infrastructure Charges Notice

Recommendation:

That the Development Application 522.2020.185.1 detailed below be decided as follows:

1. Location details

Street address: 699 and 707 Bargara Road, Bargara

Real property description: Lot 22 on SP111853 and Lot 7 on RP106364

Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use for Hotel (Tavern) & Shop (Bottle Shop)

3. Decision

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: All				
Development Summary	CPO Architects	-	DA-001	8
Existing/Demolition Plan	CPO Architects	-	DA-060	8
Site Plan – Proposal	CPO Architects	-	DA-090	10
Ground Floor – Tavern	CPO Architects	-	DA-100	9
Roof Plan – Tavern	CPO Architects	-	DA-101	9
Ground Floor – Bottleshop	CPO Architects	-	DA-110	8
Roof Plan – Bottleshop	CPO Architects	-	DA-111	8
Elevation – Tavern	CPO Architects	-	DA-300	8

Elevation – Tavern	CPO Architects	-	DA-301	8
Elevation – Bottleshop	CPO Architects	-	DA-302	7
Elevation – Tavern	CPO Architects	-	DA-303	7
3D Views	CPO Architects	-	DA-350	8
Sections – Tavern	CPO Architects	-	DA-400	8
Sections – Bottleshop	CPO Architects	-	DA-401	7
External Features	CPO Architects	-	DA-501	4

5. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

6. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Plumbing and Drainage Work

7. Properly made submissions

Not applicable — No part of the application required public notification.

8. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 <i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i>	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence Agency	State Assessment and Referral Agency (SARA) E: WBBSARA@dilgp.qld.gov.au P: PO Box 979 Bundaberg Qld 4670

<p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are—</p> <p style="padding-left: 20px;">(i) adjacent to a road that intersects with a State-controlled road; and</p> <p style="padding-left: 20px;">(ii) within 100m of the intersection</p>			
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9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

10. Agreements under Section 49(4)(b) or 66(2)(b) or (c) of the Planning Act 2016

There are no agreements about these matters.

11. Conditions about infrastructure

The following conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*:

Condition/s	Provision under which the condition was imposed
33	Section 145 – Non-trunk Infrastructure
N/A	Section 128 – Trunk Infrastructure

12. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see Schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*.

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

NO.	CONDITION	TIMING
GENERAL		
1.	Comply with all conditions of this development approval and maintain compliance whilst the use continues.	At all times unless otherwise stated
2.	Where there is any conflict between the conditions of this Development approval and details shown on the Approved plans, the conditions prevail.	At all times
3.	The full cost of all work and any other requirements associated with this development must be met by the developer, unless specified in a particular condition or Infrastructure agreement.	At all times
CONSTRUCTION MANAGEMENT		
4.	Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from building work is made: <ol style="list-style-type: none"> a. on a business day or Saturday, before 6.30 am or after 6.30 pm b. on any other day, at any time. 	At all times during construction

5.	Contain all litter, building waste, and sediment on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or public spaces.	At all times during construction
6.	Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.	At all times during construction
ENVIRONMENTAL PROTECTION		
7.	Implement drainage, erosion and sediment control measures to ensure dirt and sediment remains on the construction site. Ensure erosion and sediment runoff does not contaminate stormwater at unacceptable levels.	At all times during construction
USE SPECIFIC		
8.	During operating hours, all parking, pedestrian areas, and entrances/exits must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of AS1158 – Public lighting code.	Prior to the commencement of the use and then to be maintained
9.	Prepare, submit and have approved by Council a patron management plan for implementation (once approved) to manage patron behaviour and noise outside the building after the hours of 10.00 pm including, the provision of shuttle bus transportation for patrons.	Prior to the commencement of the use and then to be maintained
AMENITY		
HOURS OF OPERATION		
10.	Operating hours of the Hotel (Tavern) use are limited to 8.00 am to 1.00 am daily where supported by the recommendations of the revised acoustic assessment in Condition 17.	At all times
11.	Operating hours of the Shop use are limited to 8.00 am to 10.00 pm daily, where supported by the recommendations of the revised acoustic assessment in Condition 17.	
12.	Deliveries, loading/unloading activities, and refuse collection must be undertaken between the hours of 7.00 am to 8.00 pm, excluding Sunday.	At all times

LIGHTING		
13.	Design and install all external lighting in accordance with <i>AS4282 – Control of the obtrusive effects of outdoor lighting</i> so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.	Prior to the commencement of the use and then to be maintained
14.	Design and install all external lighting to be the most energy efficient, dark sky compliant (which prevents the light from escaping upward and direct light down and away from the foreshore) and amber lighting available in the National Electricity Market Load Tables for Unmetered Connection Points (AEMO 2015).	Prior to the commencement of the use and then to be maintained
SCREENING OF PLANT AND SERVICES		
15.	Install and maintain suitable screening to all air conditioning, lift motor rooms, plant, service facilities, or similar equipment located on the rooftop or to an external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the building façade or as an architectural feature of and visually consistent with the profile of the building.	Prior to the commencement of the use and then to be maintained
NOISE		
16.	Noise levels from the use must achieve the acoustic environment and acoustic quality objectives for sensitive receiving environments set out in the Environment Protection (Noise) Policy 2008.	At all times
17.	Submit and have approved by the Assessment Manager a revised Acoustic report undertaken by an acoustic consultant incorporating the following: <ul style="list-style-type: none"> a. Recalculation of noise impacts once noise sources are determined; b. If noise limits are exceeded, include noise control measures to be installed to noise quality objectives are met. 	Prior to the commencement of the use and then to be maintained
18.	Submit to the Assessment Manager certification from a suitably qualified person confirming the recommendations of the approved Acoustic report have been complied with.	Prior to the commencement of the use

LANDSCAPING		
19.	Carry out all landscaping in accordance with the Landscape Concept Plan prepared by Jeremy Ferrier Landscape Architect (Drawing no 2019-134-SK01 and SK02)	Prior to the commencement of the use and then to be maintained
20.	<p>Provide certification from a Landscape Architect or other suitably qualified person that the landscaping has been constructed and established in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager.</p> <p>Note:</p> <p><i>Council does not require the submission of an Operational works development application for landscaping that is nominated as Accepted development where the works comply with the nominated requirements for Accepted development.</i></p>	Prior to the commencement of the use and then to be maintained
WASTE MANAGEMENT		
21.	<p>Provide an impervious bin storage area (bin enclosure) for the storage of refuse bins in accordance with the following:</p> <ol style="list-style-type: none"> designed so as to prevent the release of contaminants into the environment sufficiently sized to accommodate all refuse bins required by the Assessment Manager for the scale of the development screened from the road frontage or other public space, and adjoin properties by landscaping or constructed screening a suitable hose cock (with backflow prevention) and hoses must be provided at the bin storage area, and wash down to be drained to the sewer and fitted with an approved stormwater diversion valve arrangement must be maintained in a clean and sanitary manner 	Prior to the commencement of the use and then to be maintained
22.	Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.	At all times
23.	Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.	At all times

OPERATIONAL WORK ASSOCIATED WITH THE MCU		
24.	<p>Ensure all Operational work that is Accepted development complies with the nominated assessment benchmarks or a Development application for Operational work is submitted to and approved by Council.</p> <p>Note:</p> <p><i>Where Accepted development does not comply with a nominated requirement for accepted development, a Development application for Operational work must be submitted to Council.</i></p>	Prior to the commencement of work
25.	<p>Provide certification from a Registered Professional Engineer of Queensland (RPEQ) that any operational work that is Accepted development has been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by Council.</p> <p>Note:</p> <p><i>Council does not require the submission of an Operational works development application for work that is nominated as Accepted development where the works comply with the nominated requirements for Accepted development and are certified by a RPEQ.</i></p>	Prior to the commencement of the use
EARTHWORKS		
26.	<p>Carry out all earthworks in accordance with the approved plans, the applicable Planning scheme codes, and the Planning scheme policy for development works.</p> <p>Note:</p> <p><i>Earthworks that comply with the applicable requirements for accepted development do not require the submission of an Operational works development application.</i></p> <p><i>Where the applicable requirements for accepted development are not met, an Operational works development application must be submitted to the Assessment Manager.</i></p>	At all times
27.	<p>Provide to the Assessment Manager certification from a Registered Professional Engineer of Queensland (RPEQ) that the Earthworks have been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by the Assessment Manager.</p>	Prior to the commencement of the use

EROSION AND SEDIMENT CONTROL		
28.	Prepare and implement an Erosion and sediment control (ESC) management plan for the site in accordance with the Environment Protection Agency's (EPA – Guideline – <i>EPA Best Practice Urban Stormwater Management</i> – Erosion and Sediment Control and International Erosion Control Association's (IECA) – <i>Best Practice Erosion and Sediment Control</i> , and the <i>Queensland Urban Drainage Manual</i> (QUDM).	Prior to site work commencing and at all times during construction
29.	Implement and maintain the Erosion and sediment control (ESC) management plan on-site for the duration of the operational and/or building works, and until all exposed soil areas are permanently stabilised (e.g. turfed, hydro-mulched, concrete, landscaped).	Prior to site work commencing and at all times during construction
STORMWATER		
30.	Carry out all stormwater drainage work in accordance with the <i>Stormwater Management Plan prepared by RMA Engineers, dated 3 March 2020 revision 3, Project Ref: 11823, the Stormwater Quality Improvement Maintenance Plan prepared by RMA Engineers, dated 12 December 2019 revision 0, Project Ref: 11823 and Response to Information Request Letter from Stockwell, dated 13 May 2020</i>	Prior to the commencement of the use and then to be maintained
WATER & SEWERAGE		
31.	Provide a metered water service, and internal infrastructure as required, to satisfy the firefighting and water supply demands of the development. Note: <i>Water infrastructure must be designed by an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting requirements in accordance with AS2419 – Fire hydrant installation.</i>	Prior to the commencement of the use and then to be maintained
32.	No new points of connection for the provision of sewer and water infrastructure to the development are required. The existing water and sewer connections for 699 and 700 Bargara Road, as noted in the <i>Engineering Assessment Report by RMA Engineers, dated 3 March 2020, project ref# 11823</i> are to be utilised for the proposed development.	Prior to the commencement of the use

ROADWORKS, ACCESS, AND CAR PARKING		
33.	<p>Design and construct off-street car parking, access, and manoeuvring areas in accordance with the Approved plans, applicable Planning scheme codes, and the Planning scheme policy for development work.</p> <p>Car parking, access, and manoeuvring areas must:</p> <ol style="list-style-type: none"> a. provide a minimum of 403 parking spaces b. be designed and constructed in accordance with AS2890 Parking facilities – off-street car parking c. provide parking spaces for people with a disability in accordance with the Building Code of Australia and AS2890.6 Off-street parking for people with disabilities d. provide on-site loading, unloading, and manoeuvring for all necessary service vehicles, including 1 ambulance e. allow all design vehicles to enter and exit the site in a forward gear f. be constructed and sealed with concrete, pavers or asphalt g. be signed and delineated in accordance with the Queensland manual of uniform traffic control devices h. allow for the provision of fill and/or boundary retaining walls and the containment and management of site stormwater drainage i. be drained to a legal point of discharge <p><i>Note:</i></p> <p><i>Where there is any conflict between the Approved plans and the Planning Scheme provisions, the Approved plans prevail.</i></p>	Prior to the commencement of use and then to be maintained
34.	<p>Repair any damaged kerb and channel, footpath, or road (including removal of concrete slurry from footpath, roads, kerb and channel, and stormwater gullies and drainlines) and reinstate existing traffic signs and pavement markings that have been removed or damaged during any works carried out in association with the approved development.</p>	Prior to the commencement of the use
35.	<p>Ensure all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, and sewerage) are wholly located within the site or within a suitable easement to the satisfaction of the Assessment Manager.</p>	Prior to the commencement of the use
EASEMENTS		

36.	All works must be clear of any existing or proposed easements on the subject land, unless agreed in writing by the Grantee.	At all times
37.	Ensure that any easement and rights pertaining to the parcel of land associated with this approval are maintained unless otherwise stated on the approved plan(s) or the conditions of this approval. Proof of the registration or surrender of any easements is to be submitted to the Assessment Manager at the time of the submission of the Survey plan for endorsement.	Prior to the commencement of use
SERVICES AND STRUCTURES		
38.	<p>Submit to the Assessment Manager a certificate produced by an appropriately qualified Surveyor, which certifies that:</p> <ul style="list-style-type: none"> a. the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the <i>Building Act 1975</i>, unless otherwise agreed in writing by the Assessment Manager b. all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement c. all existing and propose utility services and connections (eg electricity, telecommunications, water, sewerage) are wholly located within the site or registered easement 	Prior to the commencement of the use

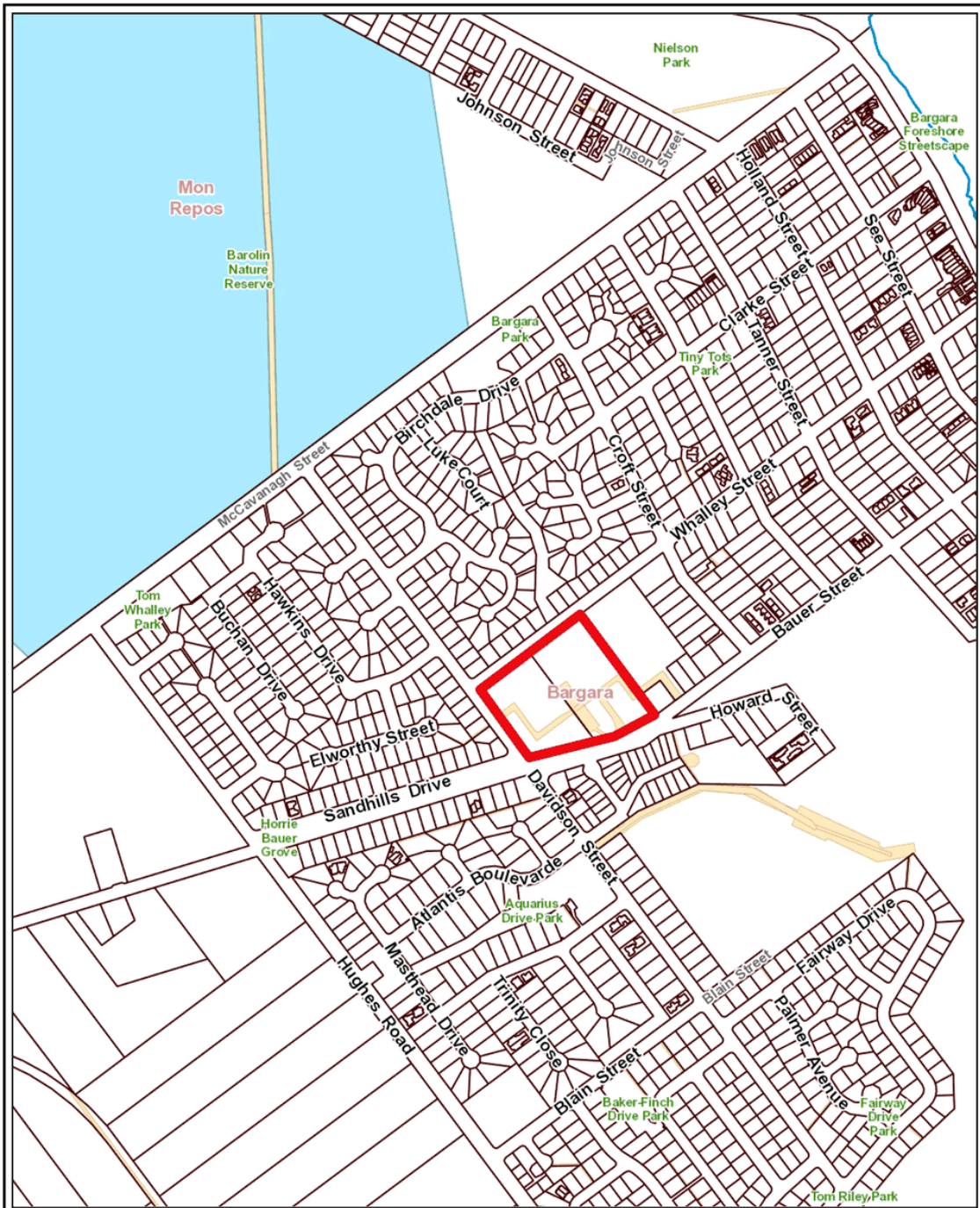
PART 1B – ADVICE NOTES


NO.	ADVICE	TIMING
INFRASTRUCTURE CHARGES		
1.	Infrastructure charges notice (331.2020.1177.1) applicable to the development is attached to this Development approval.	At all times
GENERAL AMENITY		
2.	Storage of flammable and /or combustible liquids must comply with the minor storage provisions of AS1940 – the	At all times

	storage and handling of flammable and combustible liquids.	
ENVIRONMENTAL HARM		
3.	<p>The <i>Environmental Protection Act 1994</i> states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil, or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property no connected with the use.</p>	At all times
FOOD ACT REQUIREMENTS		
4.	<p>All operators of the approved use will be required to comply with the <i>Food Act 2006</i> and Council's minimum requirements for food premises. All necessary approvals should be obtained from the Environment, regulatory, and public health section of Council.</p> <p>Note:</p> <p><i>For further information about these requirements please contact Council's Environmental health services section on 1300 883 699.</i></p>	Prior to the commencement of the use and then to be maintained
ABORIGINAL CULTURAL HERITAGE		
5.	<p>All development should proceed in accordance with the Duty of care guidelines under the <i>Aboriginal Cultural Heritage Act 2003</i>. Penalties may apply where duty of care under that act has been breached.</p>	At all times


PART 2—CONCURRENCE AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning, by letter dated 15 May 2020 (copy letter attached for information).





BUNDABERG
REGIONAL COUNCIL

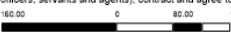


Locality Plan
699 + 707 Bargara Road, Bargara

Projection: GDA_1994_MGA_Zone_56 Date: 18/6/2020 2:19 PM Scale 1 : 8,000.00 on A4 Sheet

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Author: -Author-

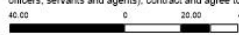


Site Plan
699 + 707 Bargara Road, Barga

Projection: GDA_1994_MGA_Zone_56 Date: 18/6/2020 2:18 PM Scale 1 : 2,000.00 on A4 Sheet

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Author: -Author-

1.0 CONTENT

DEVELOPMENT SUMMARY

1.0 ARCHITECTURAL STATEMENT

1.01 DEVELOPMENT SUMMARY

2.0 ARCHITECTURAL RESPONSE

2.01 EXISTING / DEMO PLAN
 2.02 ARCHITECTURAL PLANS
 2.03 ARCHITECTURAL ELEVATIONS
 2.04 3D / PERSPECTIVE VIEWS
 2.05 ARCHITECTURAL SECTIONS
 3.01 EXTERNAL FEATURES

DEVELOPMENT SUMMARY

699 BUNDABERG-BARGARA RD, BARGARA, QLD

SITE AREA

TOTAL SITE AREA	35000m ²
PROPOSED ADDITIONAL GFA	12000m ²

CARPARKING DATA

PROPOSED ADDITIONAL APPROVED	19
TOTAL	403

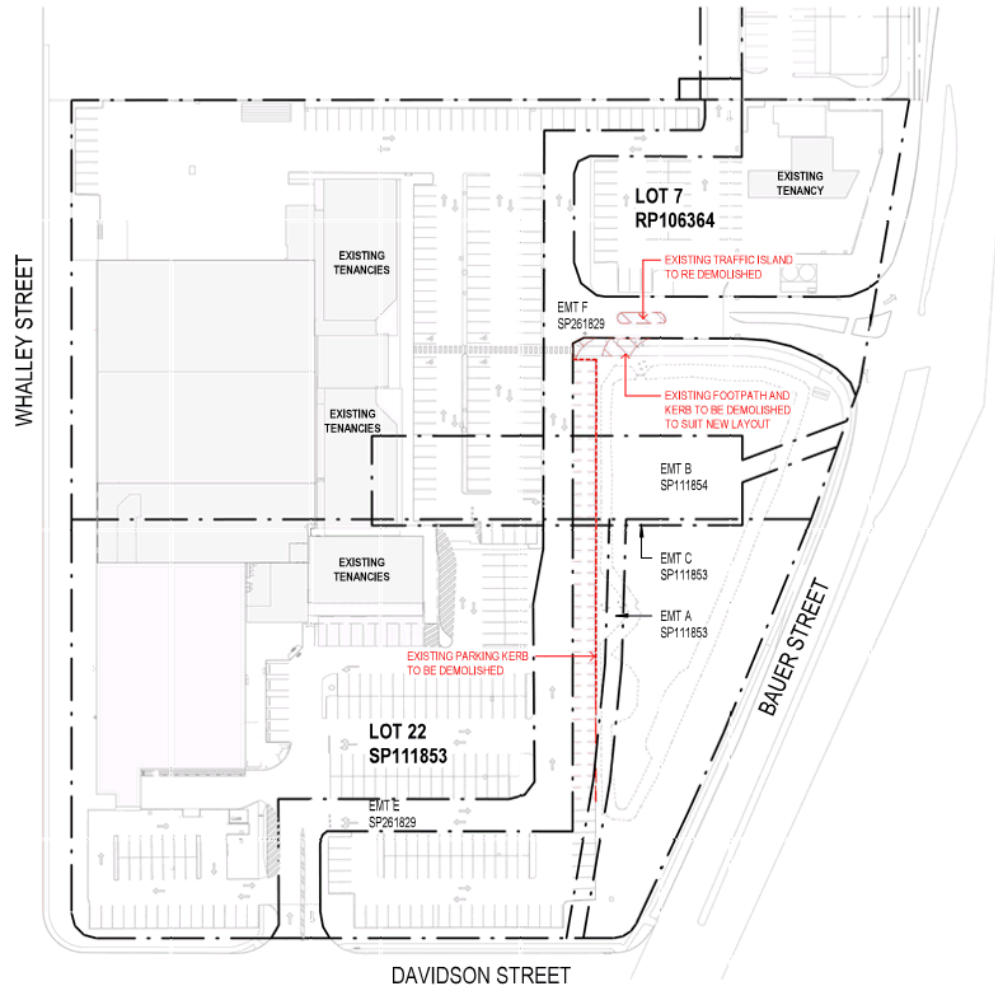
BUILDING DATA

GAMING / BAR / CASHIER	200m ²
SPORTS BAR / DINING	450m ²
MAIN FRONT BAR	150m ²
DRIVE-THRU BOTTLESHOP	400m ²



LOCATION PLAN - NTS

2.0 ARCHITECTURAL RESPONSE
2.01 EXISTING/DEMO PLAN



01 EXISTING / DEMOLITION PLAN
1 : 1000



2.0 ARCHITECTURAL RESPONSE
2.02 PROPOSED SITE PLAN



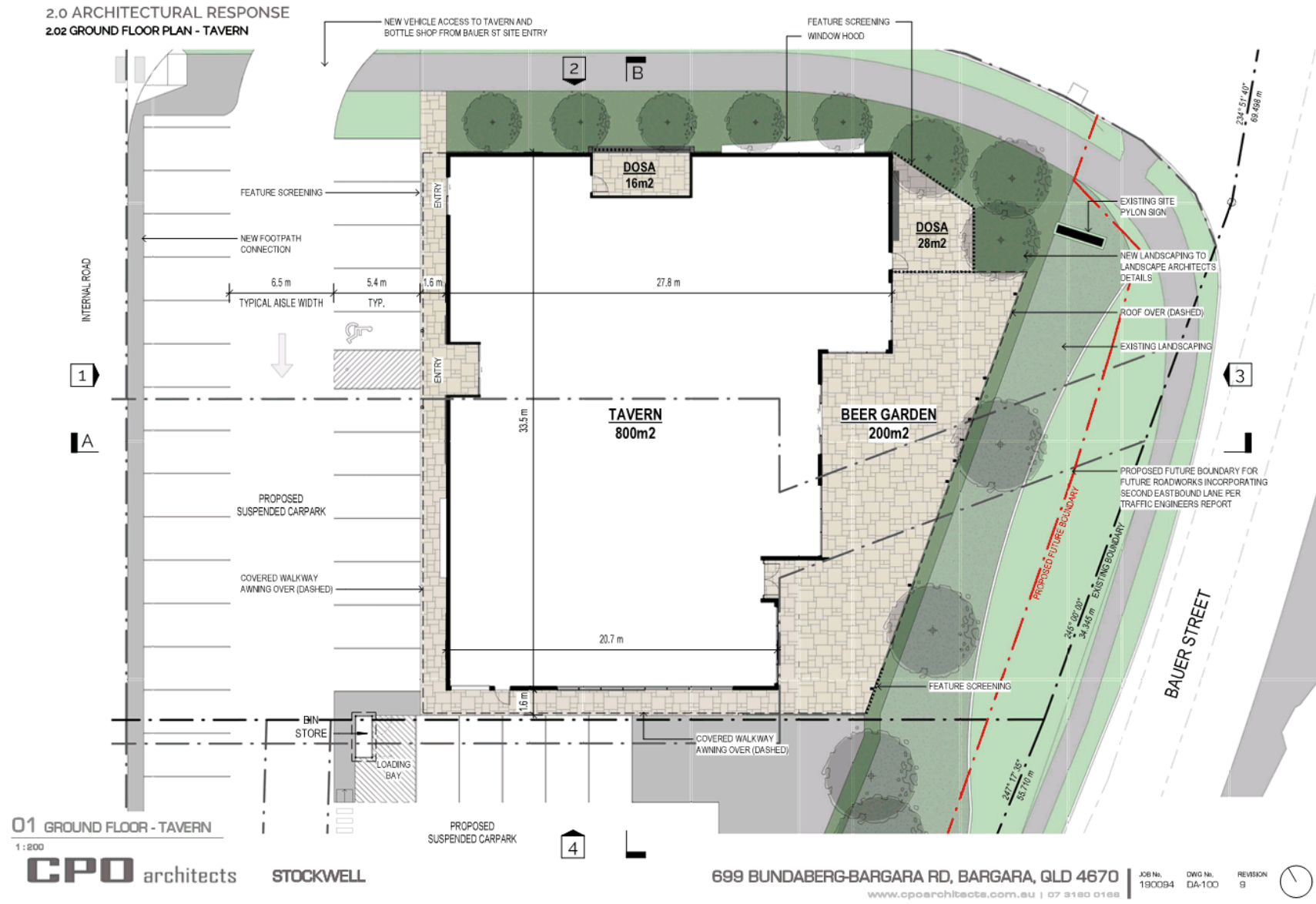
01 SITE PLAN - PROPOSAL
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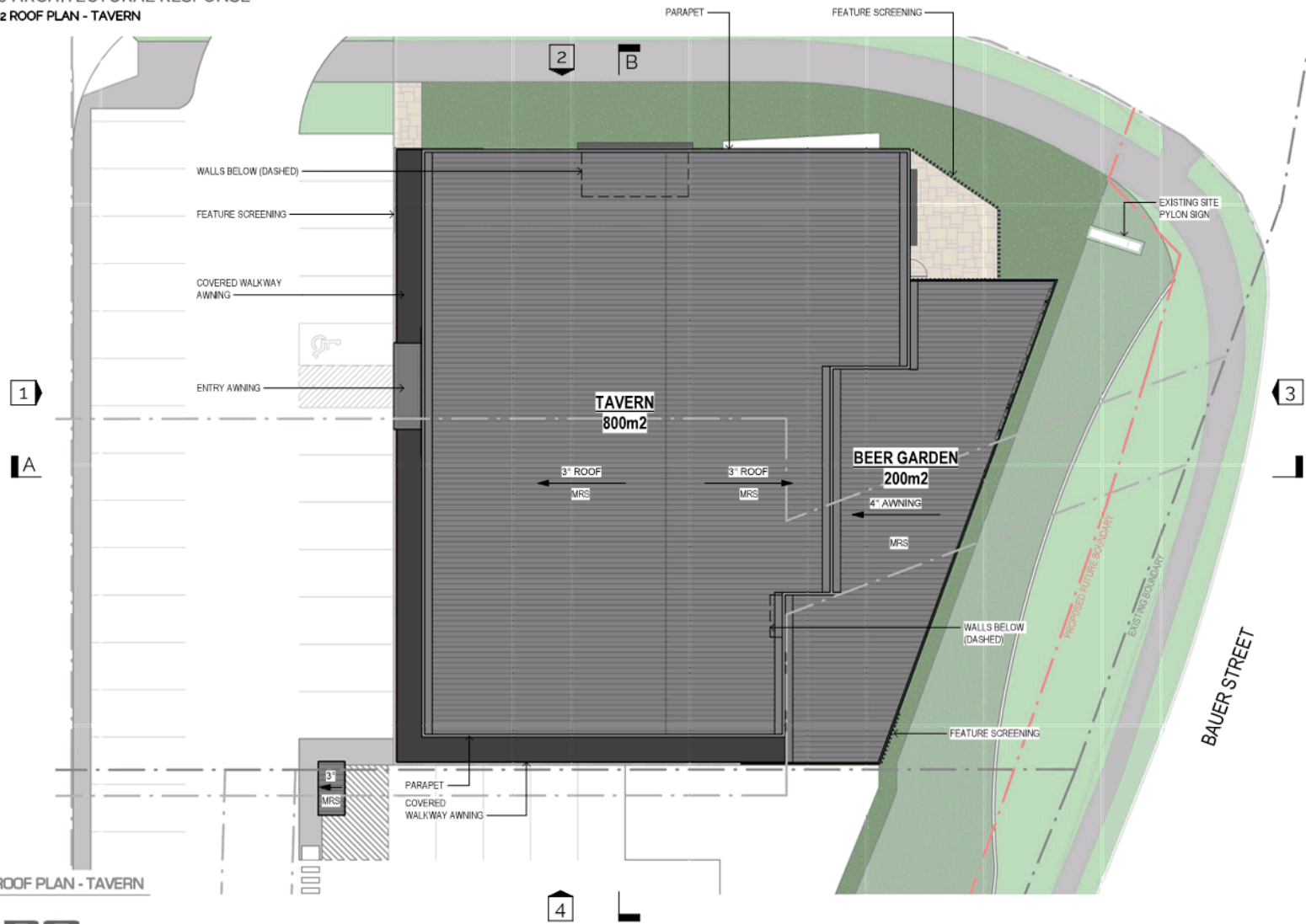
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JOB No. 130034	DWG No. DA-CBD	REVISION 10
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2.0 ARCHITECTURAL RESPONSE
2.02 ROOF PLAN - TAVERN



01 ROOF PLAN - TAVERN

1:200

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JOB No. 190034	DWG No. DA-101	REVISION 9
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2.0 ARCHITECTURAL RESPONSE
2.02 GROUND FLOOR - BOTTLESHOP



01 GROUND FLOOR - BOTTLESHOP
1:200

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JOB No. 190034 DWG No. DA-110 REVISION 5



2.0 ARCHITECTURAL RESPONSE
2.02 ROOF PLAN - BOTTLESHOP



01 ROOF PLAN - BOTTLESHOP
1:200

CPO architects STOCKWELL

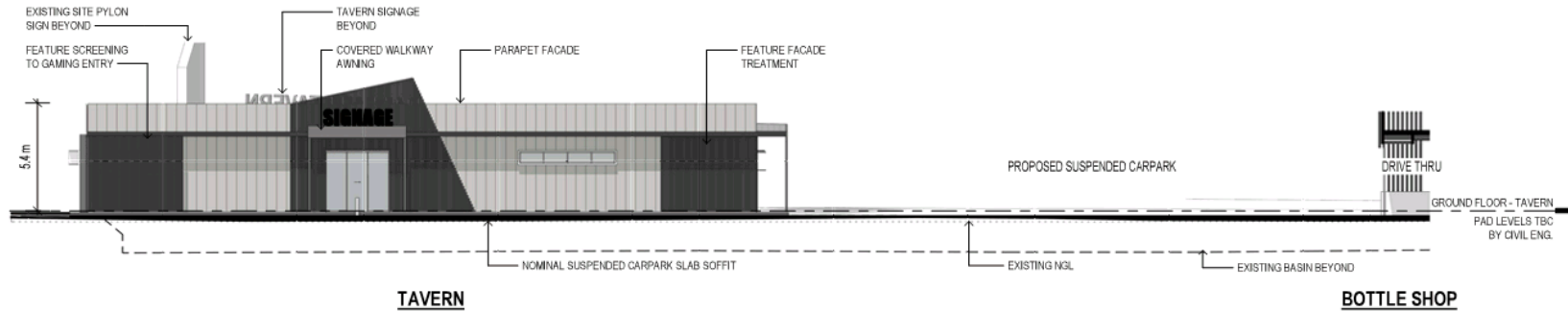
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JOB No. 190094 DWG No. DA-111 REVISION 5



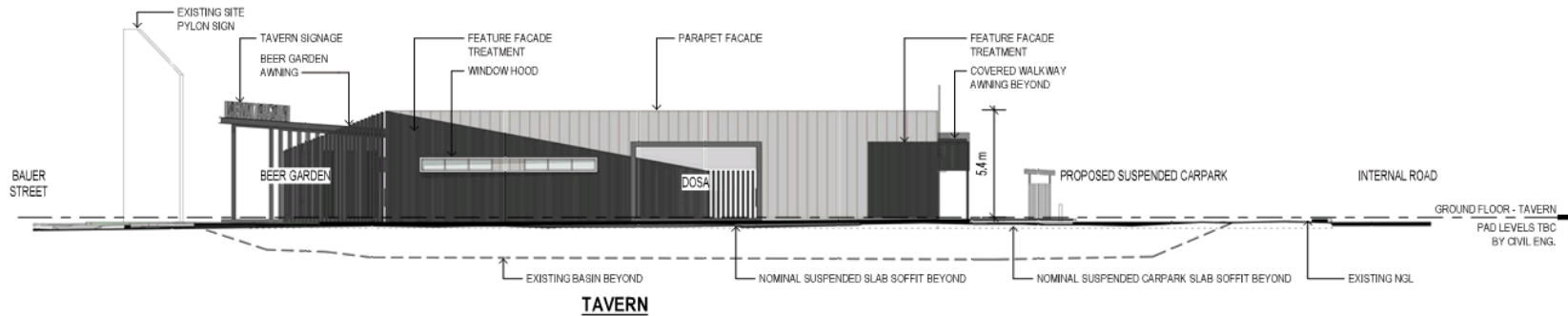
2.0 ARCHITECTURAL RESPONSE

2.03 ELEVATIONS - TAVERN



01 ELEVATION - TAVERN

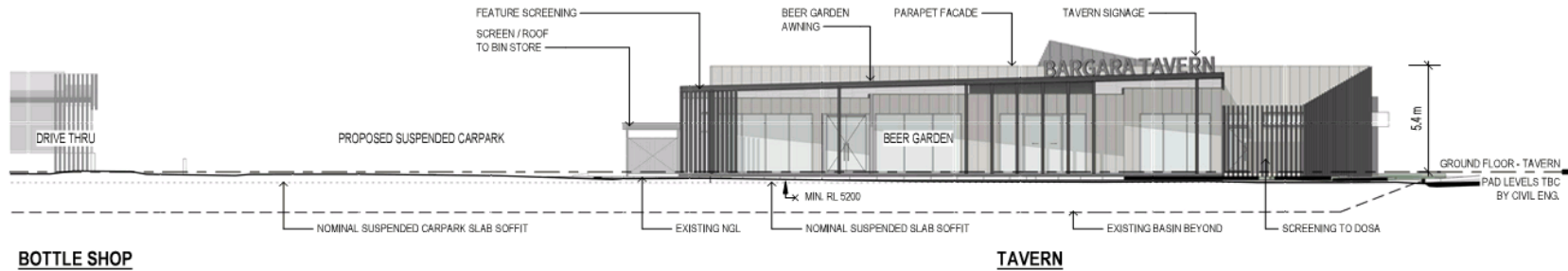
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02 ELEVATION - TAVERN

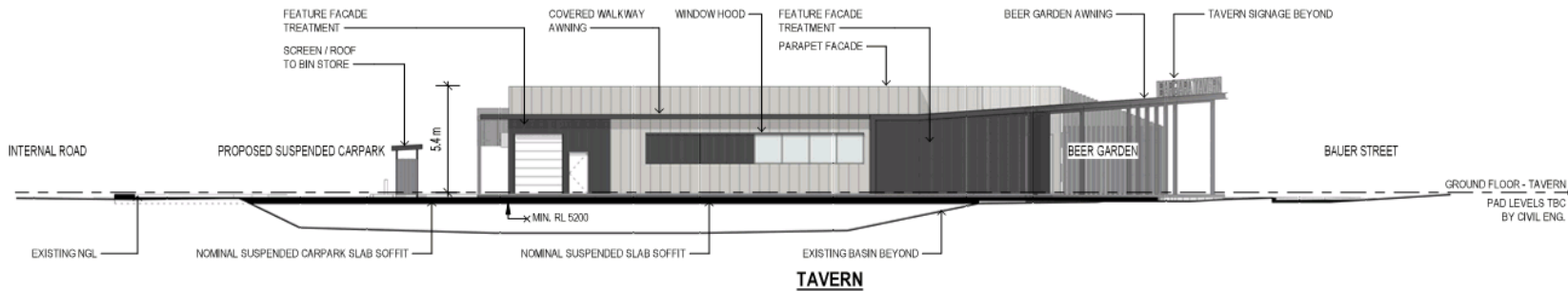
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2.0 ARCHITECTURAL RESPONSE
2.03 ELEVATIONS - TAVERN



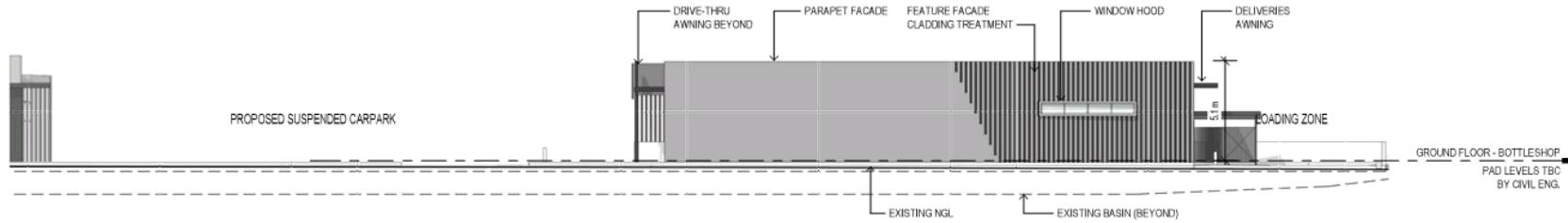
BOTTLE SHOP

03 ELEVATION - TAVERN
1:200



04 ELEVATION - TAVERN
1:200

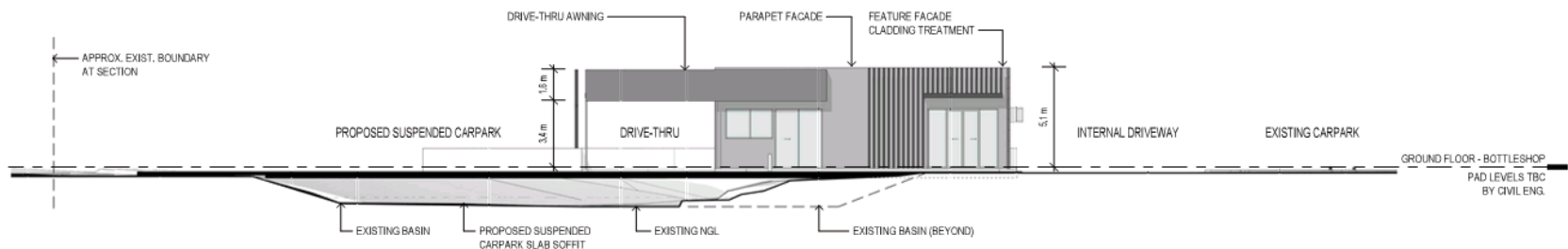
2.0 ARCHITECTURAL RESPONSE
2.03 ELEVATIONS - BOTTLESHOP



TAVERN

01 ELEVATION - BOTTLESHOP

1:200

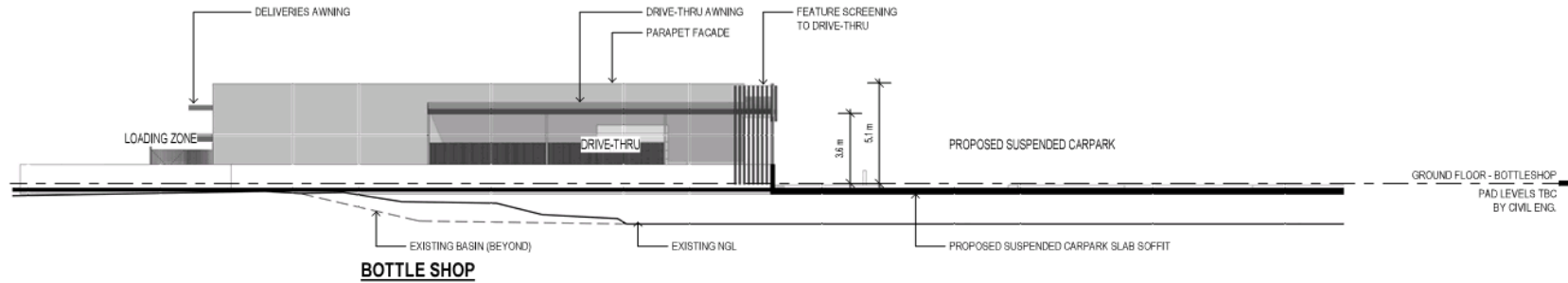


02 ELEVATION - BOTTLESHOP

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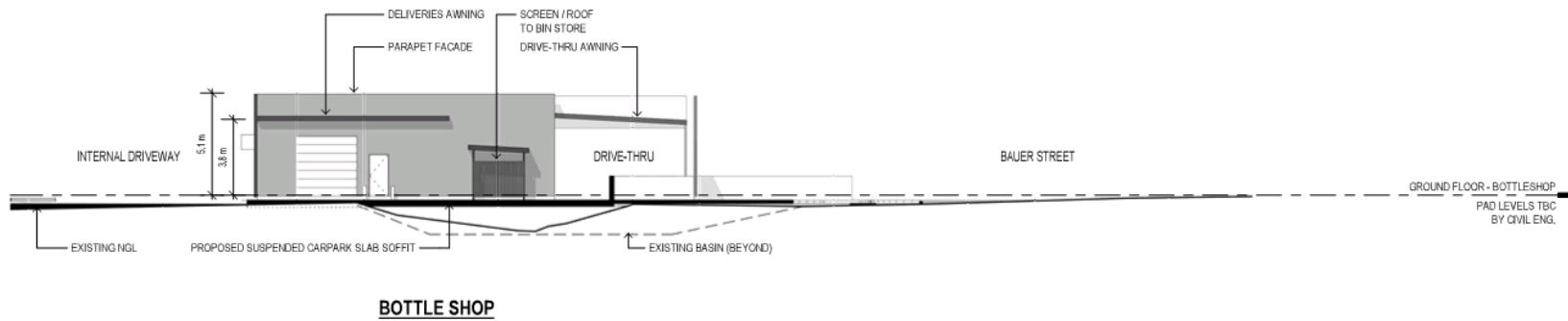
2.0 ARCHITECTURAL RESPONSE

2.03 ELEVATIONS - BOTTLESHOP



03 ELEVATION - BOTTLESHOP

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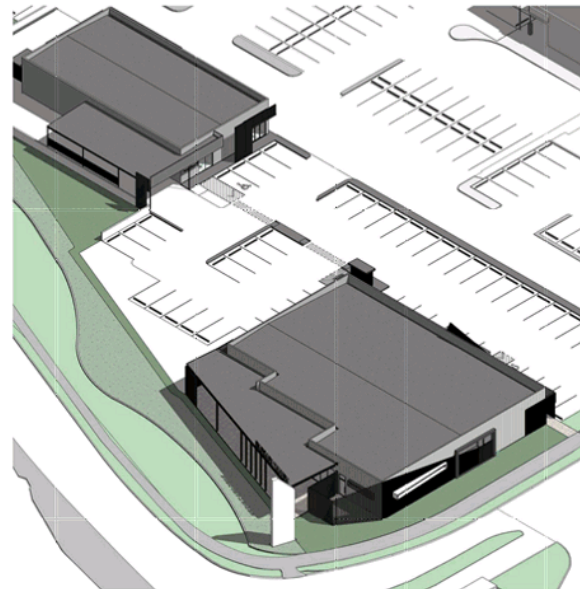
04 ELEVATION - BOTTLESHOP

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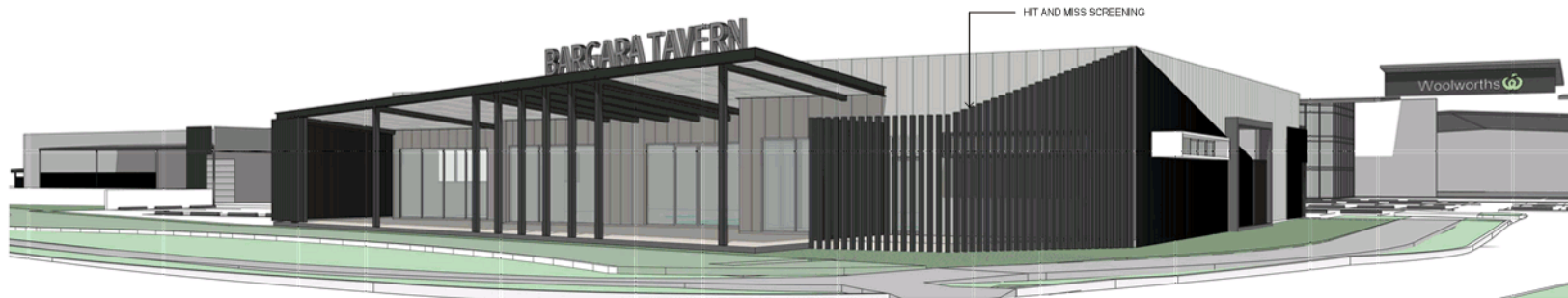
2.0 ARCHITECTURAL RESPONSE
2.04 3D VIEWS



01 3D AERIAL - TAVERN & BOTTLESHOP



02 3D AERIAL - TAVERN & BOTTLESHOP 2



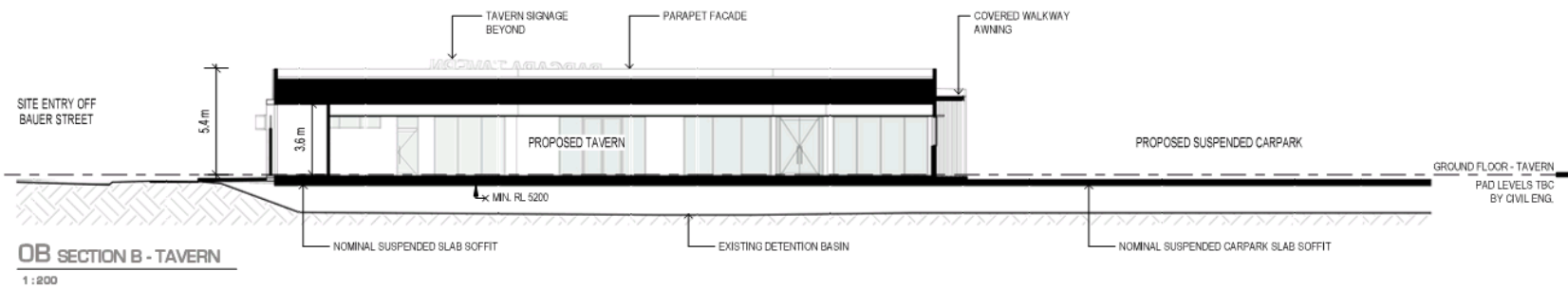
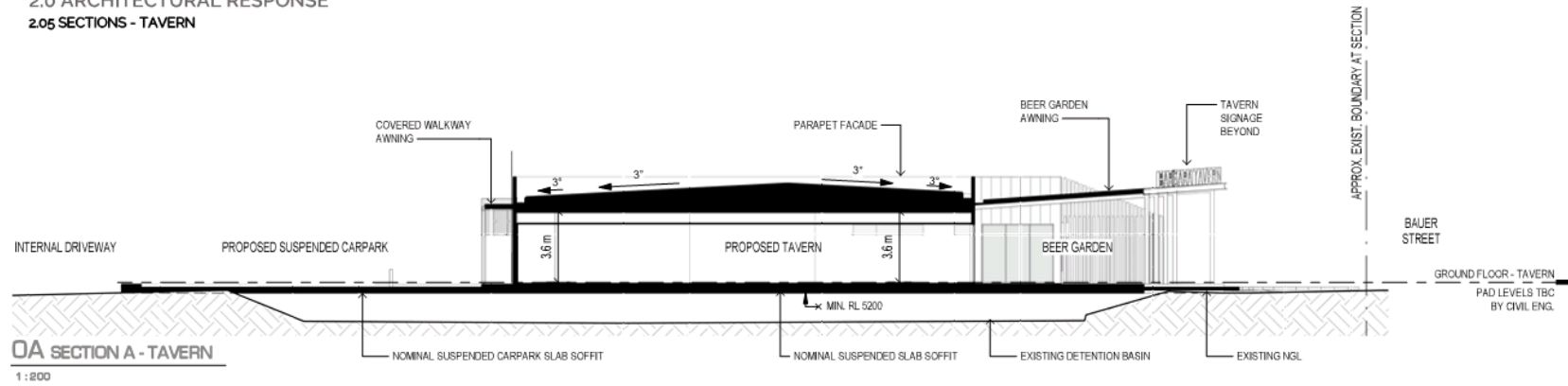
03 ENTRY PERSPECTIVE

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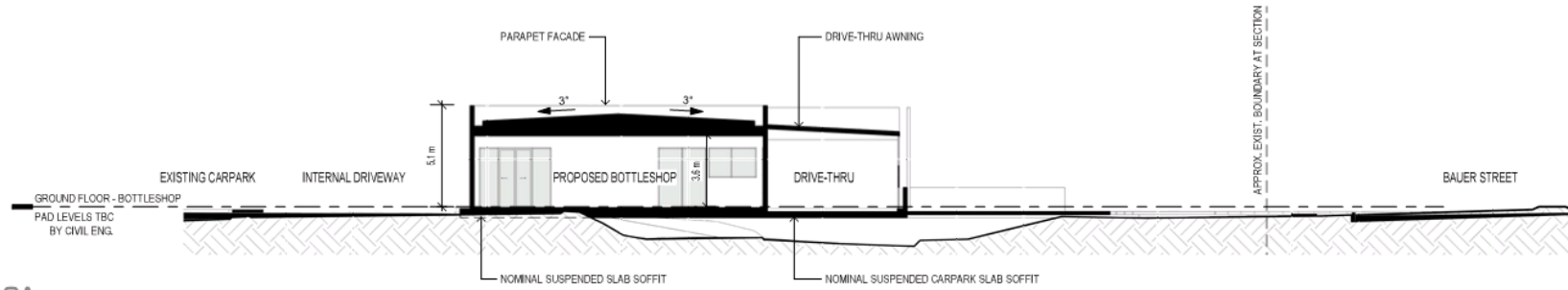
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JOB No. 190034 DWG No. DA-350 REVISION 8

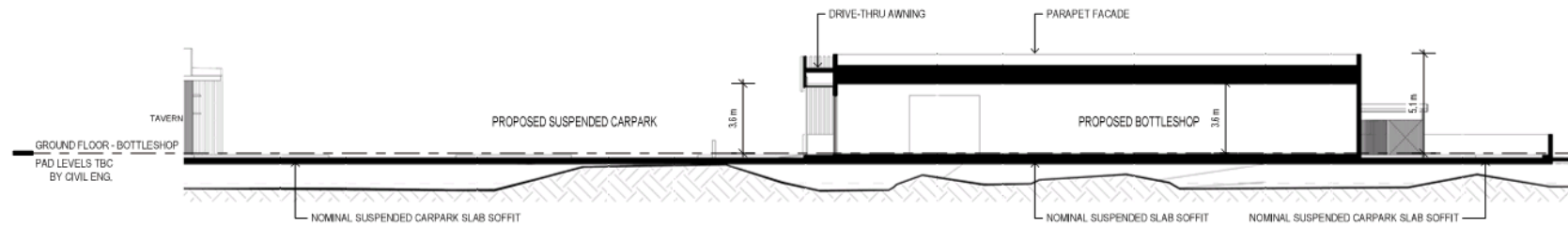
2.0 ARCHITECTURAL RESPONSE
2.05 SECTIONS - TAVERN



2.0 ARCHITECTURAL RESPONSE
2.05 SECTIONS - BOTTLESHOP



OA SECTION A - BOTTLESHOP
1 : 200



OB SECTION B - BOTTLESHOP
1 : 200

3.0 MATERIALITY
3.01 EXTERNAL FEATURES

BATTEN SCREENING



WINDOW HOODS



OPEN BEER GARDEN WITH HIGH CEILINGS



TAVERN SIGNAGE

EXPOSED STRUCTURE AWNING TO BEER GARDEN



TIMBER SOFFIT

RA6-N



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

SARA reference: 2003-16174 SRA
 Council reference: 522.2020.185.1
 Applicant reference: GC19-348-T01

15 May 2020

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

Attention: Katrina Peardon

Dear Mrs Peardon

SARA response—699 and 707 Bargara Road, Bargara

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 6 April 2020.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	15 May 2020
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material Change of Use for Hotel (Tavern) and Shop (Bottle Shop)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017	
	Development application for a material change of use within 25 metres of a state controlled road involving a new or changed access between the premises and the state controlled road	

Page 1 of 7

Wide Bay Burnett regional office
 Level 1, 7 Takalvan Street, Bundaberg
 PO Box 979, Bundaberg QLD 4670

2003-16174 SRA

SARA reference: 2003-16174 SRA
Assessment Manager: Bundaberg Regional Council
Street address: 699 and 707 Bargara Road, Bargara
Real property description: Lots 22 on SP111853 and 7 on RP106364
Applicant name: Stockwell Development Group Pty Ltd
Applicant contact details: PO Box 3144
SOUTH BRISBANE QLD 4101
dominic.power@stockwells.com

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR20-029784
- Date: 14 May 2020

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at WBB.IDAS@tmr.qld.gov.au.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Cavannah Deller, Planning Officer, on (07) 4331 5614 or via email WBBSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc Stockwell Development Group Pty Ltd, Dominic.Power@stockwells.com

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

2003-16174 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material Change of Use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1—State Transport Corridors and Future State Transport Corridors—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> • Site Plan – Proposal, prepared by CPO Architects, reference 190094 DA-090, revision 10 (as amended in red). 	Prior to the commencement of use and to be maintained at all times.
2.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state controlled road; (iii) surcharge any existing culvert or drain on the state controlled road; (iv) reduce the quality of stormwater discharge onto the state controlled road. <p>(c) RPEQ certification with RPEQ certified as constructed plans must be provided to Wide Bay Burnett District via email to WBB.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(a) and (b) At all times</p> <p>(c) Prior to the commencement of use.</p>

2003-16174 SRA

Attachment 2—Advice to the applicant

General advice

- | | |
|----|---|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning. |
|----|---|

2003-16174 SRA

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The development is for a hotel (tavern) and shop (bottle shop) on premises also used for a shopping centre and service station.
- The development site is subject to a number of access easements allowing for public passenger transport infrastructure and services to operate through the site (bus stop and bus route).
- The location of the development on the site ensures no impacts to public passenger transport infrastructure or services.
- The development is setback a minimum of 16 metres from the state controlled road. The proposed setback ensures the construction of new buildings and structures will not impact the state controlled road and maintains the original 10 metre wide 'no permanent structures' area on the site to allow for any future upgrades of the state controlled road.
- The development will be located on the southern part of the site adjoining the state controlled road, over the existing detention basin on the site using a suspended slab on concrete piles. The existing detention basin on the site is to be retained to ensure the development results in no stormwater impacts on the state controlled road.
- The development has been conditioned to ensure compliance with State Code 1: Development in a State Controlled Road Environment, State Development Assessment Provisions, version 2.6.

Material used in the assessment of the application:

- Development application common material
- *Planning Act 2016*
- Planning Regulation 2017
- State Development Assessment Provisions (version 2.6)
- Development Assessment Rules
- Development Assessment Mapping System

2003-16174 SRA

Attachment 4—Change representation provisions

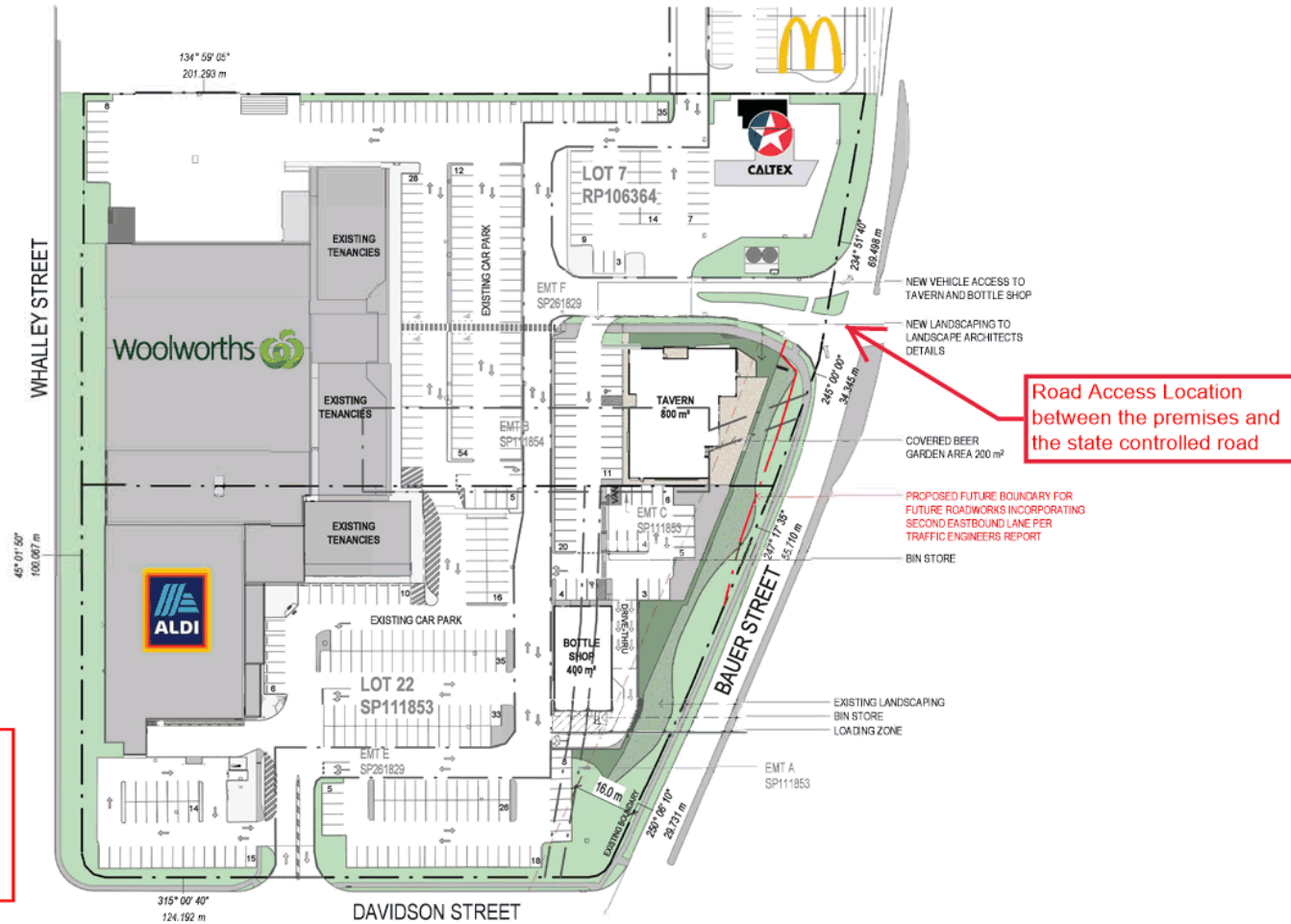
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2003-16174 SRA

Attachment 5—Approved plans and specifications

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2.0 ARCHITECTURAL RESPONSE
2.02 PROPOSED SITE PLAN



Amended in red by SARA on
15 May 2020

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2003-16174 SRA

Date: 15 May 2020



01 SITE PLAN - PROPOSAL
1:1000

CPO architects STOCKWELL

699 BUNDABERG-BARGARA RD, BARGARA, QLD 4670
JOB No. 190094 DWG No. DA-390 REVISION 10

Our ref TMR20-029784
 Your ref GC19-348-T01
 Enquiries Ian Leyton



Department of
Transport and Main Roads

14 May 2020

Decision Notice – Permitted Road Access Location (s62(1) Transport Infrastructure Act 1994)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number 522.2020.185.1, lodged with Bundaberg Regional Council involves constructing or changing a vehicular access between Lot 22SP111853, 7RP106364 the land the subject of the application, and Bargara Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Stockwell Development Group Pty Ltd C/- InsiteSJC
 PO Box 1688
 Bundaberg QLD 4670

Application Details

Address of Property 699 Bargara Road, Bargara QLD 4670
 Real Property Description 22SP111853, 7RP106364
 Aspect/s of Development Development Permit for a Material Change of Use for Hotel [Tavern] and Shop [Bottle Shop]

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location for the Hotel and Shop uses is 48 metres east of the common boundary between Lots 22SP111853 and 7RP106364, in accordance with: <ul style="list-style-type: none"> Drawing titled Site Plan – Proposal, prepared by CPO Architects reference Job number 190094, Drawing number DA-090 revision 10, undated. 	At all times.
2	Direct access is prohibited between Bargara Road and Lots 22SP111853 and 7RP106364 at any other location other than the	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations Branch
 Southern Queensland Region, 23 Quay Street Bundaberg Queensland 4670
 Locked Bag 486 Bundaberg DC Queensland 4670

Telephone (07) 5482 0367
 Website www.tmr.qld.gov.au
 ABN: 39 407 690 291

No.	Conditions of Approval	Condition Timing
	permitted road access location described in Condition 1.	

Reasons for the decision

The reasons for this decision are as follows:

- a) Development application for a Tavern and drive through bottle shop in addition to the existing shopping uses on the subject land.
- b) The application will be a change in use of the existing access to accommodate traffic associated with the two new uses.
- c) The existing access arrangements in place are suitable (at the time of approval) for the additional uses proposed.
- d) Access between a state-controlled road Bargara Road and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Where any works in the Bauer Street Road reserve are proposed (for changes to access, footpaths, drainage or any other works written approval is required from the department to carry out road works on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ian Leyton, Development Control Officer (Adjacent Land Management) should be contacted by email at WBB.IDAS@tmr.qld.gov.au or on (07) 5482 0367.

Yours sincerely



Adam Fryer
Principal Advisor (Corridor & Land Management)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access between a state-controlled road Bargara Road and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- Section 62 of the *Transport Infrastructure Act 1994* allows the Department of Transport and Main Roads to make a decision about road access.
- The applicant has provided plans with the development that show changes to the internal arrangement of the site and the type of uses that existing access arrangements will service that will include the hotel and shop uses.
- The existing access arrangements in place at the time of approval include provision for right and left turns into the site and left turns out. No right turns out are permitted by regulation. The road access works have wide enough formation to cater for swept paths of heavy vehicles that will require access to service the hotel and shop uses.
- These access arrangements are suitable to cater for direct vehicular access movements to/from Bauer Street. This access functions in combination with a separate access on Davidson Street (a local government-controlled road).
- This approval recognises the additional uses on the subject land that are permitted to use the specified permitted road access location.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
<i>Transport Infrastructure Act 1994</i>	Queensland Government	Current as at 13 December 2019	---	Current as at 13 December 2019
Road Access Policy	Department of Transport and Main Roads	---	---	---
Road Planning and Design Manual 2 nd Edition	Department of Transport and Main Roads	Current as at 17 February 2020	---	Current as at 17 February 2020
Site Plan – Proposal	CPO Architects	--	Job 190094 Dwg No DA090	10

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Our ref TMR20-029784
 Your ref GC19-348-T01
 Enquiries Ian Leyton



Department of
Transport and Main Roads

14 May 2020

Decision Notice – Permitted Road Access Location (s62(1) Transport Infrastructure Act 1994)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number 522.2020.185.1, lodged with Bundaberg Regional Council involves constructing or changing a vehicular access between Lot 22SP111853, 7RP106364 the land the subject of the application, and Bargara Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Stockwell Development Group Pty Ltd C/- InsiteSJC
 PO Box 1688
 Bundaberg QLD 4670

Application Details

Address of Property 699 Bargara Road, Bargara QLD 4670
 Real Property Description 22SP111853, 7RP106364
 Aspect/s of Development Development Permit for a Material Change of Use for Hotel [Tavern] and Shop [Bottle Shop]

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location for the Hotel and Shop uses is 48 metres east of the common boundary between Lots 22SP111853 and 7RP106364, in accordance with: <ul style="list-style-type: none"> Drawing titled Site Plan – Proposal, prepared by CPO Architects reference Job number 190094, Drawing number DA-090 revision 10, undated. 	At all times.
2	Direct access is prohibited between Bargara Road and Lots 22SP111853 and 7RP106364 at any other location other than the	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations Branch
 Southern Queensland Region, 23 Quay Street Bundaberg Queensland 4670
 Locked Bag 486 Bundaberg DC Queensland 4670

Telephone (07) 5482 0367
 Website www.tmr.qld.gov.au
 ABN: 39 407 690 291

No.	Conditions of Approval	Condition Timing
	permitted road access location described in Condition 1.	

Reasons for the decision

The reasons for this decision are as follows:

- a) Development application for a Tavern and drive through bottle shop in addition to the existing shopping uses on the subject land.
- b) The application will be a change in use of the existing access to accommodate traffic associated with the two new uses.
- c) The existing access arrangements in place are suitable (at the time of approval) for the additional uses proposed.
- d) Access between a state-controlled road Bargara Road and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Where any works in the Bauer Street Road reserve are proposed (for changes to access, footpaths, drainage or any other works written approval is required from the department to carry out road works on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ian Leyton, Development Control Officer (Adjacent Land Management) should be contacted by email at WBB.IDAS@tmr.qld.gov.au or on (07) 5482 0367.

Yours sincerely



Adam Fryer
Principal Advisor (Corridor & Land Management)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access between a state-controlled road Bargara Road and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- Section 62 of the *Transport Infrastructure Act 1994* allows the Department of Transport and Main Roads to make a decision about road access.
- The applicant has provided plans with the development that show changes to the internal arrangement of the site and the type of uses that existing access arrangements will service that will include the hotel and shop uses.
- The existing access arrangements in place at the time of approval include provision for right and left turns into the site and left turns out. No right turns out are permitted by regulation. The road access works have wide enough formation to cater for swept paths of heavy vehicles that will require access to service the hotel and shop uses.
- These access arrangements are suitable to cater for direct vehicular access movements to/from Bauer Street. This access functions in combination with a separate access on Davidson Street (a local government-controlled road).
- This approval recognises the additional uses on the subject land that are permitted to use the specified permitted road access location.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
<i>Transport Infrastructure Act 1994</i>	Queensland Government	Current as at 13 December 2019	---	Current as at 13 December 2019
Road Access Policy	Department of Transport and Main Roads	---	---	---
Road Planning and Design Manual 2 nd Edition	Department of Transport and Main Roads	Current as at 17 February 2020	---	Current as at 17 February 2020
Site Plan – Proposal	CPO Architects	--	Job 190094 Dwg No DA090	10

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

From: [No Reply](#)
To: cavannah.deller@dsdmip.qld.gov.au; [Development](#)
Cc: Dominic.Power@stockwells.com
Subject: 2003-16174 SRA application correspondence
Date: Friday, 15 May 2020 3:00:56 PM
Attachments: [Decision under section 62 of the Transport Infrastructure Act 1994 - TMR20-029784 - 2003-16174 SRA.pdf](#)
[Plan for Approval - 2003-16174 SRA.pdf](#)
[GE83-N Representations about a referral agency response.pdf](#)
[Response with Conditions - 2003-16174 SRA.pdf](#)

Please find attached a notice regarding application [2003-16174 SRA](#).

If you require any further information in relation to the application, please contact the Department of State Development, Manufacturing, Infrastructure and Planning on the details provided in the notice.

This is a system-generated message. Do not respond to this email.

RA6-N

alt=



Department of State Development,
Manufacturing, Infrastructure and Planning

Email Id: RFLG-0520-0007-6394



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

INFRASTRUCTURE CHARGES NOTICE

Charges Resolution (No. 1) 2018

To: Stockwell Development Group Pty Ltd
 c/- Insite SJC, PO Box 1688, Bundaberg QLD 4670

Date of Issue: 30/06/2020

Register No.: 331.2020.1177.1

Land to which the Levied Charge applies

Address: 699 and 707 Bargara Road, Bargara

Property Description: Lot 22 on SP111853 and Lot 7 on RP106364

Development to which the Levied Charge applies

The adopted infrastructure charge applies to the following development type: Material Change of Use

Development Approval No.: 522.2020.185.1

Current amount of the Levied Charge

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

<i>Total Adopted Infrastructure Charge applicable to this development =</i>	\$236,700.00
<i>Total Offset applicable to this development =</i>	n/a
<i>Total Levied Charge (i.e., amount payable) =</i>	\$236,700.00
<small>(as at date of issue)</small>	

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

Refund

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

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

Payment of Levied Charge

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

Automatic Increase

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

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



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ABN 72 427 835 198

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

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

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

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

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

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

Other Important Information**1. PAYMENT**

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

2. GOODS AND SERVICES TAX

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

3. INFRASTRUCTURE CHARGES ENQUIRIES

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

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

REVIEWED
By Arron Walker at 3:15 pm, Jun 18, 2020

Richard Jenner
Development Assessment Manager



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

SCHEDULE 1 – Calculation of Levied Charge, Offsets and Refunds

Table 1 - Summary of Charges, Offsets and Refunds

Register No:	331.2020.1177.1
Inside PIA:	Yes
Total Adopted Infrastructure Charges:	\$236,700.00
Total Offsets:	n/a
Total Refund:	n/a
Refund Payment Date:	n/a
Total Levied Charge (Amount Payable):	\$236,700.00

Table 2 - Details of Charges, Offsets and Refunds

Stage	Type	Description	Discount	Quantity	Charge/Cost	Total
n/a	New charge	MCU - Fully Serviced - Bottle shop - Commercial (retail) - Shop	0%	400m ² GFA 400m ² Imp	\$162 per m ² GFA plus \$9 per m ² impervious area	\$ 68,400.00
n/a	New charge	MCU - Fully Serviced - Tavern and car park - Entertainment - Hotel	0%	800m ² GFA 2700m ² Imp	\$180 per m ² GFA plus \$9 per m ² impervious area	\$ 168,300.00
					Total Levied Charge	\$ 236,700.00



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 ABN 72 427 835 198

INFRASTRUCTURE CHARGES NOTICE INFORMATION NOTICE

1. REASON FOR DECISION

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

2. APPEAL RIGHTS

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

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

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

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

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



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 ABN 72 427 835 198

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

230 Notice of appeal

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

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

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



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



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

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

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

**Item****30 June 2020****Item Number:**

O1

File Number:

.

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

Community & Environment

Subject:

Request from Bundaberg East and Bundaberg West Rotary Clubs for an increase in the revenue split from the Annual Book Fair

Report Author:

Gavin Steele, General Manager Community & Environment

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Our Community - 1.2 Safe, active, vibrant and inclusive community - 1.2.3 Support and facilitate community programs, networks, projects and events that promote social connectedness; and active and healthy community life.

Background:

An annual book sale (Book Fair) has been conducted in Bundaberg for over 30 years with an estimated 15,000 books, puzzles, magazines and DVD's sold each year with all items provided by the Bundaberg Library.

Bundaberg City Council traditionally partnered with the Bundaberg East Rotary Club to conduct the annual Book Fair on behalf of Council, with the proceeds of sale evenly divided (50/50) between Council and the East Rotary Club.

After verbal interest was expressed by other local organisations in 2016, Bundaberg Regional Council decided to go out for a formal Expression of Interest in 2017, with Bundaberg East Rotary Club being the successful party and a formal Deed of Agreement for a 5 year term was entered into on 1 May 2017, expiring 1 May 2022.

Bundaberg East Rotary and Bundaberg West Rotary have recently advised Council that they intend to join effective from 1 July 2020 to form Bundaberg Central Rotary Club and they are seeking Council's approval to amend the current Deed of Agreement (requiring a Deed of Assignment) to transfer the current Deed for the Book Fair to the new entity.

Additionally, the Clubs have expressed that in the current economic climate they are struggling to undertake fund-raising to provide the support to the various organisations that the clubs provide financial support to and they have asked for Council's

consideration to change the current annual Book Fair revenue split, currently 50/50, to a greater proportion in their favour.

Last year's Book Fair raised approximately \$12,000 with both Council and Bundaberg East Rotary Club taking an equal share of \$6,000 under the current arrangement. The Bundaberg Library uses the proceeds from the Book Fair to purchase additional resources which are then available for library and community members.

Based on last year's Book Fair revenue, if the revenue split was increased to a 60/40 split in East Rotary's favour this would represent a return of \$7,200, an increase of \$1,200 to the Club on last year's figure. Whilst this would also represent a \$1,200 reduction in Bundaberg Library's proceeds, this would not be overly detrimental to overall library operations.

If Council was agreeable to a change to the current revenue split a Deed of Variation would be required to be executed by both parties.

Associated Person/Organization:

Dr Jon Joiner – President Bundaberg Central Rotary Club

Consultation:

Councillors

Chief Legal Officer's Comments:

If Council is of a mind to agree to the two (2) requests from East Bundaberg Rotary Club and West Bundaberg Rotary Club a Deed of Assignment and a Deed of Variation will be required to be executed for the change in the Clubs name, due to amalgamation and to change the revenue split.

Policy Implications:

There appears to be no policy implications.

Financial and Resource Implications:

Previous Deed of Agreement provided a 50/50 revenue split, a change to the revenue split will have a minor impact on the total operating budget of the Libraries Section (\$1,200 reduction based on 2019 sale proceeds).

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

[↓1](#) Deed of Agreement Annual Book Sale TEN/0179

Recommendation:

That Council:

- 1. authorise the Chief Executive Officer to enter into a Deed of Assignment to reflect the change of Bundaberg East Rotary Club to the Bundaberg Central Rotary Club; and**
- 2. agree to the request to change the current revenue split in the present Deed of Agreement from 50/50 split to a 60/40 split in favour of Bundaberg Central Rotary Club; and**
- 3. authorise the Chief Executive Officer to enter into a Deed of Variation to reflect the change in revenue split.**

TEN/0179 – Annual Book Sale

Deed of Agreement Annual Book Sale TEN/0179

Parties

Bundaberg Regional Council, ABN 72 427 835 198 (BRC)

Bundaberg East Rotary Club, ABN 86 284 767 500 (BER)

Background

Bundaberg Regional Council wish to continue the existing practice of partnering with a local not for profit organisation to co-ordinate the collection, storage and annual sale of decommissioned library stock and donated items.

The book sale has been an annual event within the region for the past 30 years with an estimated 15,000 books, puzzles, magazines and DVDs sold each year.

Bundaberg East Rotary Club were the successful respondent and are invited to enter into a profit sharing arrangement with the Bundaberg Regional Council, with the Library supplying the sale stock and Bundaberg East Rotary Club supplying the collection, storage, agreed pricing, labour and execution of the sale.

Operative Provision of Agreement

1. This agreement begins on 1 May 2017 and ends on 1 May 2022 unless clause 2 is invoked.
2. Either party may revoke the agreement with a minimum of 6 months' notice provided in writing to the other party.
3. Gross proceeds from the sale of stock at a book sale is to be split equally between BRC and BER.
4. All donated resources are to remain the property of BRC until they are sold at a book sale, as they are registered assets with Bundaberg Regional Council.
5. One book sale per year will normally be held. Dates, times, frequency of book sales is to be agreed to in writing by both parties, with BER proposing the date/s and time/s.
6. Additional book sales in a 12 month period may be held if mutually agreed upon both parties in writing.
7. A venue for a book sale is to be agreed to in writing by both parties, with BER proposing the venue. The parties agree that no reasonable request will be refused.
8. In the event a fee is imposed for the use of the agreed venue, the fee shall be borne equally by both parties.

Bundaberg Regional Council

Page | 1

TEN/0179 – Annual Book Sale

9. Both parties are to ensure they meet their obligations with regard to appropriate insurance arrangements and/or certifications, including, but not exclusively, the BRC agrees to insure the books until sold. Both parties to exchange certificate of currency for Voluntary worker and Personal Accident insurance.
10. Both parties agree that this Deed of Agreement can be amended by mutual agreement.

BRC agrees to:

1. Provide stock for a book sale, comprised of ex-library stock and public donations.
2. Provide collection points at each of our branch libraries for donations of materials to the book sale.
3. Separate book sale stock into basic categories (eg, fiction, non fiction, picture books), and, where possible, into similar price categories.
4. Box separated book sale stock in boxes to hand (unless provided specific boxes by BER).
5. Promote the book sale through media and avenues as determined by BRC. Where promotion costs are incurred this must be by mutual agreement.
6. Promote the book sale with timing and frequency as determined by BRC.
7. Book the Council Civic Centre venue [or any other Bundaberg Regional Council venue as required] for the book sale, after agreement as per clause 8, and unless alternate arrangements have been agreed to in writing by both parties.
8. Maintaining Insurance on Library books until sold.

BER agrees to:

1. Source and provide to BRC specialised boxes if required (ie, specific size or dimensions)
2. Collect stock boxed by BRC within 14 days of being notified by email or phone, by BRC that boxes are available for collection.
3. Transport book sale stock from BRC to the storage facility.
4. Mark (price) stock for the book sale.
5. Store book sale stock in a secure storage facility.
6. Ensure the book sale venue is secure at all times.
7. Set up and clean up venue before and after a book sale.
8. Organise, run and staff the event completely.
9. Pay any and all costs incurred for a book sale unless otherwise stated in this agreement, including but not limited to:


TEN/0179 – Annual Book Sale

- a. Transport
- b. Catering
- c. Advertising
- d. Volunteers
- e. Secure storage of stock
- f. Marking of stock
- g. Boxes for stock
- h. Hiring of equipment
10. Not to subtract any costs from the gross proceeds amount.
11. Accept liability for any damages to the venue and associated costs.
12. Supply BRC with current Voluntary Worker and Personal Accident Insurance prior to commencement of Annual Book Sale.
13. Seek agreement in writing from BRC if book sale stock is desired for donation to Australian or International community organisations or causes. Unsold old book stock previously offered for sale twice and not sold, are deemed as 'valueless' and are donated to BER and may be donated to charity or disposed of without any expectation of a financial return to BRC.

N/0179 – Annual Book Sale

EXECUTION

Executed as an agreement by Bundaberg Regional Council (ABN 72 427 835 198) on this 22ND day of MAY 2017 by its duly authorised officer

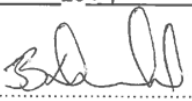

.....
Authorised Signatory

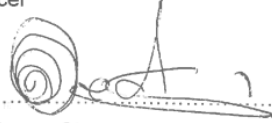

.....
Witness Signature

STEPHEN JOHNSTON, CHIEF
.....
Name & Position EXECUTIVE OFFICER

AMY CROUCH
.....
Name of Witness (print)

Executed as an agreement by Bundaberg East Rotary Club ABN: 86 284 767 500 on this 10th day of MAR 2017 by its duly authorised officer


.....
Authorised Signatory


.....
Witness Signature

BRANT DUFF PRESIDENT
.....
Name & Position

ROSS PEDDESSEN
.....
Name of Witness (print)

**Item****30 June 2020****Item Number:**

O2

File Number:

.

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

Community & Environment

Subject:

Community Development Strategy 2020-2023

Report Author:

Kirstin Harrison, Branch Manager Community Services

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Our Community - 1.2 Safe, active, vibrant and inclusive community - 1.2.3 Support and facilitate community programs, networks, projects and events that promote social connectedness; and active and healthy community life.

Background:

The previous Social Development Action Plan expired 2017. Council engaged consultant, Sparrowly Group to complete consultation with the community across the Region via face to face and group sessions. Priority outcomes were identified along with an action plan and the Community Development Strategy was developed.

This strategy outlines Bundaberg Regional Council's commitment to priorities for community development in the Region. This strategy will help to positively shape the future, building on existing community strengths, helping to bring together services and people to look at solutions to local challenges and make the most of the opportunities available in the Region.

This strategy builds from a solid foundation and is focused on delivering a grassroots, community-led and place-activated approach to community development. In some cases, the community needs are predictable based on factors such as the growing population; but in other instances, they are unpredictable. This strategy provides the framework to be responsive to both the unpredictable and the predictable. It is practical and measurable.

Associated Person/Organization:

Sparrowly Group

Consultation:

Councillors

Local Community Agencies: IWC, Bundaberg Neighbourhood Centre, Impact, PCCC, Department of Human Services, Community Life Passion, YMCA, CQU, Bundaberg Health Services, Community Consultation within, Bundaberg, Childers and Gin Gin

Chief Legal Officer's Comments:

There appears to be no legal implications.

Policy Implications:

There appears to be no policy implications.

Financial and Resource Implications:

Implementation of actions within existing operational Budget

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

↓1 Community & Development Strategy

Recommendation:

That the Community Development Strategy be adopted and released to the community as the Community Development Strategy 2020-2023.



Community Development Strategy 2020 - 2023





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Building Australia's best regional community

Left: One million stars to end Domestic Violence project

Acknowledgements

ACKNOWLEDGEMENT OF COUNTRY AND OUR VISION FOR RECONCILIATION

Bundaberg Regional Council acknowledges the Traditional Custodians of this land, and recognises the cultural diversity of our local Aboriginal and Torres Strait Islander communities.

We are committed to creating innovative opportunities by building stronger relationships, mutual respect and encouraging cultural practices that strengthen and support harmony between Aboriginal and Torres Strait Islander peoples and the broader community.

Council values the input from Aboriginal and Torres Strait Islander peoples in decision-making processes at a local level and encourages their active participation.

ACKNOWLEDGEMENT OF CONTRIBUTION

We would like to acknowledge and thank the members of the community, businesses, community sector and Council staff who contributed to the consultation process and the development of this strategy.

BUNDABERG REGIONAL COUNCIL 1



Executive summary

Local communities grow stronger and flourish when people are able to have a say and contribute to change, as the spirit of a community evolves. People need to have a say in their future, to bring strong connections to their community and town, to be safe and to be supported to make good personal choices about their own health, leisure, culture and wellbeing.

This strategy outlines Bundaberg Regional Council's commitment to priorities for community development in the Region. This strategy will help to positively shape the future, building on existing community strengths, helping to bring together services and people to look at solutions to local challenges and make the most of the opportunities available in the Region.

This strategy builds from a solid foundation and is focused on delivering a grassroots, community-led and place-activated approach to community development. In some cases, the community needs are predictable based on factors such as the growing population; but in other instances, they are unpredictable. This strategy provides the framework to be responsive to both the unpredictable and the predictable. It is practical and measurable.

Bundaberg Regional Council has a vision to build Australia's best regional community by focusing on the values of customer focus, respect and pride in its teamwork, leadership, sustainability and innovation.¹ This strategy has been developed in consultation with the Region's community sector, key stakeholders and the community at large to provide a clear direction heading into the future. It also draws relevance and context from key Council Strategies including Bundaberg Region 2031.² It looks at the Region holistically, beyond the key community sectors, with the intention to create a sense of community for the whole Bundaberg Region, for the locals to enable advocacy for themselves and others.

*Left: Kepnock Boys, Community Development Conference Bundaberg.
Right: Flourish Family Fun Day rides*



Community development strategy

PURPOSE

This Community Development Strategy outlines Bundaberg Regional Council's priorities for community development in the Region. This strategy is designed to create and encourage a community where everyone contributes, matters and belongs. The aspiration is to better connect the community sector, people and communities. This includes helping to respond and adapt to changes, such as socio economic or population variances, and using local opportunities both in real time and online.

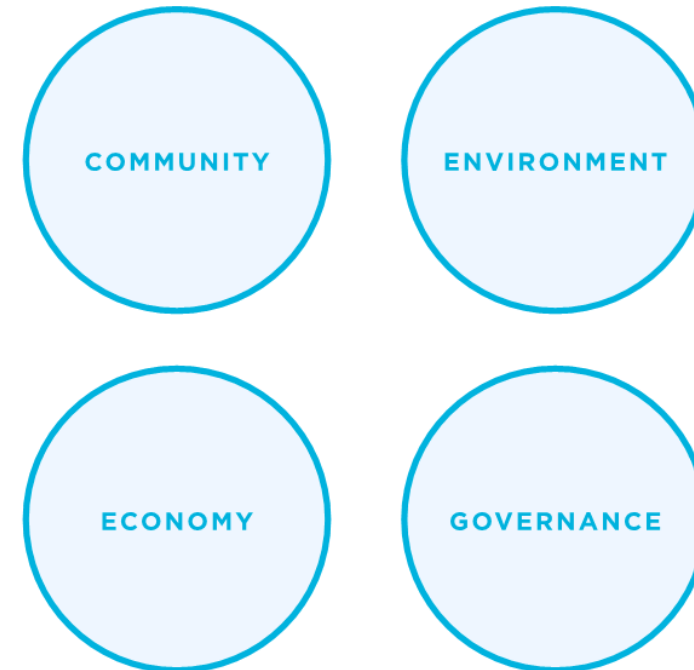
PROMISE

The strategy will enable Council to build upon existing community strengths and respond to a range of gaps, constraints and opportunities. It will help to positively shape the future, by bringing together services and people to lead change, to motivate and engage via solutions to local challenges that make the most of the Region's opportunities.

PLANNED APPROACH

The Community Development Strategy builds on and aligns with a number of current Bundaberg Region Plans, including: Bundaberg Region 2031, Corporate Plan 2019 - 2023, and is underpinned by the: Social Development Action Plan 2014 - 2017, Youth Development Action Plan 2018 - 2021, Bundaberg Regional Council Economic Development Strategy 2014 - 2024, Bundaberg Regional Council Arts and Culture Strategy 2019 - 2023, Bundaberg Regional Council Sport and Recreation Strategy 2018 - 2021, Operational Plan 2019 - 2020 and Bundaberg Intelligent Community Strategy.

The Bundaberg Region 2031 Report identifies four key areas for community and the future of Bundaberg:²



When developing Bundaberg Region 2031, the following fundamentals were used to drive thoughts, feelings and behaviours:

- HONESTY AND INTEGRITY
- OPEN COMMUNICATION
- RESPECT AND TOLERANCE
- ACCOUNTABILITY AND TRANSPARENCY
- COMMON SENSE
- TRUST
- EMPATHY



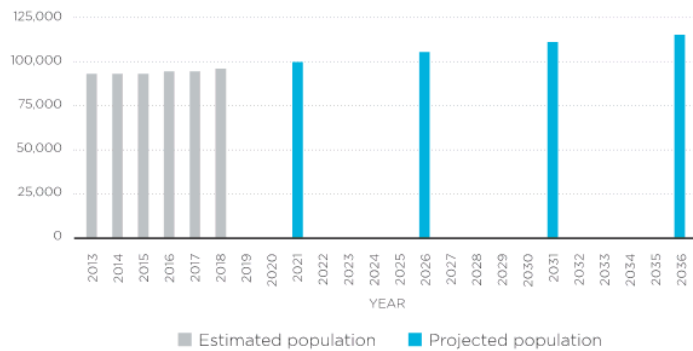
BUNDABERG REGION



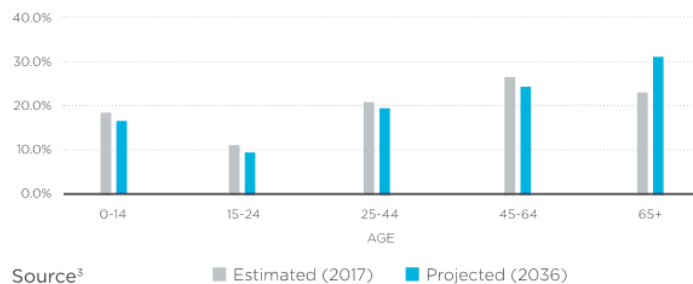
6 COMMUNITY DEVELOPMENT STRATEGY

Population growth

POPULATION BUNDABERG LOCAL GOVERNMENT AREA



POPULATION BY AGE GROUP BUNDABERG LOCAL GOVERNMENT AREA



Source³ Estimated (2017) Projected (2036)

Left: Bargara aerial view

Planning for growth

The Bundaberg Region is a thriving Region on the precipice of significant growth. The 2019/20 budget has earmarked a number of capital works projects with an allocation of \$108 million to support the growth and needs of the Region.⁴ The Council has identified major priorities and a range of projects that are designed to future-proof the Region's economic prosperity as well as support the community; enabling positive liveability for residents, positive community sentiment and advocacy.^{5,6}

SOCIAL LENS

These projects are fundamental to understand and appreciate as part of a broader lens on the community and visitor experience in the Region. Scheduled for delivery across the next 10+ years, each will play an important role in continuing to cement and bring to life the brand of the Bundaberg Region. With the expected significant growth in infrastructure, as well as population and visitors, community development will address identified social gaps and issues in line with the growth.

ECONOMIC LENS

Whilst it is common for projects or initiatives to overlap between economic development and community development, it is important that these functions work together for the benefit of the whole community. Economic development aims to increase the quantity of spend, jobs and population. Community development focuses on improving the quality of the community in terms of health, happiness, wellbeing and security.

Projects often have a primary function with secondary benefits. Collaboration between Council departments is key in projects to ensure positive community outcomes. For example, investment in youth activities is primary for improved wellbeing, engagement and access to services, whilst also recognising that investment will encourage the retention of families and the youth population.



Defining community development

Community development aims to generate outcomes that enable the community to be active, to participate, to engage and to be supported.

Community development is a process which enables communities to develop active, sustainable and supportive environments in which people live, work, play and invest.

Community development is concerned with taking the journey from private concern (in the community) to public action (with the community). Effective community development is about **doing with**, rather than doing for.

Through active participation, community development encourages and supports the identification and overcoming of barriers, which prevent community members from participating in changing the issues that affect their lives.



Left: Community Development Conference Bundaberg.
Above: Roushini Cooking Class Childers

Role of community development in Local Government

Bundaberg Regional Council has a core role as facilitator to build the Bundaberg Region into the best regional community by valuing the residents; partnering and engaging to be a proactive partner; and being inclusive and supportive of community programs, networks, projects and events.

The Community Development team work across Bundaberg, Childers and Gin Gin. They have a role and function to build capacity in positive socio economic initiatives that address gaps and barriers within the community, encourage community participation and empower positive choices and outcomes.

Within Council, the Community Development Unit advocates as part of wider council programming and planning, adding value to the community sector to support them in enabling the delivery of community-driven programs.

Bundaberg Regional Council's role is to encourage and enable the connection and sharing of ideas, working with the community by developing partnerships and collaboration towards shared goals.

The process entails organisation, facilitation and action - allowing people to establish ways to create the community they want to live in. It's not just about outcomes such as providing desired services, but also the process in attaining the desired outcomes.⁷

Encouraging contiguous community development involves four factors:

- 1 Exposure to, and reflection of, new ideas to engage in action.**
- 2 Learning from each other; understanding the need to address a problem in order to develop a better community.**
- 3 Organisational growth which is responsive to individual learnings and actions.**
- 4 Integration of development in community and of community.**

Development **in** community development pertains to the economic activities that are undertaken in the community that provide the services community members need. While development **of** community pertains to improving the quality of relationships, confidence, enthusiasm and participation of community members in the community development process.⁷



To communicate in an open and respectful manner, the Community Development team plays an integral part and contributes by:

- 1 Engaging with community.**
- 2 Promoting a planned approach to building a strong, inclusive and connected community.**
- 3 Connecting services and people to focus on solutions.**
- 4 Linking, forming alliances, collaborating in information and formal settings to advocate change and collective action.**
- 5 Keeping up to date, addressing and responding to local, state and national trends across a range of issues, including (but not limited to) social, recreational and health arenas.**
- 6 Building capacity of its communities by adding value.**
- 7 Strengthening community by better connecting people, building unity, reducing inequality and disadvantage.**

The Community Development team's work is driven by:



Social justice



Responsiveness



Equity and access



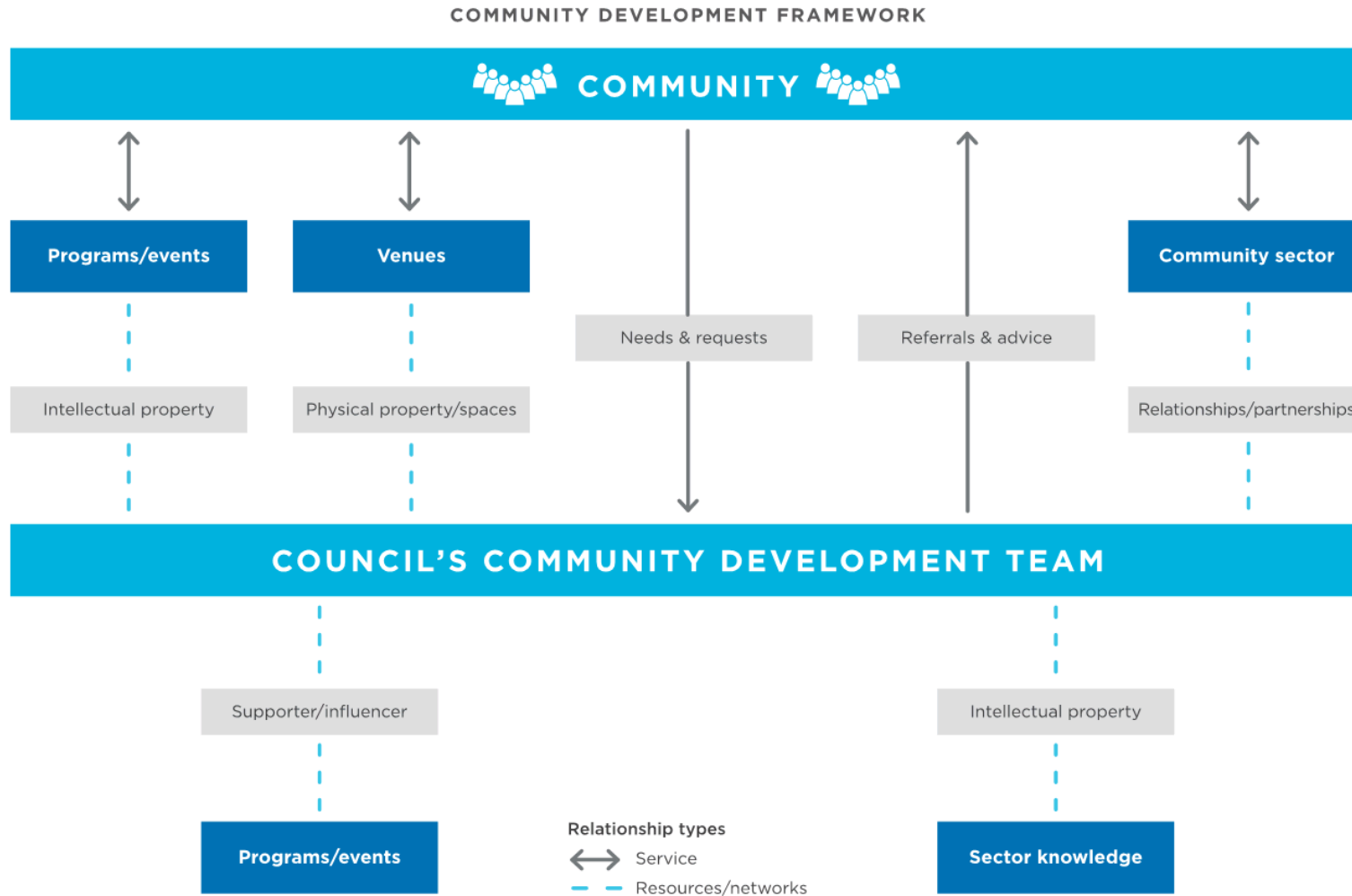
Inclusiveness



Community ownership



Capacity building



Continued dialogue, connection and collaboration is key to the success of community development in the Bundaberg Region. Council is part of the community development ecosystem and is there to encourage the community sector to exchange knowledge with a clear goal of empowering and enabling the community. Working with the community and community sector to determine how best to organise and shape programming, to enable and empower a stronger, more sustainable and resilient community is a significant part of this.

It's about the community working in partnership. Bundaberg Regional Council will work collaboratively with the community sector and the community as a partner to enable two-way transparency so that they can be responsive to supporting programs and development to address the changing needs of the community.⁷



Above: Skate Board display and safety

Community development objectives

The following objectives reflect the United Nations Sustainable Development Goals, localised for the Bundaberg Region:⁸

EMPOWER COMMUNITY CAPACITY AND CAPABILITY OF INDEPENDENCE

Enabling people within the communities to understand and use their capacity to improve their lives and the sense of community in the Region.

FOSTER A SPIRIT OF MUTUAL HELP IN THE COMMUNITY

Assist members of the community to develop support and communicate with networks within and outside the community.

EMPOWER DISADVANTAGED COMMUNITIES

Motivate members of disadvantaged communities or groups to seek appropriate information to assist in creating their own solutions.

ENHANCE COMMUNITY COHESION AND HARMONY

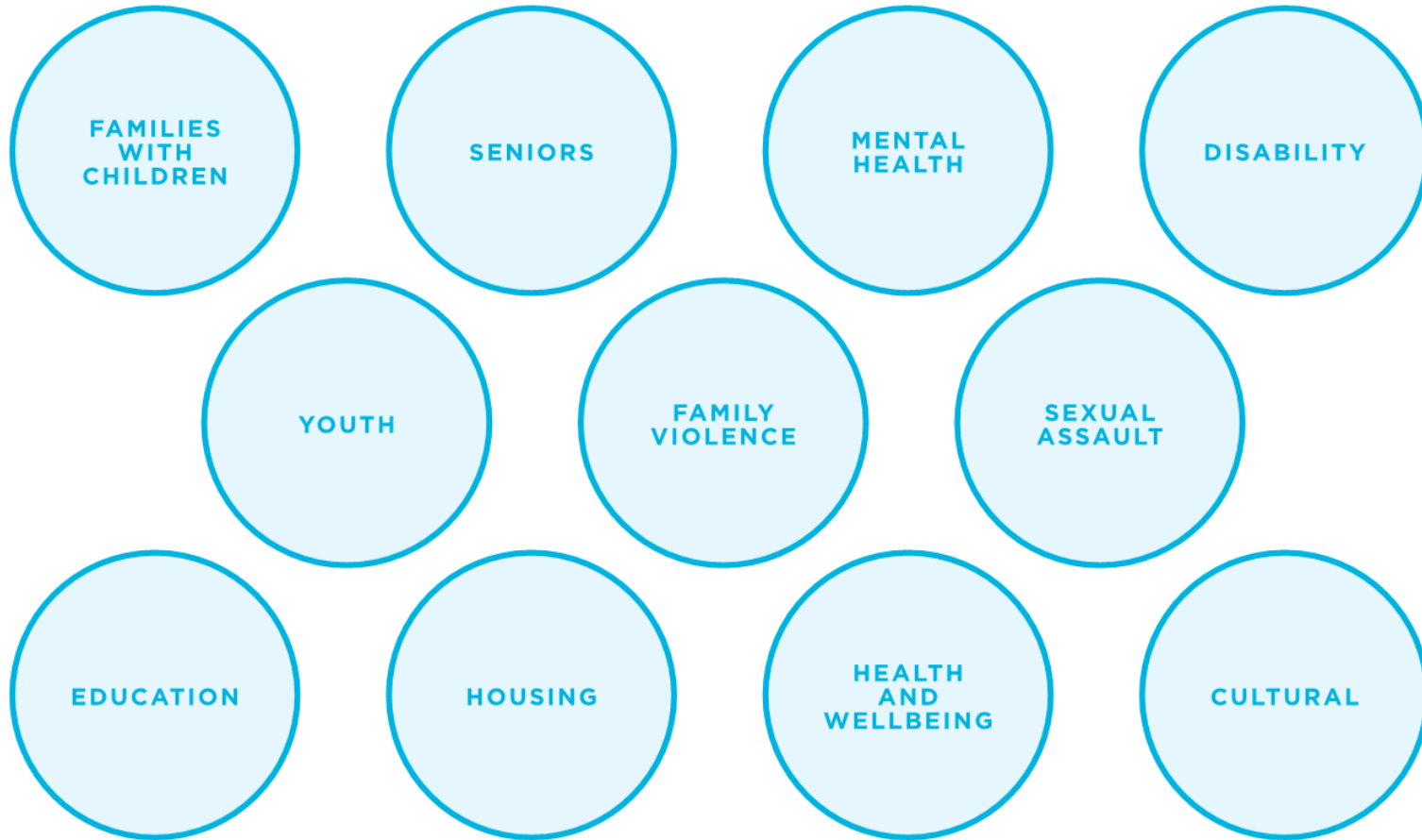
Promote the integration of disadvantaged and vulnerable communities with mainstream society and foster better understanding and cooperation among people from diverse backgrounds.

MOTIVATE COMMUNITY PARTICIPATION

Encourage and provide opportunities for members of the community to participate in activities to improve their quality of life by increasing their knowledge, information and awareness.



Primary sectors

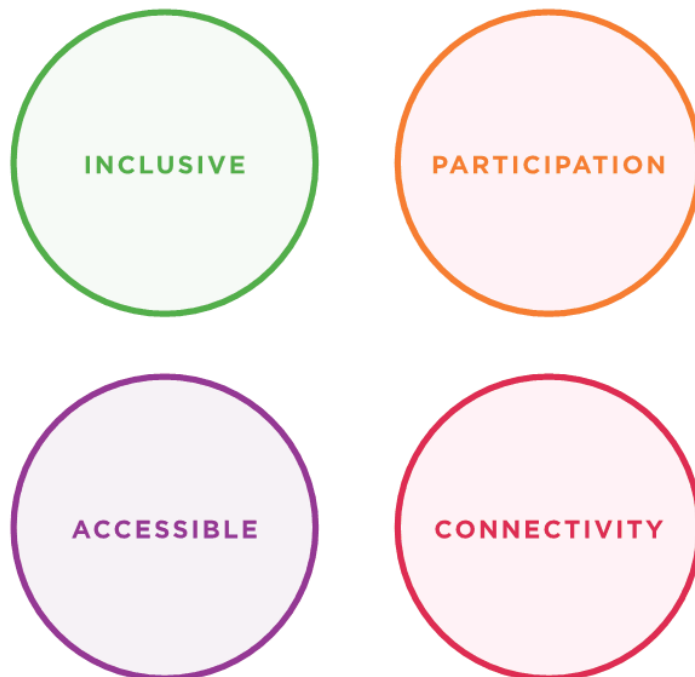


Left: Seniors Forum and Expo

BUNDABERG REGIONAL COUNCIL 15

Key priority areas and outcomes

For each of the priority sectors, four key priority areas have been defined. They underpin initiatives and programs that will enhance community outcomes. These priority areas will be delivered in a non-judgemental manner with the utmost transparency to build trust:



- 1 A community that is **inclusive**, involved and engaged. We value and respect the contribution of all community members, without bias of age, gender, ability, sexual orientation, ethnicity and cultural background. As a region, we will work collaboratively to achieve positive outcomes for the community.
- 2 A community that encourages and enables **participation** socially and professionally, valuing both individual and community-centric roles. The community will be supported with tools, resources and opportunities to enable participation and build resourcefulness and resilience.
- 3 A community that enables safe and **accessible** spaces. A safe, active and healthy lifestyle for all with the provision of spaces that are responsive to the needs of the community.
- 4 A community that supports each other through **connectivity** to services and information. Understanding the community needs and facilitating the connection with the community sector through referrals, events and content.



Inclusion initiatives

PRIORITY OUTCOME

A community that is **inclusive**, involved and engaged. We value and respect the contribution of all community members, regardless of age, gender, ability, sexual orientation, ethnicity, cultural background. As a region, we will work collaboratively to achieve positive outcomes for the community.

Maintain a community engagement model

Encourage participation from relevant community sector and community with regular engagement, advocating for two-way relationship transparency. Contribution and involvement encourages a sense of belonging and empowerment to be part of programs and the positive change that results from this.

Support people who feel isolated to build stronger connections

Advocate for the community to share insights, identifying potential gaps through regular consultation to inform and influence positive change with broader Council and the community sector.

Promote a solutions-based mindset

Encourage the development of community groups with the aim to empower and enable the community to be involved in solution-driving initiatives. Support these community groups through mentorship and advocacy.

Promote inclusion and participation within the community

Encourage both programmed and incidental inclusion and participation opportunities for improved wellbeing in the community.



Action plan

PRIORITY OUTCOME

A community that is **inclusive**, involved and engaged. We value and respect the contribution of all community members, regardless of age, gender, ability, sexual orientation, ethnicity, cultural background. As a region, we will work collaboratively to achieve positive outcomes for the community.

Maintain a community engagement model

Encourage participation from relevant community sector and community with regular engagement, advocating for two-way relationship transparency. Contribution and involvement encourages a sense of belonging and empowerment to be part of programs and the positive change that results from this.

Actions

1. Facilitate and deliver workshops, programs, projects and activities that address identified gaps and barriers in the community.
2. Collaborate with community partners and encourage participation from diverse groups.
3. Consult with community forums, local community champions and organisations to report back on how Council is tracking and to help inform Council strategies.
4. Strengthen and collaborate with local services and community groups that engage with vulnerable groups in the community.
5. Build a resilient and prepared community through awareness and education.

Promote a solutions-based mindset

Encourage the development of community groups with the aim to empower and enable the community to be involved in solution-driving initiatives. Support these community groups through mentorship and advocacy.

Actions

1. Source and promote workshops for groups, clubs and associates that support change
2. Participate in focus groups and public forums to obtain information about underlying issues and solutions within the community.
3. Create pathways for community groups to link and access support services.
4. Embrace innovative channels of communication; community directory, newsletters, social media
5. Support and promote community events which create inclusion, interaction and cohesion through education and involvement.

Left: Options Day

Support people who feel isolated to build stronger connections

Advocate for the community to share insights, identifying potential gaps through regular consultation to inform and influence positive change with broader Council and the community sector.

Actions

1. Maintain a calendar of significant days, weeks, months with activities, projects and programs that provide opportunities to bring people together.
2. Support initiatives and programs then encourage residents to know their neighbours and local support services.
3. Facilitate culturally appropriate engagement opportunities for vulnerable people in our community.
4. Participate in events and forums, community meetings and networking opportunities to meet with people face-to-face.
5. Encourage people to participate in Council initiatives, by promoting social media and online platforms.

Promote inclusion and participation within the community

Encourage both programmed and incidental inclusion and participation opportunities for improved wellbeing in the community.

Actions

1. Develop relationships with organisations that provide services to the vulnerable community.
2. Foster relationships with the community to implement inclusive activities that enhance participation.
3. Increase understanding of the value of volunteering through recognition, appreciation and celebration of volunteers.
4. Build strategies that encourage equal access and cultural safety.
5. Support and promote community events which create community inclusion with a focus on wellbeing.

BUNDABERG REGIONAL COUNCIL 19

Participation initiatives

PRIORITY OUTCOME

*A community that encourages and enables **participation** socially and professionally, valuing both individual and community-centric roles. The community will be supported with tools, resources and opportunities to enable participation and build resourcefulness and resilience.*

Community sector engagement and participation

Work closely with the community sector to understand their needs and facilitate programs that include education to create solutions to enable the community to connect better.

Pathway programs

Work with education providers and the community sector to facilitate and connect the community with the opportunities available to build knowledge, confidence and independence.

Culture participation

Provide opportunities to celebrate partnerships that contribute to social harmony, pride in diversity and increased social connectedness. In doing so, encourage community-led initiatives that empower the community to take action themselves and respond positively to local initiatives. Enhance these outcomes by facilitating connections with the community sector and the community to improve the provision of services and programs for the community.



Action plan

PRIORITY OUTCOME

A community that encourages and enables **participation** socially and professionally, valuing both individual and community-centric roles. The community will be supported with tools, resources and opportunities to enable participation and build resourcefulness and resilience.

Community sector engagement and participation

Work closely with the community sector to understand their needs and facilitate programs to create solutions to gaps and barriers.

Actions

1. Work in partnership with community and service providers to actively encourage participation through community led projects, events and activities.
2. Prioritise affordable participation opportunities to engage community groups and clubs through Community Grants.
3. Focus and promote initiatives that provide a broad impact on Health and Wellbeing.
4. Strengthen linkages and bonds between existing community groups and interest groups.
5. Support and participate in interagency/sector meetings, sharing knowledge and information to work toward collaboratively addressing identified gaps and barriers.

Pathway programs

Work with education providers and the community sector to facilitate and connect the community with the opportunities available to build knowledge, confidence and independence.

Actions

1. Encourage awareness of trends in employment and education and maintain close relationships with education providers.
2. Promote pathways for traineeships, student placements and volunteer opportunities.
3. Support providers in attracting sponsorship and funding for community led educational activities and events.
4. Facilitate partnerships with key cultural and community groups.
5. Support community groups and agencies, to engage residents of all ages and capabilities, to participate in lifelong learning opportunities

Culture participation

Provide opportunities to celebrate partnerships that contribute to social harmony, pride in diversity and increased social connectedness. In doing so, encourage community-led initiatives that empower the community to take action themselves and respond positively to local initiatives. Enhance these outcomes by facilitating connections with the community sector and the service providers to improve the provision of services and programs for the community.

Actions

1. Work with the Regions' first people to promote the rich cultural heritage of this diverse and unique community.
2. Identify needs and support the delivery of relevant projects, activities and programs with the culturally and linguistically diverse community.
3. Promote safe, non-judgmental multifunctional community spaces for diverse cultural events and activities.
4. Promote cultural awareness and understanding within the community that acknowledges and embraces cultural diversity

Left: Harmony Garden

BUNDABERG REGIONAL COUNCIL 21

Accessible initiatives

PRIORITY OUTCOME

*A community that enables safe and **accessible** spaces. A safe, active and healthy lifestyle for all with the provision of spaces that are responsive to the needs of the community.*

Support a coordinated approach to future-proofing the region

Work with the Bundaberg Region Inclusive Community Committee in developing proactive programs to enhance the region's accessibility and educate the community on the services currently provided.

Build community sector responsiveness

Provide accessible space and communication opportunities for the community to respond to gaps and barriers with a localised solution.

Encourage safe, active and healthy lifestyle

Pinpoint accessibility pain points and work with the community sector and industry to create a solution that also encourages business prosperity and builds connectivity.



Action plan

PRIORITY OUTCOME

A community that enables safe and **accessible** spaces. A safe, active and healthy lifestyle for all with the provision of spaces that are responsive to the needs of the community.

Support a coordinated approach to future-proofing the region

Work with community and sectors in developing proactive programs to enhance the region's accessibility and educate the community on the services currently provided via networks.

Actions

1. Identify the key stakeholders and encourage network membership from multi sector decision makers.
2. Identify opportunities for networks to engage with the community and to work as a cohesive force for systemic change
3. Promote multi modal network engagement opportunities via email trees, websites, social media platforms, interagency meetings and so forth
4. Plan community led projects, events and activities that meet the needs of the community based on community feedback.
5. Provide information and resources to the community regarding health and lifestyle, safety and wellbeing.

Build community sector responsiveness

Provide accessible space and communication opportunities for the community to respond to gaps and barriers with a localised solution.

Actions

1. Facilitate referral pathway opportunities to encourage the community to use their voice in a safe and non-judgmental environment.
2. Look at opportunities for inclusion of translator or interpreter services at all events.
3. Promote Council as a portal of referral and information to community services and agencies.
4. Work collaboratively with departments and the community sector to provide opportunities that are accessible and support participation of the entire community.

Encourage safe, active and healthy lifestyle

Pinpoint accessibility pain points and work with the community sector and industry to create a solution that also encourages business prosperity and builds connectivity.

Actions

1. Promote and encourage opportunities for the community to utilize Council parks and venues for projects and programs, expos and fun days.
2. Identify new trends and activities in the community to build sustainable education and employment opportunities.
3. Provide and encourage place-based activities that support people of all ages and backgrounds.
4. Use social media, local radio and newsletters to share information with the community about healthy choices in health and wellbeing.
5. Implement flexible processes with a variety of community engagement tools and techniques to ensure maximum participation.

Left: Flourish Family Fun Day

BUNDABERG REGIONAL COUNCIL 23

Connectivity initiatives

PRIORITY OUTCOME

A community that supports each other through **connectivity** to services and information. Understanding the community needs and facilitating the connection with the community sector through referrals, events and content.

Improve education sharing

Encourage new ways of regular information exchanges on community initiatives. Promote transparency in communication through regular information sessions and events with the community, industry and community sector.

Strengthen community ties with Council representatives

Create an environment for Council representatives to engage more broadly as a team with a cross section of the community. Coordinate regular opportunities, informal in nature, to bring the community and those that represent them together to learn from and discuss opportunities for the future.

Promote a community approach to combating societal issues

Strengthen community ownership and a community-led response to gaps as they are identified. Provide guidance and knowledge sharing, and facilitate connections to encourage proactive problem solving.

Strengthen partnerships which build community capacity

Continue to grow and build on partnerships with social networks, charitable organisations and community outreach agencies from within the Region and outside to build relationships and connections for the community.



Action plan

PRIORITY OUTCOME

A community that supports each other through **connectivity** to services and information. Understanding the community needs and facilitating the connection with the community sector through referrals, events and content.

Improve education sharing

Encourage new ways of regular information exchanges on community initiatives. Promote transparency in communication through regular information sessions and events with the community, industry and service providers.

Actions

1. Enhance access to information through promotion of the Bundaberg Regional Council websites, community networks and community education sessions.
2. Actively seek media and promotional opportunities for all community projects, programs and events.
3. Ensure our workforce is trained, developed and supported to competently respond to community needs.
4. Support initiatives and programs that encourage residents to know their neighbours and local support services.
5. Participate in and promote collaboration between community, service providers and industry.

Promote a community approach to combating societal issues

Strengthen community ownership and a community-led response to gaps as they are identified. Provide guidance and knowledge sharing, facilitate connections to encourage proactive problem solving.

Actions

1. Advocate needs of the community. Find opportunities to walk with, not lead the community.
2. Develop focus groups to address gaps and barriers, by providing guidance to proactive problem solving.
3. Work in partnership with community and service providers to support initiatives that connect the marginalized and vulnerable to the broad community.
4. Listen to the community and request feedback

Left: Isis Child and Family Yarning Circle

Strengthen community ties with Council representatives

Create an environment for Council representatives to engage more broadly as a team with a cross section of the community. Coordinate regular opportunities, informal in nature, to bring the community and those that represent them together, to learn from, and discuss opportunities for the future.

Actions

1. Identify opportunities to integrate Councillors into community initiatives.
2. Provide opportunities for community consultations on current and emerging trends.
3. Identify and deliver community projects in partnership in response to community demand.
4. Positively promote and communicate Council achievements within the community.

Strengthen partnerships which build community capacity

Continue to grow and build on partnerships with social networks, charitable organisations and community outreach agencies to build relationships and connections for the community.

Actions

1. Promote and provide information on pathways for referral that address isolation, participation and connectivity.
2. Connect with small marginalized groups, clubs and educate on resourcing initiatives.
3. Educate and upskill individuals and groups in governance and attracting membership.
4. Identify new or potential partnership opportunities for community led activities, events and programs.
5. Promote funding and sponsorship opportunities by providing a range of workshops.



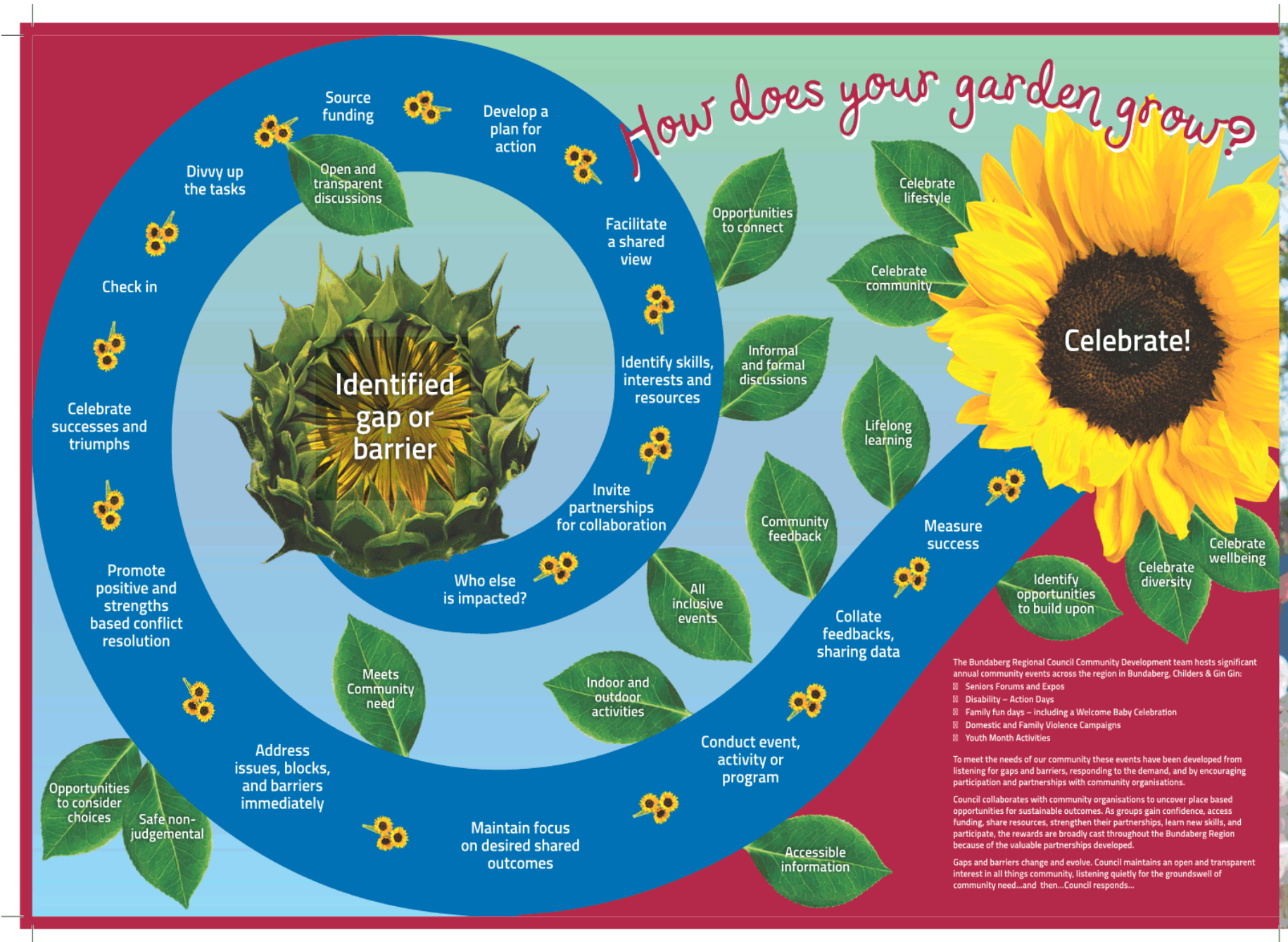
Success measures

Success measures and drivers can be seen as a collective outcome, re-enforcing the interconnected dynamic of support, service and communication across a range of categories.

- | | | |
|-----------|------------------------------|--|
| 1 | Participating | Can the community sector demonstrate an uptake of service? |
| 2 | Personal growth | Is community benefiting from the uptake of community sector services? |
| 3 | Sector growth | Does the community sector have a skilled, dynamic and locally-sourced workforce? |
| 4 | Connection | Is the community being connected to the right community sector provider? |
| 5 | Educated | Are clients achieving improved outcomes with connection to services? |
| 6 | Socially connected | Are residents participating in their community? |
| 7 | Making connections | Are residents sustaining connection beyond formalised participation? |
| 8 | Informed | Are people aware and informed of local changes and conditions? |
| 9 | Happy and healthy | Are people experiencing improved health and wellbeing? |
| 10 | Access to information | Are information channels consistent and accessible? |

Left: Early Years Playgroup Childers

BUNDABERG REGIONAL COUNCIL 27





Teddy Bears Picnic



Community consultation

Sparrowly Group Pty Ltd were engaged to consult with the community to work with Council to identify the strategic priorities.

By undertaking a series of face to face interviews with residents and the business community, prioritisation, partnerships, funding and measurement were identified as priorities to develop strong community engagement and positive economic impact.

ENGAGEMENT METHODOLOGY

This strategy has been built with input from community sector and residents from the Region. We spoke with people of different ages, cultural backgrounds (long-term and new residents alike) to find out their priorities, ideas and insights for their community.

CONSULTATION METHODS

- 1 Internal Council workshops
- 2 Website survey (12 weeks)
- 3 Community sector workshops
- 4 Community focus groups
- 5 Community sector 1:1 interviews

Collectively, this has helped design and develop the key themes, areas for action and priorities for the Community Development Strategy.



Left: Community Development Conference Bundaberg

CONSULTATION THEMES

It was recommended that anyone attending community consultation (as a resident or sector representative) approach the sessions, not as an individual, but as a civic representative when considering the issues .

Q. Ask participants not what they want personally or what is in their self interest, but what they consider appropriate in their role as citizens or as sector representatives.

Instead of focusing on Council priority sectors, we positioned the conversation across themes and aspects that underpin all priority sectors, producing six core themes for discussion to focus on.

Q. Discuss these themes;

- 1 Access and inclusion
- 2 Seniors
- 3 Cultural
- 4 Wellbeing
- 5 Youth
- 6 Families with children

REFERENCES

1. Bundaberg Regional Council, Corporate Plan 2019-2023, <https://formstmp.bundaberg.qld.gov.au/MD-7-879.pdf>.
2. Bundaberg Regional Council, Bundaberg Region 2031 - Our Future Spirit, https://www.bundaberg.qld.gov.au/files/Bundaberg_Region_2031_ADOPTED_BY_COUNCIL.pdf
3. Regional Profiles Summary - Bundaberg Local Government Area, Queensland Government Statistician's Office, 26 Aug 2019.
4. Jack Dempsey QLD Facebook video, Bundaberg Regional Council Budget video, https://www.facebook.com/JackDempseyQLD/posts/2322798361122043?comment_id=2340697232665489¬if_id=1561944661391374¬if_t=comment_mention.
5. Bundaberg Region Destination Tourism Plan 2019-2022, <https://images.impartmedia.com/bundabergregion.org/A--PAGES/corporate/corporate-direction-and-resources/pdf/dtp-web-a4.pdf>.
6. Australian Government 2019, Building Better Regions Fund (BBRF), Building Better Regions Fund Infrastructure Projects stream funding offers - Round 3, <https://www.business.gov.au/assistance/building-better-Regions-fund/building-better-Regions-fund-infrastructure-projects/ip-funding-offers-round-3>.
7. Sansom, G & Robinson, T 2019, Place-based Governance and Local Democracy: Will Australian Local Government Deliver?, LogoNet, Australia, <https://apo.org.au/sites/default/files/resource-files/2019/05/apo-nid255186-1382051.pdf>.



Building Australia's best regional community

Bundaberg Special School project: Our Community





Item

30 June 2020

Item Number:

O3

File Number:

TEN/0968

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

Community & Environment

Subject:

Sole Supplier Arrangement with Surf Lifesaving Queensland

Report Author:

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

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Our Community - 1.2 Safe, active, vibrant and inclusive community - 1.2.1 Provide facilities, parks, open spaces, services, and programs that promote and support our community's safety and physical wellbeing.

Background:

Council's Parks, Sport & Natural Areas Branch is seeking to implement a Sole Supplier arrangement with Surf Lifesaving Queensland ABN: 27 360 485 381, PO Box 3747, South Brisbane, QLD 4101, for the provision of Lifeguard Services & Public Safety Initiatives, without first inviting written quotations or tenders, pursuant to Section 235(a) of the *Local Government Regulation 2012*; "The local government resolves it is satisfied that there is only one supplier who is reasonably available and due to the specialised nature of services that are sought".

Council has utilised Surf Lifesaving Queensland for Lifeguard services and public safety initiatives continuously for approximately 32 years. This latest agreement is for the period from June 2020 – June 2023. The lifeguard service is provided at five main beaches. The agreement also covers a roving lifeguard in a vehicle, jet ski patrols and a lifeguard supervisor. Annual cost for 2020/21 is \$443,405.34 excluding GST. There are annual increases associated with wage increases.

The aim of the lifeguard service contract is to prevent injury and deaths in our public waters and enhance the reputation of Bundaberg Regional Council as one of Queensland's safe premier residential, tourist and recreational precincts.

The service also aims:

- To provide the public with a safe and enjoyable beach experience
- To ensure all surf lifeguard personnel are appropriately trained and qualified and that all lifeguard services provided:
 - Are cost-effective

- Comply with widely accepted service industry standards and best practice
- Are within all relevant requirements prescribed by legislation, regulations and local laws
- To ensure a high level of customer service is maintained and all services are provided in a friendly, courteous and professional manner
- To provide all the labour, management, equipment and resources necessary to maintain an efficient and effective lifeguard service
- To work in co-operation with other agencies and community groups, fostering the responsible use of Bundaberg Regional Council's beaches
- To increase public safety through proactive measures, including education and awareness
- To encourage beach users' observance of Council Local Laws

Surf Lifesaving Queensland has developed a "total service" principle providing the most efficient and effective service to the community. This is achieved through the coordinated delivery of all of the following:

- Professional Aquatic Safety Services (Lifeguards)
- Lifesaving Patrols (Surf Life Saving Clubs)
- Lifesaving Operations Support Services (Varies within regions – helicopter; jet rescue boat; waverunners; 6 metre offshore rescue boat; communications systems)
- Community Education (public, schools, tourists and community groups)
- Liaison with Stakeholders (Water Safety Advisory Committee, Local Disaster Management Group, Emergency Services, Community Groups etc)
- Research and Development Programs (lifesaving equipment, technology)

Surf Life Saving Queensland has a lengthy history and reputation:

- Provider of contract Lifeguard Services for over 30 years
- Only White-Water Rescue accredited authority in Queensland under the Queensland Department of Community Safety (assisted in disaster management/floods)
- Is a Registered Training Organisation under the Australian Training Quality Framework in Lifeguarding, First Aid, and Resuscitation
- Quality Assured Lifeguard Service since 1997
- Only Lifeguard/Lifesaving Service offering a "total" package of services

Associated Person/Organization:

Surf Lifesaving Queensland, Elliott Heads Surf Club, Bundaberg Surf Club and Moore Park Surf Club
Water Safety Advisory Committee

Consultation:

Strategic Procurement
Procurement Board – Chair of Procurement Board endorsed this - 24 March 2020
Surf Lifesaving Queensland

Chief Legal Officer's Comments:

Section 235(a) of the *Local Government Regulation 2012* allows the local government to resolve that it is satisfied that there is only one supplier that is reasonably available.

Policy Implications:

There appears to be no policy implications.

Financial and Resource Implications:

There appears to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

Nil

Recommendation:

That:

- a) **Council enter into an arrangement with Surf Lifesaving Queensland (ABN 27 360 485 381) for the provision of Lifeguard Services & Public Safety Initiatives, without first inviting written quotes pursuant to Section 235(a) of the *Local Government Regulation 2012*; and**
- b) **this arrangement be made to 30 June 2023.**

**Item****30 June 2020****Item Number:**

S1

File Number:

TEN09/47

Part:TOURISM & REGIONAL
GROWTH**Portfolio:**

Community & Environment

Subject:

Bundaberg Regional Council and Bundaberg Tourism Partnership Agreement - 1 July 2020 to 30 June 2024

Report Author:

Sue-Anne Chapman, Manager Tourism and Events

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Our Community - 1.1 Economic growth and prosperity - 1.1.4 Promote our region as a preferred investment destination nationally and internationally.

Background:

The tourism industry in the Bundaberg region contributes more than \$450 million in visitor expenditure to the regional economy and supports more than 4,000 jobs. Established in 1971 as a regional tourism and economic development body, Bundaberg Region Ltd, trading as Bundaberg Tourism, has the current key strategic priority areas focused on driving visitation to the destination. The organisation strives to build and maintain a healthy and sustainable regional tourism economy and through strategic marketing campaigns, injects new money into the Bundaberg region. For every \$1 Council invests into Bundaberg Tourism, \$845 is generated in the local economy.

Bundaberg Tourism is governed by a board of Directors who provide strategic direction to the Chief Executive Officer. The Board comprises up to ten Directors, plus observer Director positions, with a broad geographical and skills-based representation from the tourism and business community.

With established relationships at local, state and federal levels, Bundaberg Tourism is recognised as one of the state's thirteen official regional tourism organisations. As a not for profit organisation, all financial resources are attributed to maintaining a leadership role in fostering a strong, prosperous tourism industry through destination development, destination marketing and visitor servicing for the Bundaberg region. In addition to the local government funding received, contracts are in place with the state

government (through Tourism & Events Queensland) for the delivery of destination marketing and experience development activities as a regional tourism organisation.

The organisation presents annual report and audited financials to all stakeholders on an annual basis, as well as the Board of Directors having visibility of financial and activity reports on a monthly basis. Governance of the organisation is also audited and benchmarked against all Queensland RTO's, along with board performance, risk and crisis management, stakeholder engagement and marketing and development expenditure.

Associated Person/Organization:

Katherine Reid, CEO Bundaberg Tourism

Consultation:

Councillors

Bundaberg Tourism

Chief Legal Officer's Comments:

Council will need to enter into an Agreement with Bundaberg Region Ltd to document the arrangement including the roles, responsibilities and funding provided between the parties.

Policy Implications:

There appears to be no policy implications.

Financial and Resource Implications:

Previous partnership investment was \$550,000 each year + \$50,000 project specific contingency fund. The same amount is proposed for the new partnership term.

The funding of Bundaberg Tourism is for the provision of services as the regional tourism organisation (RTO) and for delivery of visitor services.

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

Nil

Recommendation:

That:

- 1. Council enter into a Tourism Partnership Agreement with Bundaberg Region Limited for the provision of services as the regional tourism organisation (RTO) and for delivery of visitor services for the period between 1 July 2020 to 30 June 2024 for \$550,000 + \$50,000 (project specific contingency funding) each year (ex gst); and**
- 2. the Chief Executive Officer be authorised to sign the Tourism Partnership Agreement.**