



**AGENDA FOR ORDINARY MEETING
TO BE HELD IN CHILDERS
ON TUESDAY 24 APRIL 2018, COMMENCING AT 10.00 AM**

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**Item****24 April 2018****Item Number:**

E1

File Number:

A3574351

Part:

FINANCE

Portfolio:

Organisational Services

Subject:

2018-2019 Revenue Policy

Report Author:

Rob Callander, Revenue Manager

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

Our People, Our Business - 3.1 A sustainable financial position.

Background:

Section 193 of the *Local Government Regulation 2012* states that ‘a local government must review its revenue policy annually and in sufficient time to allow an annual budget that is consistent with the revenue policy to be adopted for the next financial year’.

The Revenue Policy is intended to be a strategic document. Its adoption, in advance of setting the budget, allows a Council to clearly set out the principles which it will use to set its budget and to identify in very broad terms the general strategy used for raising revenue. The Legislation requires that the Council’s Revenue Policy must state:

- (a) *the principles that the local government intends to apply in the financial year for—*
 - (i) *levying rates and charges; and*
 - (ii) *granting concessions for rates and charges; and*
 - (iii) *recovering overdue rates and charges; and*
 - (iv) *cost-recovery methods; and*
- (b) *if the local government intends to grant concessions for rates and charges — the purpose for the concessions; and*
- (c) *the extent to which physical and social infrastructure costs for a new development are to be funded by charges for the development.*

A proposed Revenue Policy for Bundaberg Regional Council, which addresses the aforementioned legal provisions, and is based on the guidelines set down by the Department of Local Government, is attached to this Report for consideration by Council.

Associated Person/Organization:

Not applicable

Consultation:

Cr Jack Dempsey, Portfolio Spokesperson Economic Development.

Cr Steve Cooper, Portfolio Spokesperson Finance.

Cr Helen Blackburn, Division 4 Representative and Portfolio Spokesperson Governance & Sport & Recreation.

Chief Legal Officer's Comments:

Adoption of a Revenue Policy is a legal requirement of the *Local Government Regulation 2012*.

Policy Implications:

Provision of a strategic document which sets out the principles used by Council for:

- Levying rates and charges;
- Granting concessions for rates and charges;
- Recovering overdue rates and charges;
- Cost-recovery methods;
- The funding of physical and social infrastructure for new development.

Financial and Resource Implications:

A framework for Council's Revenue Budget.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

☐ Yes

☒ No

Attachments:

[↓](#) 1 2018-2019 Draft Revenue Policy

Recommendation:

That Council's Revenue Policy for 2018/2019, as detailed on the 3 pages appended to this report, be adopted by Council.

Bundaberg Regional Council Organisational Services Issue Date: Review Date:	Revenue Policy	GP-3-009 Rev.
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1.0 HEAD OF POWER

- *Local Government Regulation 2012*, section 193; and
- Corporate Plan, Outcome 3.1 - A sustainable financial position

2.0 INTENT

The purpose of this policy is to achieve compliance with section 193 of the *Local Government Regulation 2012* and to outline the principles applied by the Council.

3.0 SCOPE

This policy applies to all staff and Councillors.

4.0 POLICY STATEMENT

4.1 Pursuant to the *Local Government Regulation 2012*, Council is required to adopt a policy for each financial year that states the principles that the Council intends to apply in the following areas as detailed below.

4.2 Principles used for the making and levying of Rates and Charges

- a) Equity - ensuring the fair and consistent application of lawful rating and charging principles, without bias, taking account of all relevant considerations;
- b) Transparency - openness in the processes involved in the making of rates and charges;
- c) Simplicity - a rating regime that is simple and cost effective to administer;
- d) Consistency - by scheduling the issue of rates notices on a regular basis;
- e) Fiscal responsibility - levying an amount sufficient to allow Council to meet its budgetary responsibilities;
- f) Clarity - by providing meaningful information on rate notices to enable ratepayers to clearly understand their responsibilities;
- g) Flexibility - responding where possible to unforeseen changes in the local economy and providing a wide range of payment options; and
- h) Sustainability - revenue decisions supporting the financial strategies for the delivery of infrastructure and services identified in Council's long term planning.

4.3 Principles used for granting Concessions for Rates and Charges

- a) Flexibility - by having regard to the different types of ratepayers/organisations within the local community;
- b) Equity – through consistent treatment for ratepayers/organisations with similar circumstances; and
- c) Transparency - by making the requirements necessary to receive concessions clear.

4.4 Principles used for the recovery of overdue Rates and Charges

- a) Transparency and Clarity - making the obligations clear to ratepayers and the processes used by Council to assist ratepayers to meet these obligations;
- b) Simplicity - making the processes used to recover outstanding rates and charges clear and simple to administer and cost effective;
- c) Flexibility - by responding where necessary to changes in the local economy; and
- d) Equity - having regard to providing the same treatment for ratepayers with similar circumstances.

4.5 Principles used in Cost-recovery methods

- a) Fiscal responsibility – through full Cost recovery, endeavouring to recover the full cost of the service for which the fee is remitted to minimise the effect on ratepayers;
- b) Simplicity - to make the levying of cost-recovery fees simple, efficient, and inexpensive to administer in order to minimise costs; and
- c) Clarity - in the method of calculating the amounts payable by the recipient of the service.

4.6 Purpose for Concessions for Rates and Charges

4.6.1 Council will apply Concessions for the following groups, for the purposes outlined.

- a) Remission of rates and charges for pensioners - Council acknowledges that certain classes of pensioners have contributed rates over a period of time and/or are restricted by a fixed income.
- b) Concessions for community, sporting and welfare groups - Council recognises that there are organisations which operate for the general benefit of the community with limited financial resources.

4.6.2 Council also provides utility charges rebates on the basis set out in Council's Revenue Statement.

4.7 The extent to which physical and social infrastructure costs are funded by Development costs

By levying infrastructure charges for new development, Council intends to fund the physical and social costs of providing trunk infrastructure to service development within the Bundaberg Region.

Council's infrastructure charges aim to provide a reasonable and equitable distribution of costs between Council and developers of land, managing the impact of infrastructure costs of new development on existing ratepayers. Council may reduce the infrastructure charges payable for new development in accordance with Council's 'Bundaberg Open for Development' initiative.

Council's infrastructure charging framework has been established in accordance with the legislative requirements of the Planning Act 2016.

5.0 ASSOCIATED DOCUMENTS

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- GP-3-038 Revenue Statement
- Debt Recovery Policy

6.0 DOCUMENT CONTROLS

Pursuant to section 193(3) of the *Local Government Regulation 2012*, Council will review this policy on an annual basis and in sufficient time to allow an annual budget that is consistent with the Revenue Policy to be adopted for the next financial year.

7.0 POLICY OWNER

The Manager Revenue, Finance is the responsible person for this policy.

GP-3-009	Rev. 10	Approved By: General Manager Organisational Services
Document issue is correct at the time of print. For printed copies, use IMS Intranet Page to verify correct issue		

**Item****24 April 2018****Item Number:**

E2

File Number:

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Part:

FINANCE

Portfolio:

Organisational Services

Subject:

3rd Quarter Amended Budget 2018

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.

Background:

The 3rd quarter amended budget for 2018 is complete and is presented to Council for adoption. The budget amendment has been prepared in accordance with the requirements of sections 170 and 173 of *Local Government Regulation 2012*.

Recurrent Budget

The result of the review indicates an increase in Council's operating surplus from \$7.24 million to \$8.56 million. The attached Budgeted Comprehensive Income Statement shows total anticipated operating revenues of \$183 million, an increase of \$2.44 million from the previous revision, and total anticipated operating expenses of \$174.44 million, representing an increase of \$1.12 million.

Significant amendments to the recurrent budget include:

Operating Revenue

- Utility charges have increased by \$870,000, reflecting the phasing-in of higher access charges for larger water meters that were not previously budgeted, actual water consumption and the number of new pedestals and new bins delivered.
- Interest revenue has increased by \$140,000:
 - Interest revenue from overdue rates has been reduced by \$128,000, mirroring the reduction in long-term rates debt since the engagement of Recoveries and Reconstruction (R&R) in 2017. Of the \$10.57 million rates debt referred to R&R, \$8.96 million has been recovered and a further \$910,000 has been committed by ratepayers, representing over

93% of the initial amount referred.

- Investment returns are expected to increase by \$270,000, more than offsetting the fall in rates interest revenue. Cash balances are higher than anticipated due to the deferral of some capital projects and the rescheduling of work on current projects.
- Fees and charges revenue has fallen by \$565,000, characterised by reductions in the following areas:
 - Planning Development Assessment \$373,000;
 - Moncrieff Entertainment Centre \$122,000;
 - Roads and Drainage Recoverable Works \$208,000.
- Sales and Contract Works have increased by \$1.25 million to \$4.93 million, due to a \$1.37 million increase in Road Performance Contract (RPC) and Road Maintenance Performance Contract (RMPC) works resulting from Natural Disaster Relief and Recovering Arrangements (NDRRA) emergent works and the severe weather events experienced in October and November 2017.
- Operating grants and subsidies have increased by \$635,000. Notable funding includes:
 - \$290,000 for the purchase of land for road reserve – Hughes Road extension; and
 - \$250,000 Works for Queensland Round 2 – construction of a new lagoon at Baldwin Environmental Wetlands for water quality improvement.
- Proceeds of \$91,000 from the sale of developed land at Kinkuna Drive, Woodgate.

Operating Expenditure

- Employee, materials and services expenses have increased by \$860,000.
 - Employee benefits have been reduced by \$2,023,000, predominately reflecting the amendment from which the EBA increases apply. The EBA was initially budgeted for the full year but will only take effect from December of 2017;
 - Materials and services charges have increased by \$2,880,000.
 - Major amendments to Employee, Materials and Services include:
 - Internal plant hire charges have decreased by \$123,000;
 - External plant hire costs have increased by \$936,259, largely as a consequence of the increased RPC and RMPC works and emergent works following the severe weather events;
 - \$1,012,000 – additional on-road and off-road stormwater drainage maintenance expenses and purchase of land for drainage easement re Hughes Road extension (Stormwater Drainage).
 - \$805,000 – Mt Perry Road flood evacuation route upgrade (Strategic Projects);
 - \$970,000 – works associated with flood damage from severe weather events and RPC programs (Main Roads);

- \$365,000 – Pre-construction design and planning studies commissioned (Roads & Drainage Group Management);
 - \$1,110,000 – clean-up costs associated with severe weather events (Disaster Management);
 - \$221,000 – additional costs associated with rural roads maintenance program and Hughes Road extension (Roads);
 - \$218,000 – operational costs not previously budgeted for the Multiplex;
 - \$366,336 reduction due to Council no longer having to contribute to the East Wastewater Treatment Plant (EWWTP) pipeline (Strategic Projects Co-ordination).
 - \$433,990 reduction – largely due to the result of rolling over the de-commissioning of EWWTP into FY2019 (Wastewater Services).
 - \$1,328,000 reduction – due to the Qunaba landfill stage 1 phytocapping being postponed to FY2019 and additional \$250,000 reduction as soil fill sourced on-site (Waste Disposal Facilities).
- Depreciation expense has increased by \$320,000.

Capital Income

Capital grants, subsidies and contributions have been amended to \$34.6 million, an increase of \$2,300,000 from the 2nd quarter. While grants and subsidies have been budgeted to increase, the sale of land at the airport remains contingent on highway access and discussions are still on-going. Accordingly, the proceeds of \$1.3 million from the sale of this land has been deferred to the next financial year.

Capital Expenditure

Budgeted capital expenditure has been reduced by \$23.4 million to \$110.6 million with \$14.5 million being re-provisioned in future years.

Some of the significant savings on major projects this quarter include:

- \$3,000,000 – Rubyanna Wastewater Treatment Plant savings realised upon completion;
- \$1,000,000 – Belle Eden Gravity Main removed as timelines contingent on developer;
- \$1,000,000 – Purchase of former Port Curtis Co-operative Dairy (PCD) site no longer being considered;
- \$494,000 – Cell 3 Bundaberg Regional Landfill savings realised through competitive tender process;
- \$713,000 – Multiplex Sport and Convention Centre Stage 2 savings realised;
- \$265,000 – Sprayed bitumen resurfacing program savings realised through competitive tender process;
- \$156,000 – Pine Creek Road rehabilitation program savings.

Some of the significant increases to expenditure on major projects include:

- \$336,000 – Construction of roundabout at Fitzgerald/Eggmolesse Streets under Works for Queensland program. Additional costs arising from increased scope of project funded by Across the Waves Sports Club and Shalom College.

- \$316,536 – Eggmolesse Street upgrade due to additional works.

Key major projects to be re-provisioned in future years include:

• Smart meter trial	\$ 475,000
• Stage 3 Aviation precinct	\$1,100,000
• Construction of roundabout Fitzgerald/Thabeban Streets	\$1,200,000
• Burnett Heads Town Centre Redevelopment	\$1,262,000
• Construction of Taxiway and Apron	\$2,270,000
• Bundaberg CBD revitalization	\$3,800,000

Council's Capital Projects are funded by the following mix of revenue sources:

• General revenue	\$46,648,601
• Loans	\$25,500,000
• Grants, Contributions, Donations	\$36,673,709
• Assets sales	\$800,000
• Council Reserves	\$5,123,046

Anticipated borrowings have been reduced from \$31.7 million to \$25.5 million and will be utilised against the following projects:

• Bundaberg Regional Landfill Cell 3	\$3,800,000
• Burnett Heads Town Centre Redevelopment	\$2,700,000
• Rubyanna Wastewater Treatment Plant	\$17,000,000
• Woodgate Vacuum Sewer	\$ 2,000,000

Conclusion

This budget revision sees Council in a very strong position financially, with an estimated operating surplus of \$8.56 million. This surplus will assist Council in delivering its future capital investment plan. The financial forecast and associated sustainability indicators demonstrate Council's long-term financial viability. Whilst Council's asset sustainability ratio generally remains below the target minimum over the life of the forecast, Council's Asset Management Plans indicate that the level of renewal expenditure is appropriate given the condition of our assets. The long term financial forecast will continue to be utilised to support resource allocation, borrowing and investment decisions.

A 'growth and opportunity reserve' of \$2 million has been created from the operating surplus, the aim of which is to fund opportunities and unexpected events arising within the operating areas of each business unit.

This strategy will mitigate the need to introduce economically significant revenue or expenditure adjustments in the face of unexpected developments or financial shocks.

If the reserve is not fully utilised, meaning insufficient opportunities have been identified or unexpected events have not been encountered, the balance of the reserve will contribute to the operating surplus.

Note: Section 170(4) of the *Local Government Regulation* 2012 states an amendment of budget must comply with section 169, which includes the Revenue

Statement and Revenue Policy. The current Revenue Statement and Revenue Policy forms part of this amended budget, however as no changes were recorded in same, these documents have not been attached to this report.

Associated Person/Organization:

Nil.

Consultation:

Chief Executive Officer, General Managers, Managers, Supervisors and relevant staff.

Chief Legal Officer's Comments:

Pursuant to section 170(3) of the *Local Government Regulation 2012*, a local government may amend its budget for a financial year at any time before the end of the financial year.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

Council's Operational and Capital Budget has been revised to assess Council's financial position for FY2018.

Amendments to the current year and future years have been identified and the potential impacts to the financial forecast and asset sustainability ratios have been assessed.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

☐ Yes

☒ No

Attachments:

- [↓ 1](#) Budget Financial Statements - 3rd Quarter Budget FY2017/2018
- [↓ 2](#) Schedule of Future Borrowings - 3rd Quarter Budget FY2017/2018

Recommendation:

That in accordance with sections 170 and 173 of *Local Government Regulation 2012*, the amended budget for the financial year 2018 be adopted.

BUNDABERG REGIONAL COUNCIL**Budgeted Statement of Comprehensive Income**

For the period ending 30 June 2018

	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast
	2016/17	2017/18	2017/18	2017/18	2018/19	2019/20
	\$	\$	\$	\$	\$	\$
Revenue						
Rates, levies and charges	142,637,455	151,634,430	152,294,430	153,185,171	157,708,191	162,405,364
Less: Discounts & Pensioner remissions	(7,843,875)	(8,327,900)	(8,327,900)	(8,319,892)	(8,476,518)	(8,636,136)
Net rates and utility charges	134,793,580	143,306,530	143,966,530	144,865,279	149,231,673	153,769,228
Fees and charges	19,360,242	21,375,060	20,254,036	19,783,129	20,218,061	20,662,808
Interest received	3,747,774	3,139,600	3,418,927	3,562,700	3,905,589	3,496,596
Contract and recoverable works	5,039,489	4,361,200	3,677,200	4,930,428	5,029,037	5,129,617
Sale of goods	986,862	-	792,714	698,889	712,867	727,124
Grants, subsidies, contributions and donations	15,864,226	11,060,227	8,453,754	9,089,305	9,271,091	9,456,513
Profit on sale of developed land held for resale	74,444	-	-	69,464	-	-
TOTAL OPERATING REVENUES	179,866,617	183,242,617	180,563,161	182,999,194	188,368,318	193,241,886
Expenses						
Employee benefits	(61,648,407)	(67,205,270)	(67,672,294)	(65,648,582)	(68,537,570)	(70,409,074)
Materials and services	(49,625,255)	(54,729,695)	(57,405,359)	(60,288,176)	(61,453,940)	(62,643,018)
Finance costs	(4,712,963)	(3,922,732)	(4,015,262)	(3,952,853)	(4,553,070)	(4,933,813)
Depreciation and amortisation	(45,788,589)	(50,413,508)	(44,228,080)	(44,547,666)	(48,997,420)	(52,405,601)
TOTAL OPERATING EXPENSES	(161,775,214)	(176,271,205)	(173,320,995)	(174,437,277)	(183,542,000)	(190,391,506)
Operating surplus (deficit)	18,091,403	6,971,412	7,242,166	8,561,917	4,826,318	2,850,380
Capital income and expenditure:						
Cash capital grants, subsidies and contributions	25,805,602	14,809,100	32,319,460	31,772,565	9,897,555	14,921,263
Other capital income	3,491,816	-	954,000	954,000	1,000,000	1,000,000
Donated physical capital assets	4,545,792	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000
Capital Expenses	(27,223,625)	954,000	-	-	-	-
Increase/(decrease) in asset revaluation surplus	94,096,227	-	-	-	-	-
Net result	118,807,215	28,234,512	46,015,626	46,788,482	21,223,873	24,271,643

BUNDABERG REGIONAL COUNCIL**Budgeted Statement of Financial Position**

For the period ending 30 June 2018

	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast
	2016/17	2017/18	2017/18	2017/18	2018/19	2019/20
	\$	\$	\$	\$	\$	\$
Current Assets						
Cash and cash equivalents	106,021,236	52,586,824	81,656,852	99,982,036	84,590,642	70,095,647
Trade and other receivables	16,099,627	16,917,951	14,559,800	14,742,496	15,161,320	15,552,893
Inventories	4,090,453	4,137,946	4,090,453	4,090,453	4,090,453	4,090,453
Non-current assets held for sale	798,233	325,681	798,233	798,233	798,233	798,233
	127,009,549	73,968,402	101,105,338	119,613,218	104,640,648	90,537,226
Non-Current Assets						
Investment Property	8,347,178	5,693,418	8,347,178	8,347,178	8,347,178	8,347,178
Property, plant and equipment	1,994,932,761	1,923,557,662	2,084,295,082	2,060,976,472	2,119,579,805	2,176,477,205
Intangible assets	6,560,269	10,221,304	6,573,177	6,428,176	6,639,761	6,181,878
	2,009,840,208	1,939,472,384	2,099,215,437	2,075,751,826	2,134,566,744	2,191,006,261
TOTAL ASSETS	2,136,849,757	2,013,440,786	2,200,320,775	2,195,365,044	2,239,207,392	2,281,543,487
Current Liabilities						
Trade and other payables	23,117,219	14,117,403	14,357,228	14,664,488	15,074,010	15,364,420
Borrowings	5,638,483	9,504,000	8,115,733	7,122,135	11,203,787	14,210,940
Provisions	12,089,836	1,500,000	12,000,000	12,000,000	12,000,000	12,000,000
Unearned revenue	570,928	457,158	570,928	570,928	570,928	570,928
	41,416,466	25,578,561	35,043,889	34,357,551	38,848,725	42,146,288
Non-Current Liabilities						
Borrowings	52,638,535	76,891,438	75,956,449	70,914,198	86,092,716	89,392,751
Provisions	17,005,728	26,816,682	17,515,784	17,515,784	17,945,784	18,375,784
	69,644,263	103,708,120	93,472,233	88,429,982	104,038,500	107,768,535
TOTAL LIABILITIES	111,060,729	129,286,681	128,516,122	122,787,533	142,887,225	149,914,823
NET COMMUNITY ASSETS	2,025,789,028	1,884,154,105	2,071,804,653	2,072,577,511	2,096,320,167	2,131,628,664
Community Equity						
Asset revaluation surplus	461,030,782	366,960,096	461,030,782	461,030,782	463,549,566	474,586,420
Retained surplus	1,564,758,246	1,517,194,009	1,610,773,871	1,611,546,729	1,632,770,601	1,657,042,244
	2,025,789,028	1,884,154,105	2,071,804,653	2,072,577,511	2,096,320,167	2,131,628,664
TOTAL COMMUNITY EQUITY	2,025,789,028	1,884,154,105	2,071,804,653	2,072,577,511	2,096,320,167	2,131,628,664

BUNDABERG REGIONAL COUNCIL**Budgeted Statement of Cash Flows**

For the period ending 30 June 2018

	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast
	2016/17	2017/18	2017/18	2017/18	2018/19	2019/20
	\$	\$	\$	\$	\$	\$
Cash Flows from Operating Activities						
Receipts from customers	169,875,858	169,042,790	169,379,822	170,793,125	174,683,468	179,803,194
Payments to suppliers and employees	(112,326,066)	(121,934,965)	(134,129,944)	(134,689,489)	(129,887,988)	(131,072,904)
	57,549,792	47,107,825	35,249,878	36,103,636	44,795,480	48,730,290
Recurrent grants, subsidies, contributions and donations	15,376,615	11,060,227	9,154,175	9,821,077	9,256,150	9,443,396
Interest received	3,608,077	3,139,600	3,418,927	3,565,206	3,974,516	3,617,259
Proceeds from sale of developed land held for resale	96,100	-	-	-	-	-
Costs incurred on developed land held for resale	(5,552)	-	-	-	-	-
Borrowing costs	(3,111,804)	(3,922,732)	(3,152,679)	(3,122,673)	(3,712,895)	(4,084,567)
Net Cash Inflow/(Outflow) from Operating Activities	73,513,228	57,384,920	44,670,301	46,367,246	54,313,251	57,706,378
Cash Flow from Investing Activities :						
Proceeds from sale of non-current assets held for sale	61,487	-	-	-	-	-
Proceeds from sale of property, plant and equipment	693,119	954,000	954,000	1,023,464	1,000,000	1,000,000
Capital grants, subsidies, contributions and donations	28,102,217	14,809,100	32,319,460	31,772,565	9,897,555	14,921,263
Payments for property, plant and equipment	(85,324,153)	(115,848,096)	(127,724,309)	(104,725,284)	(99,208,555)	(92,268,263)
Payments for intangible assets	-	(3,379,000)	(379,000)	(234,000)	(585,000)	(40,000)
Payments for investment property	-	-	-	-	-	-
Net Cash Inflow/(Outflow) from Investing Activities	(56,467,330)	(103,463,996)	(94,829,849)	(72,163,255)	(88,896,000)	(76,387,000)
Cash Flow from Financing Activities :						
Proceeds from borrowings	-	33,750,000	31,700,000	25,500,000	27,000,000	18,000,000
Repayment of borrowings	(5,382,266)	(5,512,000)	(5,904,836)	(5,740,685)	(7,739,830)	(11,692,813)
Net Cash Inflow/(Outflow) from Financing Activities	(5,382,266)	28,238,000	25,795,164	19,759,315	19,260,170	6,307,187
Net Increase (Decrease) in Cash Held	11,663,632	(17,841,076)	(24,364,384)	(6,039,200)	(15,391,394)	(14,494,995)
Cash at beginning of reporting period	94,357,604	70,427,900	106,021,236	106,021,236	99,982,036	84,590,642
Cash at end of Reporting Period	106,021,236	52,586,824	81,656,852	99,982,036	84,590,642	70,095,647

BUNDABERG REGIONAL COUNCIL**Budgeted Statement of Changes in Equity**

For the period ending 30 June 2018

	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast
	2016/17	2017/18	2017/18	2017/18	2018/19	2019/20
	\$	\$	\$	\$	\$	\$
Opening Balance - Retained Surplus	1,454,154,352	1,488,959,497	1,564,758,246	1,564,758,246	1,611,546,729	1,632,770,601
Net result	110,603,894	28,234,512	46,015,625	46,788,483	21,223,873	24,271,642
Closing Balance - Retained Surplus	1,564,758,246	1,517,194,009	1,610,773,871	1,611,546,729	1,632,770,602	1,657,042,243
Opening Balance - Asset Revaluation Reserve	366,960,096	366,960,096	461,030,782	461,030,782	461,030,782	463,549,566
Increase in asset revaluation surplus	94,070,686	-	-	-	2,518,783	11,036,855
Closing Balance - Asset Revaluation Reserve	461,030,782	366,960,096	461,030,782	461,030,782	463,549,565	474,586,421
Total Community Equity	2,025,789,028	1,884,154,105	2,071,804,653	2,072,577,511	2,096,320,167	2,131,628,664

BUNDABERG REGIONAL COUNCIL**Budgeted Statement of Comprehensive Income**

For the period ending 30 June 2018

	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
	2016/17 \$	2017/18 \$	2017/18 \$	2017/18 \$	2018/19 \$	2019/20 \$	2020/21 \$	2021/22 \$	2022/23 \$	2023/24 \$	2024/25 \$	2025/26 \$	2026/27 \$
Revenue													
Rates, levies and charges	142,637,455	151,634,430	152,294,430	153,185,171	157,708,191	162,405,364	166,362,120	170,423,909	174,901,945	179,497,080	184,228,613	189,084,054	194,083,832
Less: Discounts & Pensioner remissions	(7,843,875)	(8,327,900)	(8,327,900)	(8,319,892)	(8,476,518)	(8,636,136)	(8,798,806)	(8,964,585)	(9,133,535)	(9,305,717)	(9,481,193)	(9,660,028)	(9,842,287)
Net rates and utility charges	134,793,580	143,306,530	143,966,530	144,865,279	149,231,673	153,769,228	157,563,314	161,459,324	165,768,410	170,191,363	174,747,420	179,424,026	184,241,545
Fees and charges	19,360,242	21,375,060	20,254,036	19,783,129	20,218,061	20,662,808	21,117,806	21,590,565	22,066,638	22,553,610	23,060,817	23,579,758	24,106,955
Interest received	3,747,774	3,139,600	3,418,927	3,562,700	3,905,589	3,496,596	3,108,424	3,003,269	2,831,336	2,703,888	2,888,683	3,362,057	3,012,602
Contract and recoverable works	5,039,489	4,361,200	3,677,200	4,930,428	5,029,037	5,129,617	5,232,210	5,336,854	5,443,591	5,552,463	5,663,512	5,776,782	5,892,318
Sale of goods	986,862	-	792,714	698,889	712,867	727,124	741,667	756,500	771,630	787,063	802,804	818,860	835,237
Grants, subsidies, contributions and donations	15,864,226	11,060,227	8,453,754	9,089,305	9,271,091	9,456,513	9,645,643	9,838,556	10,035,327	10,236,034	10,440,754	10,649,569	10,862,561
Profit on sale of developed land held for resale	74,444	-	-	69,464	-	-	-	-	-	-	-	-	-
TOTAL OPERATING REVENUES	179,866,617	183,242,617	180,563,161	182,999,194	188,368,318	193,241,886	197,409,064	201,985,068	206,916,932	212,024,421	217,603,990	223,611,052	228,951,218
Expenses													
Employee benefits	(61,648,407)	(67,205,270)	(67,672,294)	(65,648,582)	(68,537,570)	(70,409,074)	(72,333,990)	(74,260,744)	(76,107,187)	(78,004,570)	(80,082,805)	(82,218,721)	(84,360,967)
Materials and services	(49,625,255)	(54,729,695)	(57,405,359)	(60,288,176)	(61,453,940)	(62,643,018)	(63,855,879)	(65,092,996)	(66,354,856)	(67,641,953)	(68,954,792)	(70,293,888)	(71,659,766)
Finance costs	(4,712,963)	(3,922,732)	(4,015,262)	(3,952,853)	(4,553,070)	(4,933,813)	(4,871,828)	(4,488,715)	(3,945,643)	(3,447,689)	(3,150,214)	(2,996,457)	(2,998,837)
Depreciation and amortisation	(45,788,589)	(50,413,508)	(44,228,080)	(44,547,666)	(48,997,420)	(52,405,601)	(55,787,687)	(58,780,878)	(61,700,588)	(63,089,896)	(63,679,610)	(66,756,408)	(70,385,895)
TOTAL OPERATING EXPENSES	(161,775,214)	(176,271,205)	(173,320,995)	(174,437,277)	(183,542,000)	(190,391,506)	(196,849,384)	(202,623,333)	(208,108,274)	(212,184,108)	(215,867,421)	(222,265,474)	(229,405,465)
Operating surplus (deficit)	18,091,403	6,971,412	7,242,166	8,561,917	4,826,318	2,850,380	559,680	(638,265)	(1,191,342)	(159,687)	1,736,569	1,345,578	(454,247)
Capital income and expenditure:													
Cash capital grants, subsidies and contributions	25,805,602	14,809,100	32,319,460	31,772,565	9,897,555	14,921,263	4,400,000	4,500,000	4,600,000	4,700,000	4,800,000	4,900,000	5,000,000
Other capital income	3,491,816	-	954,000	954,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Donated physical capital assets	4,545,792	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000
Capital Expenses	(27,223,625)	954,000	-	-	-	-	-	-	-	-	-	-	-
Increase/(decrease) in asset revaluation surplus	94,096,227	-	-	-	-	-	-	-	-	-	-	-	-
Net result	118,807,215	28,234,512	46,015,626	46,788,482	21,223,873	24,271,643	11,459,680	10,361,735	9,908,658	11,040,313	13,036,569	12,745,578	11,045,753

BUNDABERG REGIONAL COUNCIL**Budgeted Statement of Financial Position**

For the period ending 30 June 2018

	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
	2016/17 \$	2017/18 \$	2017/18 \$	2017/18 \$	2018/19 \$	2019/20 \$	2020/21 \$	2021/22 \$	2022/23 \$	2023/24 \$	2024/25 \$	2025/26 \$	2026/27 \$
Current Assets													
Cash and cash equivalents	106,021,236	52,586,824	81,656,852	99,982,036	84,590,642	70,095,647	64,424,324	55,584,671	46,634,486	50,299,381	66,594,035	49,584,038	67,214,599
Trade and other receivables	16,099,627	16,917,951	14,559,800	14,742,496	15,161,320	15,552,893	15,969,916	16,354,668	16,774,159	17,157,421	17,647,833	18,102,657	18,570,297
Inventories	4,090,453	4,137,946	4,090,453	4,090,453	4,090,453	4,090,453	4,090,453	4,090,453	4,090,453	4,090,453	4,090,453	4,090,453	4,090,453
Non-current assets held for sale	798,233	325,681	798,233	798,233	798,233	798,233	798,233	798,233	798,233	798,233	798,233	798,233	798,233
	127,009,549	73,968,402	101,105,338	119,613,218	104,640,648	90,537,226	85,282,926	76,828,025	68,297,331	72,345,488	89,130,554	72,575,381	90,673,582
Non-Current Assets													
Investment Property	8,347,178	5,693,418	8,347,178	8,347,178	8,347,178	8,347,178	8,347,178	8,347,178	8,347,178	8,347,178	8,347,178	8,347,178	8,347,178
Property, plant and equipment	1,994,932,761	1,923,557,662	2,084,295,082	2,060,976,472	2,119,579,805	2,176,477,205	2,187,848,367	2,200,553,192	2,225,977,575	2,246,648,694	2,257,002,449	2,304,385,099	2,316,142,906
Intangible assets	6,560,269	10,221,304	6,573,177	6,428,176	6,639,761	6,181,878	5,918,377	5,597,106	5,242,910	4,825,630	4,487,104	4,088,168	3,770,653
	2,009,840,208	1,939,472,384	2,099,215,437	2,075,751,826	2,134,566,744	2,191,006,261	2,202,113,922	2,214,497,476	2,239,567,663	2,259,821,502	2,269,836,731	2,316,820,445	2,328,260,737
TOTAL ASSETS	2,136,849,757	2,013,440,786	2,200,320,775	2,195,365,044	2,239,207,392	2,281,543,487	2,287,396,848	2,291,325,501	2,307,864,994	2,332,166,990	2,358,967,285	2,389,395,826	2,418,934,319
Current Liabilities													
Trade and other payables	23,117,219	14,117,403	14,357,228	14,664,488	15,074,010	15,364,420	15,746,894	16,103,841	16,460,333	16,779,193	17,209,092	17,602,082	17,999,998
Borrowings	5,638,483	9,504,000	8,115,733	7,122,135	11,203,787	14,210,940	13,604,867	13,788,224	12,831,551	9,227,794	6,782,101	8,431,777	10,133,724
Provisions	12,089,836	1,500,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000
Unearned revenue	570,928	457,158	570,928	570,928	570,928	570,928	570,928	570,928	570,928	570,928	570,928	570,928	570,928
	41,416,466	25,578,561	35,043,889	34,357,551	38,848,725	42,146,288	41,922,689	42,462,993	41,862,812	38,577,915	36,562,121	38,604,787	40,704,650
Non-Current Liabilities													
Borrowings	52,638,535	76,891,438	75,956,449	70,914,198	86,092,716	89,392,751	80,759,307	66,971,082	54,139,531	51,691,527	49,752,133	51,005,770	50,557,460
Provisions	17,005,728	26,816,682	17,515,784	17,515,784	17,945,784	18,375,784	18,805,784	19,235,784	19,665,784	20,095,784	20,525,784	20,955,784	21,385,784
	69,644,263	103,708,120	93,472,233	88,429,982	104,038,500	107,768,535	99,565,091	86,206,866	73,805,315	71,787,311	70,277,917	71,961,554	71,943,244
TOTAL LIABILITIES	111,060,729	129,286,681	128,516,122	122,787,533	142,887,225	149,914,823	141,487,780	128,669,859	115,668,127	110,365,226	106,840,038	110,566,341	112,647,894
NET COMMUNITY ASSETS	2,025,789,028	1,884,154,105	2,071,804,653	2,072,577,511	2,096,320,167	2,131,628,664	2,145,909,068	2,162,655,642	2,192,196,867	2,221,801,764	2,252,127,247	2,278,829,485	2,306,286,425
Community Equity													
Asset revaluation surplus	461,030,782	366,960,096	461,030,782	461,030,782	463,549,566	474,586,420	477,407,146	483,791,984	503,424,551	521,989,137	539,278,051	553,234,712	569,645,899
Retained surplus	1,564,758,246	1,517,194,009	1,610,773,871	1,611,546,729	1,632,770,601	1,657,042,244	1,668,501,922	1,678,863,658	1,688,772,316	1,699,812,627	1,712,849,196	1,725,594,773	1,736,640,526
TOTAL COMMUNITY EQUITY	2,025,789,028	1,884,154,105	2,071,804,653	2,072,577,511	2,096,320,167	2,131,628,664	2,145,909,068	2,162,655,642	2,192,196,867	2,221,801,764	2,252,127,247	2,278,829,485	2,306,286,425

BUNDABERG REGIONAL COUNCIL**Budgeted Statement of Cash Flows**

For the period ending 30 June 2018

	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
	2016/17 \$	2017/18 \$	2017/18 \$	2017/18 \$	2018/19 \$	2019/20 \$	2020/21 \$	2021/22 \$	2022/23 \$	2023/24 \$	2024/25 \$	2025/26 \$	2026/27 \$
Cash Flows from Operating Activities													
Receipts from customers	169,875,858	169,042,790	169,379,822	170,793,125	174,683,468	179,803,194	184,145,669	188,661,375	193,530,924	198,596,236	203,680,891	209,036,044	214,496,788
Payments to suppliers and employees	(112,326,066)	(121,934,965)	(134,129,944)	(134,689,489)	(129,887,988)	(133,073,802)	(136,125,758)	(139,321,522)	(142,436,775)	(145,665,512)	(148,952,303)	(152,471,118)	(155,981,345)
	57,549,792	47,107,825	35,249,878	36,103,636	44,795,480	46,729,392	48,019,911	49,339,853	51,094,149	52,930,724	54,728,588	56,564,926	58,515,443
Recurrent grants, subsidies, contributions and donations	15,376,615	11,060,227	9,154,175	9,821,077	9,256,150	9,443,396	9,627,975	9,822,700	10,019,154	10,221,836	10,421,629	10,632,407	10,845,055
Interest received	3,608,077	3,139,600	3,418,927	3,565,206	3,974,516	3,617,259	3,282,101	3,231,277	3,115,044	3,044,701	3,288,015	3,821,362	3,533,390
Proceeds from sale of developed land held for resale	96,100	-	-	-	-	-	-	-	-	-	-	-	-
Costs incurred on developed land held for resale	(5,552)	-	-	-	-	-	-	-	-	-	-	-	-
Borrowing costs	(3,111,804)	(3,922,732)	(3,152,679)	(3,122,673)	(3,712,784)	(4,084,567)	(4,013,494)	(3,621,015)	(3,068,391)	(2,560,644)	(2,253,234)	(2,089,239)	(2,081,176)
Net Cash Inflow/(Outflow) from Operating Activities	73,513,228	57,384,920	44,670,301	46,367,246	54,313,362	55,705,480	56,916,493	58,772,815	61,159,956	63,636,617	66,184,998	68,929,456	70,812,712
Cash Flow from Investing Activities :													
Proceeds from sale of non-current assets held for sale	61,487	-	-	-	-	-	-	-	-	-	-	-	-
Proceeds from sale of property, plant and equipment	693,119	954,000	954,000	1,023,464	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Capital grants, subsidies, contributions and donations	28,102,217	14,809,100	32,319,460	31,772,565	9,897,555	14,921,263	4,400,000	4,500,000	4,600,000	4,700,000	4,800,000	4,900,000	5,000,000
Payments for property, plant and equipment	(85,324,153)	(115,848,096)	(127,724,309)	(104,725,284)	(99,208,555)	(92,268,263)	(58,324,623)	(59,029,593)	(61,363,209)	(59,004,148)	(50,605,925)	(93,983,460)	(59,515,000)
Payments for intangible assets	-	(3,379,000)	(379,000)	(234,000)	(585,000)	(40,000)	(250,000)	(250,000)	(275,000)	(275,000)	(300,000)	(300,000)	(400,000)
Payments for investment property	-	-	-	-	-	-	-	-	-	-	-	-	-
Net Cash Inflow/(Outflow) from Investing Activities	(56,467,330)	(103,463,996)	(94,829,849)	(72,163,255)	(88,896,000)	(76,387,000)	(53,174,623)	(53,779,593)	(56,038,209)	(53,579,148)	(45,105,925)	(88,383,460)	(53,915,000)
Cash Flow from Financing Activities :													
Proceeds from borrowings	-	33,750,000	31,700,000	25,500,000	27,000,000	18,000,000	5,000,000	-	-	7,000,000	5,000,000	10,000,000	10,000,000
Repayment of borrowings	(5,382,266)	(5,512,000)	(5,904,836)	(5,740,685)	(7,739,830)	(11,692,813)	(14,239,517)	(13,604,867)	(13,788,224)	(13,051,761)	(9,385,087)	(7,096,687)	(8,746,363)
Net Cash Inflow/(Outflow) from Financing Activities	(5,382,266)	28,238,000	25,795,164	19,759,315	19,260,170	6,307,187	(9,239,517)	(13,604,867)	(13,788,224)	(6,051,761)	(4,385,087)	2,903,313	1,253,637
Net Increase (Decrease) in Cash Held	11,663,632	(17,841,076)	(24,364,384)	(6,039,200)	(15,391,394)	(14,494,995)	(5,671,323)	(8,839,653)	(8,950,185)	3,664,895	16,294,654	(17,009,997)	17,630,561
Cash at beginning of reporting period	94,357,604	70,427,900	106,021,236	106,021,236	99,982,036	84,590,642	70,095,647	64,424,324	55,584,671	46,634,486	50,299,381	66,594,035	49,584,038
Cash at end of Reporting Period	106,021,236	52,586,824	81,656,852	99,982,036	84,590,642	70,095,647	64,424,324	55,584,671	46,634,486	50,299,381	66,594,035	49,584,038	67,214,599

BUNDABERG REGIONAL COUNCIL**Budgeted Statement of Changes in Equity**

For the period ending 30 June 2018

	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
	2016/17 \$	2017/18 \$	2017/18 \$	2017/18 \$	2018/19 \$	2019/20 \$	2020/21 \$	2021/22 \$	2022/23 \$	2023/24 \$	2024/25 \$	2025/26 \$	2026/27 \$
Opening Balance - Retained Surplus	1,454,154,352	1,488,959,497	1,564,758,246	1,564,758,246	1,611,546,729	1,632,770,601	1,657,042,244	1,668,501,922	1,678,863,658	1,688,772,316	1,699,812,627	1,712,849,196	1,725,594,773
Net result	110,603,894	28,234,512	46,015,625	46,788,483	21,223,873	24,271,642	11,459,678	10,361,736	9,908,658	11,040,311	13,036,570	12,745,577	11,045,753
Closing Balance - Retained Surplus	<u>1,564,758,246</u>	<u>1,517,194,009</u>	<u>1,610,773,871</u>	<u>1,611,546,729</u>	<u>1,632,770,602</u>	<u>1,657,042,243</u>	<u>1,668,501,922</u>	<u>1,678,863,658</u>	<u>1,688,772,316</u>	<u>1,699,812,627</u>	<u>1,712,849,197</u>	<u>1,725,594,773</u>	<u>1,736,640,526</u>
Opening Balance - Asset Revaluation Reserve	366,960,096	366,960,096	461,030,782	461,030,782	461,030,782	463,549,566	474,586,421	477,407,145	483,791,985	503,424,550	521,989,137	539,278,052	553,234,713
Increase in asset revaluation surplus	94,070,686	-	-	-	2,518,783	11,036,855	2,820,725	6,384,839	19,632,566	18,564,587	17,288,913	13,956,660	16,411,186
Closing Balance - Asset Revaluation Reserve	<u>461,030,782</u>	<u>366,960,096</u>	<u>461,030,782</u>	<u>461,030,782</u>	<u>463,549,565</u>	<u>474,586,421</u>	<u>477,407,146</u>	<u>483,791,984</u>	<u>503,424,551</u>	<u>521,989,137</u>	<u>539,278,050</u>	<u>553,234,712</u>	<u>569,645,899</u>
Total Community Equity	<u>2,025,789,028</u>	<u>1,884,154,105</u>	<u>2,071,804,653</u>	<u>2,072,577,511</u>	<u>2,096,320,167</u>	<u>2,131,628,664</u>	<u>2,145,909,068</u>	<u>2,162,655,642</u>	<u>2,192,196,867</u>	<u>2,221,801,764</u>	<u>2,252,127,247</u>	<u>2,278,829,485</u>	<u>2,306,286,425</u>

BUNDABERG REGIONAL COUNCIL
Budgeted Statement of Comprehensive Income

SIGNIFICANT BUSINESS ACTIVITY
WATER

For the period ending 30 June 2018	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast
	2016/17 \$	2017/18 \$	2017/18 \$	2017/18 \$	2018/19 \$	2019/20 \$
Revenue						
Rates, levies and charges	25,948,163	26,312,280	26,972,280	27,604,533	27,953,000	28,690,300
Less: Pensioner remissions	(165,165)	(169,500)	(169,500)	(159,000)	(161,590)	(169,670)
Net rates and utility charges	25,782,998	26,142,780	26,802,780	27,445,533	27,791,410	28,520,630
Fees and charges	784,857	800,000	1,000,000	1,000,000	782,000	818,360
Interest received	1,143,774	974,000	1,095,000	1,233,000	1,505,000	1,505,000
Sales - contract and recoverable works	532,244	866,700	866,700	926,700	723,000	759,150
Operating grants, subsidies, contributions & donations	-	-	-	12,669	-	-
Proceeds from sale of developed land held for sale	-	-	-	-	-	-
TOTAL OPERATING REVENUES	28,243,873	28,783,480	29,764,480	30,617,902	30,801,410	31,603,140
Expenses						
Employee benefits	(4,159,093)	(4,209,080)	(4,209,080)	(3,810,130)	(4,149,593)	(4,260,317)
Materials and services	(7,137,442)	(7,663,754)	(7,674,814)	(7,811,965)	(8,917,929)	(11,968,290)
Finance costs	(322,930)	(312,000)	(311,600)	(311,560)	(296,000)	(426,000)
Depreciation and amortisation	(5,086,384)	(5,230,629)	(5,442,860)	(5,467,230)	(5,467,230)	(5,603,911)
Cost of land held for sale	-	-	-	-	-	-
TOTAL OPERATING EXPENSES	(16,705,849)	(17,415,463)	(17,638,354)	(17,400,885)	(18,830,752)	(22,258,518)
Operating surplus / (deficit)	11,538,024	11,368,017	12,126,126	13,217,017	11,970,658	9,344,622
Transfers to						
Internal Business Activities						
Community Service Obligations	972,244	466,639	466,639	466,639	482,711	499,750
Competitive neutrality adjustments	(125,325)	39,626	39,626	39,626	45,182	26,153
Internal Tax Equivalents Paid	(3,714,574)	(3,562,285)	(3,562,285)	(3,562,285)	(3,672,842)	(3,747,392)
Return on Capital	(5,500,000)	(5,500,000)	(5,500,000)	(5,500,000)	(5,500,000)	(5,500,000)
TOTAL TRANSFERS	(8,367,655)	(8,556,020)	(8,556,020)	(8,556,020)	(8,644,949)	(8,721,489)
Net result	3,170,369	2,811,997	3,570,106	4,660,997	3,325,709	623,133

BUNDABERG REGIONAL COUNCIL
Budgeted Statement of Comprehensive Income

SIGNIFICANT BUSINESS ACTIVITY
WASTEWATER

For the period ending 30 June 2018	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast
	2016/17 \$	2017/18 \$	2017/18 \$	2017/18 \$	2018/19 \$	2019/20 \$
Revenue						
Rates, levies and charges	26,481,226	27,435,750	27,435,750	27,506,507	28,494,000	29,592,690
Less: Pensioner remissions	(212,553)	(218,500)	(218,500)	(207,000)	(210,670)	(216,990)
Net rates and utility charges	26,268,673	27,217,250	27,217,250	27,299,507	28,283,330	29,375,700
Fees and charges	529,266	728,000	728,000	728,000	606,000	634,580
Interest received	780,964	725,600	691,600	396,600	149,400	149,000
Sales - contract and recoverable works	294,925	299,500	299,500	329,500	374,000	392,700
Operating grants, subsidies, contributions & donations	123,165	-	5,148	5,148	-	-
Proceeds from sale of developed land held for sale	-	-	-	-	-	-
TOTAL OPERATING REVENUES	27,996,993	28,970,350	28,941,498	28,758,755	29,412,730	30,551,980
Expenses						
Employee benefits	(4,642,552)	(4,858,050)	(4,858,050)	(4,444,400)	(4,119,494)	(4,247,483)
Materials and services	(5,339,686)	(6,878,099)	(7,156,549)	(6,966,432)	(8,836,278)	(9,696,097)
Finance costs	(1,205,115)	(1,156,000)	(1,295,402)	(1,265,396)	(1,810,000)	(1,697,000)
Depreciation and amortisation	(4,825,168)	(5,587,379)	(5,115,875)	(5,138,589)	(6,518,589)	(6,681,554)
Cost of land held for sale	-	-	-	-	-	-
TOTAL OPERATING EXPENSES	(16,012,521)	(18,479,528)	(18,425,876)	(17,814,817)	(21,284,361)	(22,322,134)
Operating surplus / (deficit)	11,984,472	10,490,822	10,515,622	10,943,938	8,128,369	8,229,846
Transfers to						
Internal Business Activities						
Community Service Obligations	981,619	533,146	533,146	533,146	548,111	563,503
Competitive neutrality adjustments	(846,990)	(92,550)	(92,550)	(92,550)	(163,900)	(178,969)
Internal Tax Equivalents Paid	(3,641,873)	(3,279,425)	(3,279,425)	(3,279,425)	(2,498,665)	(2,641,113)
Return on Capital	(3,800,000)	(3,800,000)	(3,800,000)	(3,800,000)	(3,800,000)	(3,800,000)
TOTAL TRANSFERS	(7,307,244)	(6,638,829)	(6,638,829)	(6,638,829)	(5,914,454)	(6,056,579)
Net result	4,677,228	3,851,993	3,876,793	4,305,109	2,213,915	2,173,267

BUNDABERG REGIONAL COUNCIL
Budgeted Statement of Comprehensive Income

SIGNIFICANT BUSINESS ACTIVITY
WASTE

For the period ending 30 June 2018	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast
	2016/17 \$	2017/18 \$	2017/18 \$	2017/18 \$	2018/19 \$	2019/20 \$
Revenue						
Rates, levies and charges	14,061,670	14,369,000	14,369,000	14,537,949	14,555,000	14,925,250
Less: Pensioner remissions	(195,222)	(200,000)	(200,000)	(190,000)	(193,190)	(202,850)
Net rates and utility charges	13,866,448	14,169,000	14,169,000	14,347,949	14,361,810	14,722,400
Fees and charges	4,280,515	4,308,348	4,308,348	4,308,348	4,419,023	4,525,949
Interest received	189,648	140,000	175,000	244,000	365,000	365,000
Sales - contract and recoverable works	-	-	-	-	-	-
Operating grants, subsidies, contributions & donations	4,452	500	4,487	4,487	512	525
Proceeds from sale of developed land held for sale	-	-	-	-	-	-
TOTAL OPERATING REVENUES	18,341,063	18,617,848	18,656,835	18,904,784	19,146,345	19,613,874
Expenses						
Employee benefits	(5,152,201)	(5,078,201)	(5,021,201)	(4,934,471)	(4,370,500)	(5,063,726)
Materials and services	(8,060,947)	(10,318,238)	(10,475,413)	(9,283,407)	(10,260,439)	(11,472,708)
Finance costs	(1,321,015)	(818,432)	(762,650)	(762,650)	(862,000)	(872,800)
Depreciation and amortisation	(796,398)	(1,177,892)	(949,058)	(949,058)	(1,429,943)	(1,583,013)
Cost of land held for sale	-	-	-	-	-	-
TOTAL OPERATING EXPENSES	(15,330,561)	(17,392,763)	(17,208,322)	(15,929,586)	(16,922,882)	(18,992,247)
Operating surplus / (deficit)	3,010,502	1,225,085	1,448,513	2,975,198	2,223,463	621,627
Transfers to						
Internal Business Activities						
Community Service Obligations	3,201,597	3,449,342	3,449,342	3,449,342	3,552,479	3,659,606
Competitive neutrality adjustments	(265,634)	(92,508)	(92,508)	(92,508)	(116,422)	(114,451)
Internal Tax Equivalents Paid	(1,783,040)	(1,374,576)	(1,374,576)	(1,374,576)	(1,412,146)	(1,468,221)
Return on Capital	-	-	-	-	-	-
TOTAL TRANSFERS	1,152,923	1,982,258	1,982,258	1,982,258	2,023,911	2,076,934
Net result	4,163,425	3,207,343	3,430,771	4,957,456	4,247,374	2,698,561

BUNDABERG REGIONAL COUNCIL
Budgeted Statement of Comprehensive Income

OTHER BUSINESS ACTIVITIES

For the period ending 30 June 2018	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast
	2016/17 \$	2017/18 \$	2017/18 \$	2017/18 \$	2018/19 \$	2019/20 \$
Airport						
Recurrent Revenue	5,601,889	5,485,250	5,485,250	5,423,842	5,421,280	5,531,732
Recurrent Expenditure	(5,281,474)	(4,968,133)	(4,737,659)	(4,718,721)	(4,536,456)	(4,511,508)
Projected Net Result	<u>320,415</u>	<u>517,117</u>	<u>747,591</u>	<u>705,121</u>	<u>884,824</u>	<u>1,020,224</u>
Caravan Parks						
Recurrent Revenue	2,648,665	2,670,875	2,670,875	2,670,875	2,745,921	2,815,015
Recurrent Expenditure	(2,388,239)	(2,495,399)	(2,443,945)	(2,353,371)	(2,442,388)	(2,472,312)
Projected Net Result	<u>260,426</u>	<u>175,476</u>	<u>226,930</u>	<u>317,504</u>	<u>303,533</u>	<u>342,703</u>

BUNDABERG REGIONAL COUNCIL
Financial Sustainability Ratios

For the period ending 30 June 2018	Target	Audited Actuals	Original Budget	Amended Budget	3rd Qtr Proposed Budget	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
		2016/17 \$	2017/18 \$	2017/18 \$	2017/18 \$	2018/19 \$	2019/20 \$	2020/21 \$	2021/22 \$	2022/23 \$	2023/24 \$	2024/25 \$	2025/26 \$	2026/27 \$
Net Financial Liabilities Ratio	< 60%	-8.9%	30.2%	15.2%	1.7%	20.3%	30.7%	28.5%	25.7%	22.9%	17.9%	8.1%	17.0%	9.6%
Total liabilities less current assets divided by operating revenue														
Operating Surplus Ratio	0% -15%	10.1%	3.8%	4.0%	4.7%	2.6%	1.5%	0.3%	-0.3%	-0.6%	-0.1%	0.8%	0.6%	-0.2%
Net operating surplus divided by total operating revenue														
Asset Sustainability Ratio	> 90%	82.0%	62.4%	74.0%	34.3%	106.0%	59.0%	53.0%	41.0%	56.0%	55.0%	42.0%	54.0%	62.0%
Capital expenditure on replacement assets divided by depreciation expense														

BUNDABERG REGIONAL COUNCIL
Change in total Rates and Charges levied

For the period ending 30 June 2018

	Audited Actuals	3rd Qtr Proposed Budget	
	2016/17	2017/18	Change
	\$	\$	%
Rates, levies and charges levied	143,614,186	154,671,600	7.1%
Less: Discounts & Pensioner remissions	(7,843,975)	(8,320,000)	
Net rates and utility charges levied	135,770,211	146,351,600	7.2%

Year	Proposed Borrowings	Borrowing Purpose	Total Debt	Net Financial Liabilities Ratio
2017/2018	\$25,500,000	Capital Works Projects as outlined in the Capital Works Program.	\$78,036,333	1.7%
2018/2019	\$27,000,000		\$97,296,503	20.3%
2019/2020	\$18,000,000		\$103,603,691	30.7%
2020/2021	\$5,000,000		\$94,364,174	28.5%
2021/2022	\$0		\$80,759,306	25.7%
2022/2023	\$0		\$66,971,082	22.9%
2023/2024	\$7,000,000		\$60,919,321	17.9%
2024/2025	\$5,000,000		\$56,534,234	8.1%
2025/2026	\$10,000,000		\$59,437,547	17.0%
2026/2027	\$10,000,000		\$60,691,184	9.6%

SCHEDULE OF FUTURE BORROWINGS

The Department of Infrastructure, Local Government & Planning *Financial Management (Sustainability) Guideline 2013* defines a Net Financial Liabilities Ratio (expressed as a percentage) as:

“an indicator of the extent to which the net financial liabilities of a local government can be serviced by its operating revenues”.

The Department has set an upper target of 60% for this ratio.

**Item****24 April 2018****Item Number:**

E3

File Number:

.

Part:

FINANCE

Portfolio:

Organisational Services

Subject:

Financial Summary as at 3 April 2018

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.

Background:

In accordance with section 204 of the *Local Government Regulation 2012* a Financial Report must be presented to Council on a monthly basis. The attached Financial Report contains the Financial Summary and associated commentary as at 3 April 2018.

Consultation:

Financial Services Team

Chief Legal Officer's Comment:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

☒ Not required☐ Required

Attachments:

[!\[\]\(c60ce5f1586b7dcb9ed6bccf6949cf15_img.jpg\) 1](#) Financial Summary as at 3 April 2018

Recommendation:

That the Financial Summary as at 3 April 2017 be noted by Council.

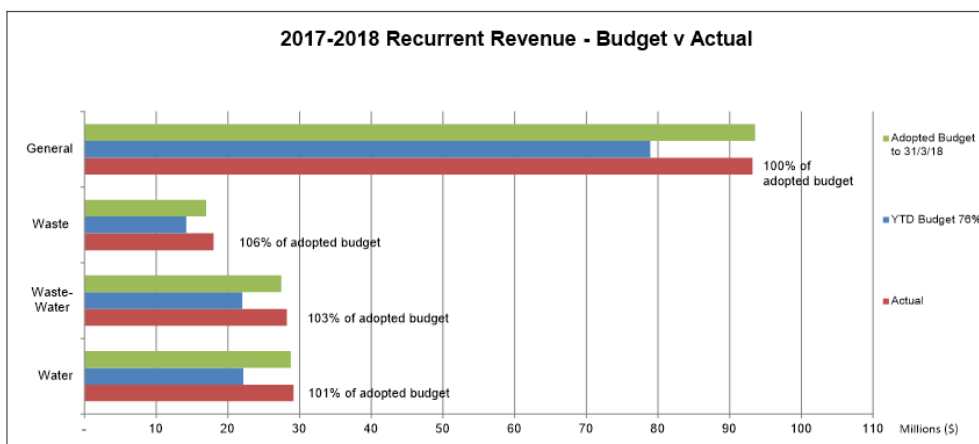
Financial Summary
as at 03 Apr 2018

	Council				General			Waste			Wastewater			Water		
Progress check - 76%	Actual YTD	Original Budget	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act / Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud
Recurrent Activities																
Revenue																
General Rates and Utility Charges	148,743,342	151,634,430	152,264,430	98%	79,107,270	83,517,400	95%	14,536,129	14,369,000	101%	27,504,352	27,435,750	100%	27,595,591	26,972,280	102%
Less: Discounts and pensioner remissions	(8,330,589)	(8,327,900)	(8,327,900)	100%	(7,775,616)	(7,739,900)	100%	(189,734)	(200,000)	95%	(206,610)	(218,500)	95%	(158,629)	(166,500)	94%
	140,412,753	143,306,530	143,966,530	98%	71,331,654	75,777,500	94%	14,346,395	14,169,000	101%	27,297,742	27,217,250	100%	27,436,962	26,802,780	102%
Fees and Charges	18,861,044	25,736,260	24,723,950	76%	13,958,101	18,171,402	77%	3,424,237	4,308,348	79%	685,476	1,027,500	67%	793,230	1,216,700	65%
Interest Revenue	2,416,268	3,139,000	3,418,927	71%	955,754	1,457,327	66%	217,163	175,000	124%	253,943	691,800	37%	989,378	1,095,000	90%
Grants, Subsidies & Donations	6,740,831	11,060,227	8,453,754	80%	6,729,389	8,444,119	80%	4,487	4,487	100%	5,148	5,148	100%	1,807	-	-
Sale of Developed Land Inventory	69,464	-	-	-	69,464	-	-	-	-	-	-	-	-	-	-	-
Total Recurrent Revenue	168,500,360	183,242,617	180,563,161	93%	93,044,362	103,850,348	90%	17,992,312	18,656,835	96%	28,242,309	28,941,498	98%	29,221,377	29,114,480	100%
Expenses																
Employee Costs	46,335,689	67,205,270	67,672,294	68%	36,685,465	53,893,963	68%	3,702,750	5,021,201	74%	3,310,127	4,858,050	68%	2,637,357	3,899,080	68%
Materials and Services	37,814,082	54,729,695	57,406,359	66%	22,459,490	32,124,583	70%	6,261,727	10,475,413	60%	3,809,680	7,156,549	53%	5,282,867	7,648,814	69%
Finance Costs	2,673,903	3,922,732	4,016,025	67%	1,147,958	1,845,373	70%	552,913	762,650	72%	824,567	1,295,402	64%	148,465	311,800	48%
Depreciation	33,171,080	50,413,508	44,228,080	75%	24,540,215	32,720,287	75%	711,794	949,058	75%	3,838,606	5,115,876	75%	4,082,145	5,442,880	75%
Total Recurrent Expenditure	119,994,734	176,271,205	173,320,758	69%	84,833,127	120,384,206	70%	11,229,184	17,208,322	65%	11,781,589	18,425,876	64%	12,150,834	17,302,354	70%
Operating Surplus	48,505,626	6,971,412	7,242,403		8,211,235	(16,533,858)		6,763,128	1,448,513		16,460,720	10,515,622		17,070,543	11,812,126	
Transfers to																
Restricted Capital Cash	11,481,597	-	3,876,793	-	-	-	-	-	-	-	11,481,597	3,876,793	-	-	-	-
NCP Transfers	-	-	-	-	(9,909,444)	(13,212,591)	-	(1,486,694)	(1,982,258)	-	4,979,123	6,638,829	-	6,417,015	8,556,020	-
Total Transfers	11,481,597	-	3,876,793		(9,909,444)	(13,212,591)		(1,486,694)	(1,982,258)		16,460,720	10,515,622		6,417,015	8,556,020	
Movement in Unallocated Surplus	37,024,029	6,971,412	3,365,610		18,120,679	(3,321,267)		8,249,822	3,430,771		-	-		10,653,528	3,256,106	
Unallocated Surplus (Deficit) brought forward from prior year(s)	15,525,267	15,525,267	15,525,267	-	(4,379,923)	(4,379,923)	-	5,652,180	5,652,180	-	3	3	-	14,253,007	14,253,007	-
Unallocated Surplus (Deficit)	52,549,296	22,496,679	18,890,877		13,740,756	(7,701,190)		13,902,002	9,082,951		3	3		24,906,535	17,509,113	
Capital Activities																
<i>Council's Capital Expenditure (Excludes Donated Assets)</i>																
Council Expenditure on Non-Current Assets	64,587,246	119,227,096	128,103,309	50%	40,732,384	85,090,701	48%	2,763,742	5,148,550	54%	17,994,099	31,148,666	58%	3,097,021	6,715,392	46%
Loan Redemption	4,233,572	5,512,000	6,371,256	66%	2,715,149	4,132,190	66%	351,909	503,723	70%	946,570	1,450,033	65%	219,944	285,310	77%
Total Capital Expenditure	68,820,818	124,739,096	134,474,565	51%	43,447,533	89,222,891	49%	3,115,651	5,652,273	55%	18,940,669	32,598,699	58%	3,316,965	7,000,702	47%
Cash																
Opening balance	106,021,236	70,427,900	106,021,236	-	-	-	-	-	-	-	-	-	-	-	-	-
Movement - increase/(decrease)	30,243,835	(17,841,076)	(24,364,384)	-	-	-	-	-	-	-	-	-	-	-	-	-
Closing balance	136,265,071	52,586,824	81,656,852													

Further to the Financial Summary Report as at 3 April 2018, the following key features are highlighted. The following figures are based on the 2nd Quarter Amended Budget.

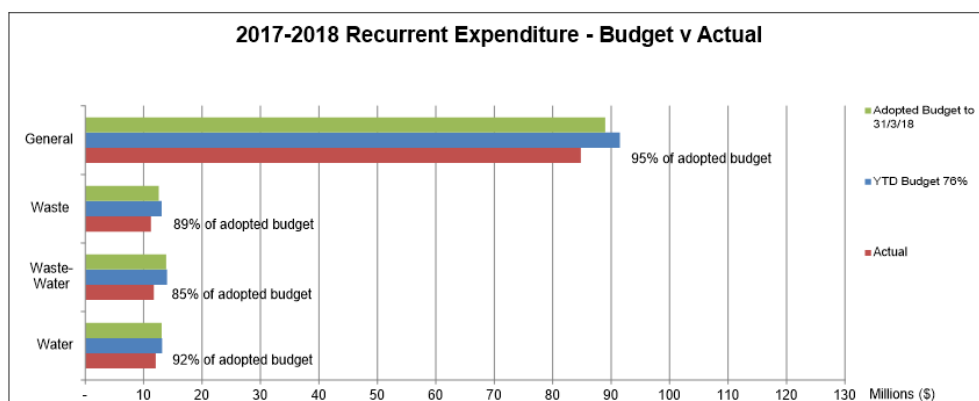
Recurrent Revenue

- Half-year rates were due for payment on 9th March. Rates revenue is aligned with budget. Council will receive further rates income in the coming months through pre-payments.
- Fees and charges are tracking on budget.
- Interest revenue is trending below budget, partly due to a reduction in long-term rates debt. Interest revenue from investments is expected to increase in the last quarter due to current significant cash holdings and investment of loan funds to be drawn in May.



Recurrent Expenditure

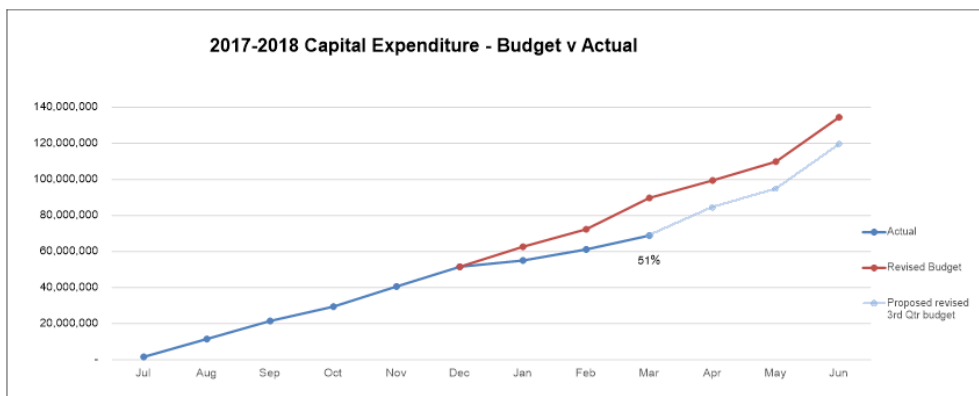
- Employee Costs are tracking lower than budget. The fourth quarter should see increased expenditure in this area as a result of back payment of the EBA wages increase from December 2017 and recruitment for new and previously vacant positions during the year. The amended 3rd Quarter Budget will identify additional savings.
- Materials and Services are tracking lower than budget. The following projects have been reprovioned to 2018/2019: Qunaba Landfill - \$800,000, and decommissioning of the East Bundaberg Waste-water Treatment Plant - \$300,000. Budgeted expenditure relating to the Core System Replacement Project has been reduced by \$150,000 in line with actual expenditure to date. The East Bundaberg Bio Hub project has been cancelled. Budgeted expenditure associated with that project was \$500,000. The budgets for these projects will be reflected accordingly in the amended 3rd quarter Budget.
- Finance costs to date are less than expected. The 4th quarter should see closer alignment with budgeted costs when the loan repayment, which will include a \$940,000 interest component, is made in June. This incorporates interest on loans to be drawn down in May for Rubyanna Waste Treatment Plant and other strategic investments.
- The budgeted depreciation expenditure is apportioned evenly across the 12 months of the year and is processed every month.



Capital Expenditure

- Capital Expenditure is tracking lower than forecast. Cedars Road Landfill has been completed with savings of \$500,000. Rubyanna Waste-water Treatment Plant budgeted expenditure has been reduced by \$3 million in line with the contractor's amended forecast. Third Quarter Budget revisions will recognise reprovisioning of funds to the 2018-2019 year, in line with project delivery schedules, in relation to Bundaberg CBD Revitalisation, East Bundaberg Tourism Precinct, Fitzgerald Street Roundabout, Thabeban Drainage Scheme, Mon Repos Sewer and Mon Repos Water projects. The value of these budget reprovisions is \$10.2 million.

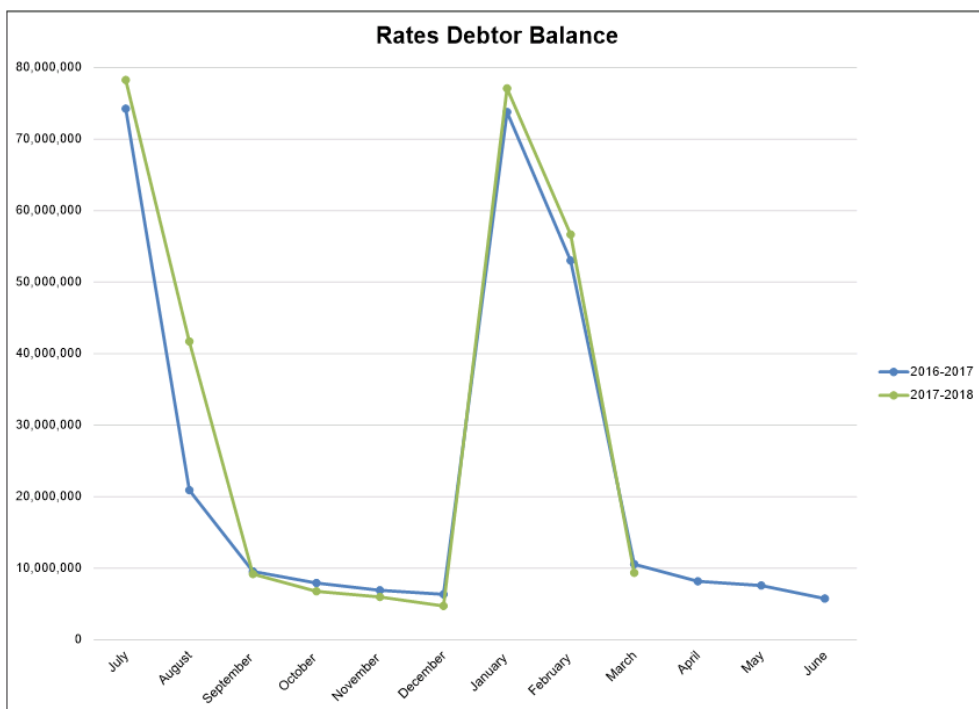
For more details regarding Capital Expenditure projects please refer to the summary of capital projects at the end of this report.



Revenue Statistics

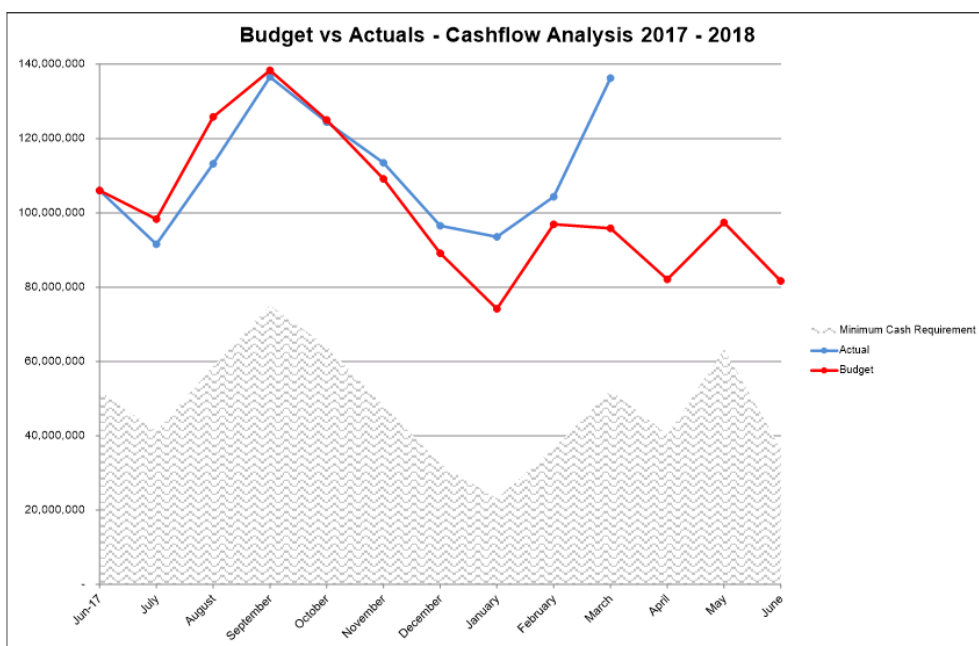
Rates Debtor

- Rates currently outstanding equate to 11% of total rates levied for the half year to 30 June, compared to 14% outstanding this time last year.
- Final stage recovery action is currently continuing in relation to three properties where rates have been outstanding for more than three years. The final date for payment on these properties is 12th April.



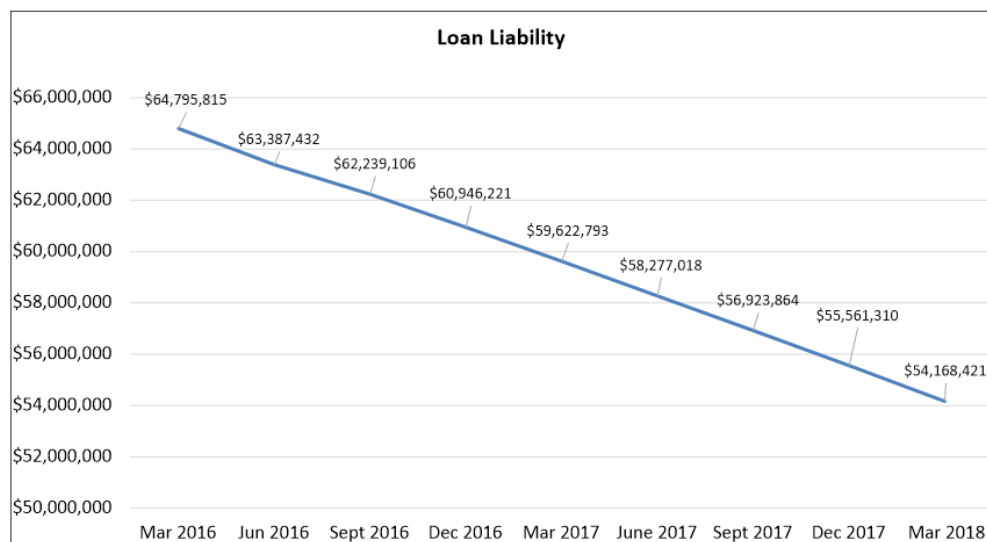
Cash Flow

- The cash balance as at 31 March 2018 was \$136.2 million, an increase of \$31.9 million from the last report on 28 February 2018, reflecting the rates levy that was due for payment in March.
- Overall, the current cash balance is \$43.3 million more than forecast, mainly due to variances in capital expenditure, employee costs and materials and services as detailed above.
- No short-term liquidity issues are foreseeable.



Loans

- Loan balances include the 3rd quarter repayment. The 4th quarter repayment is due on 15th June 2018.
- Movement and details of current loan balances are shown below:



Account Name	Closing Balance as at 31 March 2018
1008 Aviation Precinct	456,790.53
1008 Bundaberg Airport	11,324,200.91
1022 Elliott Heads Caravan Park	231,299.19
1027 Fleet Management	2,254,808.81
1031 Hall of Aviation	1,373,453.58
1040 Kolan Gardens Aged Care	243,193.81
1045 Burnett Heads Holiday Park	73,216.37
1069 Sewerage Services	25,016,690.36
1081 Water Services	3,495,908.60
1120 General Facilities	5,016,710.10
1129 Waste Services	4,682,148.95
Grand Total	54,168,421.21

Moderate + High Governance Projects as at 25 March 2018

Projects with a budget exceeding \$500,000 over the life of the works

Project Description	Status *	% Complete	Monitor (Descriptor)	Life to Date				Financial Year 2018					
				Original Project Estimate (\$)	Adopted Budget (\$)	LTD Actuals (\$)	Est Final Cost (\$)	Adopted 2018 Budget (\$)	FY 2018 YTD Actuals (\$)	Committed (\$)	% Spend	Est Final Cost 2018 (\$)	Budget Variance (\$)
Major Projects													
Multi-Use Sport and Community Centre (Multiplex) Stage 1 Finalisation Costs		95%	Costs associated with the finalisation of Stage 1 Contractor's Contract Sum.		174,611	103,601	174,611	150,000	78,990	-	53%	150,000	-
Multi-Use Sport and Community Centre (Multiplex) Stage 2		95%	Project is practically complete awaiting financial completion. Revised budget request submitted to decrease the budget.	12,500,000	12,677,819	11,965,118	12,265,119	9,468,657	8,755,957	535	92%	9,055,957	(412,700)
Demolition of Skating Rink and Lessee Compensation		2%	Demolition to occur 2017/2018. Revised Budget request submitted to decrease budget.	250,000	250,000	7,138	200,000	250,000	7,138	-	3%	200,000	(50,000)
Internal Roads and Intersections		100%	Costs have been finalised	3,115,118	3,115,118	3,115,118	3,115,118	-	-	-	0%	-	-
Multi-Use Sport and Community Centre (Multiplex) Stage 1		100%	Costs have been finalised	9,500,000	15,622,817	15,622,817	15,622,817	-	-	-	0%	-	-
Cost to Council				25,365,118	31,840,364	30,813,791	31,377,664	9,868,657	8,842,084	535	90%	9,405,957	(462,700)
Bundaberg CBD Revitalisation		15%	Hassell Ltd is progressing with the design and documentation. Design is currently 40% complete. 50% hold point has been extended to approximately April 2018 to incorporate changes to project scope. A Revised Budget Request has been submitted to decrease the current financial year budget and to re-provision into the 2018-2019 financial year.		16,064,181	1,041,302	16,064,181	5,000,000	977,122	34,000	20%	1,200,000	(3,800,000)
Bundaberg CBD Streetscape Revitalisation - Non-Capital Costs			Work is ongoing.		279,254	154,338	179,254	100,000	75,084	13,000	75%	100,000	-
Cost to Council				16,000,000	16,343,435	1,195,641	16,243,435	5,100,000	1,052,206	47,000	21%	1,300,000	(3,800,000)
Mount Perry Flood Evacuation Route Upgrade		95%	Land resumptions have now been resolved. Compensation payment to be made at the end April 2018. Revised Budget Request has been submitted to increase current financial year budget.	8,758,570	5,513,944	4,747,338	5,513,944	-	83,395	4,726	x	850,000	850,000
Mount Perry Flood Evacuation Route Upgrade Complementary Works including Retaining Wall, Open Drain, Botanic Gardens Pit and Water Main		100%	Costs have been finalised	-	1,273,584	1,273,584	1,273,584	-	-	-	0%	-	-
Cost to Council				8,758,570	6,787,528	6,020,922	6,787,528	-	83,395	4,726	0%	850,000	850,000
Burnett Heads CBD Revitalisation		25%	Construction has commenced, due to be completed in June 2018. Delays experienced due to recent weather. A Revised Budget Request has been submitted to increase budget due to increased scope relating to the Federal Grant Agreement.	5,359,707	6,062,003	1,500,611	7,324,003	5,900,000	1,338,607	194,032	23%	7,162,000	1,262,000
East Bundaberg Tourism Precinct		5%	Concept design is complete. Detailed design is currently underway by Harrison Infrastructure Group. Final design and scope is contingent upon the outcome of grant applications. Revised Budget Request submitted to decrease the 2017-2018 budget and re-provision into 2018-2019.	457,000	1,005,652	32,336	1,005,652	1,000,000	26,684	-	3%	100,000	(900,000)

Moderate + High Governance Projects as at 25 March 2018

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Corporate Applications													
Core System Replacement Program		95%	Costs relating to undertaking prefeasibility investigations for the Core System Replacement Program. A Revised Budget Request has been submitted to reduce the current year budget in line with expenditure.		1,286,033	1,127,671	1,136,581	277,588	119,226	23,238	43%	128,136	(149,452)
Civica Authority Version 7 Upgrade		10%	Civica Authority upgrade from current Version 6.9 to Version 7 to support latest functionality. Roll out of version 7 expected June.	4,500,000	75,000	-	75,000	75,000	-	-	0%	75,000	-
Rugged Tablets - Proof of Concept		100%	Costs have been finalised		10,000	10,000	10,000	-	-	-	0%	-	-
Software Programs		100%	Costs have been finalised		22,277	22,277	22,277	-	-	-	0%	-	-
Cost to Council				4,500,000	1,393,310	1,159,948	1,243,858	352,588	119,226	23,238	34%	203,136	(149,452)
Aiports and Tourism													
Aviation Precinct - Construction of Stage 3		10%	Detailed design and costing are complete. Contract for construction to go out to tender early 2018 with early works to commence April 2018. Main works to commence in 2018/2019 Financial Year.	1,000,000	1,438,675	14,376	1,673,051	1,438,675	14,376	-	1%	334,376	(1,104,299)
Aviation Precinct - Construct Taxiway Alpha & Adjacent Aircraft Aprons		10%	Revised Budget Request has been submitted to reduce the current financial year budget and reallocate remaining budget to 2018-2019 Financial Year in line with project schedule.	420,000	2,270,300	-	2,270,300	2,270,300	-	-	0%	-	(2,270,300)
Cost to Council				1,420,000	3,708,975	14,376	3,943,351	3,708,975	14,376	-	0%	334,376	(3,374,599)
Waste Disposal Facilities													
Bundaberg Regional Landfill - (Cedars Road) - Cell 3		95%	Currently under construction, minor delays in sourcing some materials. Project nearing completion. Revised Budget Review Submitted to reduce budget in line with expected expenditure.	4,294,000	4,366,808	2,417,262	3,872,808	4,294,000	2,344,454	142,835	55%	3,800,000	(494,000)
Ounaba Landfill Phytocapping Stage 1, Southern and Western Batters		5%	Project Manager is developing a Business Case in line with the Project Decision Framework. Revised Budget review submitted, project to be reprovisioned into Financial Year 2018/2019	802,500	802,500	277	802,500	802,500	277	-	0%	-	(802,500)
Roads and Drainage													
Baldvin Swamp Multi Modal Pathways - Que Hee Street to Bundaberg Ring Road		40%	Project has commenced and is being delivered by day labour. Due to be complete June 2018.	1,000,000	1,479,800	178,514	1,468,641	1,000,000	161,873	132,600	16%	1,000,000	-

Moderate + High Governance Projects as at 25 March 2018

Projects with a budget exceeding \$500,000 over the life of the works

Project Description	Status *	% Complete	Monitor (Descriptor)	Life to Date				Financial Year 2018					
				Original Project Estimate (\$)	Adopted Budget (\$)	LTD Actuals (\$)	Est Final Cost (\$)	Adopted 2018 Budget (\$)	FY 2018 YTD Actuals (\$)	Committed (\$)	% Spend	Est Final Cost 2018 (\$)	Budget Variance (\$)
Hughes Road, Bargara - Extension - Stage 2 - Wearing Road to Watsons Road		20%	Project is currently being designed. Construction will commence in the 2018-2019 Financial Year. Revised Budget Request has been submitted to reduce the current financial year budget.	6,000,000	5,400,551	31,928	5,350,551	100,000	31,377	11,400	31%	50,000	(50,000)
Land Purchase for Road Reserve		40%	Negotiations are ongoing. Revised Budget Request has been submitted to increase the current financial year budget.		600,000	484	710,000	600,000	484	-	0%	710,000	110,000
<i>Cost to Council</i>				6,000,000	6,000,551	32,412	6,060,551	700,000	31,861	11,400	5%	760,000	60,000
Sprayed Bitumen Resurfacing Program		95%	Minor works to be finalised. Savings achieved though competitive tender process. Revised Budget Request has been submitted to reduce the current year budget.	1,470,000	1,470,000	1,174,636	1,205,000	1,470,000	1,174,636	-	80%	1,205,000	(265,000)
Willis Street, Sharon - Burnett Downs Estate - Upgrade Drainage Work		5%	Project is currently being designed. Revised Budget Request has been submitted to increase the current financial year budget.	650,000	650,000	20,072	750,000	300,000	20,072	39,620	7%	400,000	100,000
Pine Creek Road - Roads Rehabilitation Program		95%	Project is Practically Complete awaiting financial completion. Revised Budget Request has been submitted to reduce the current year budget in line with actual expenditure.	591,000	591,000	433,893	435,000	591,000	433,893	-	73%	435,000	(156,000)
Avoca Street/Branyan Drive - Provision and Upgrade of On-Road Cycle Facilities - Stage 2A		100%	Costs have been finalised	700,000	282,996	282,996	282,996	141,736	141,737	-	100%	141,736	-
Avoca Street/Branyan Drive - Provision and Upgrade of On-Road Cycle Facilities - Stage 2B		95%	Minor works to be completed by April 2018 to finalise the project. Revised Budget Request has been submitted to reduce the current financial year budget in line with actual expenditure.	-	417,004	358,165	370,000	417,004	358,165	11,951	86%	370,000	(47,004)
<i>Cost to Council</i>				700,000	700,000	641,161	652,996	558,740	499,902	11,951	89%	511,736	(47,004)
Thabeban Fitzgerald Streets Roundabout - Works for Queensland Round 2		5%	Project is currently being designed. Relocation of services will commence in April and due to be completed by July 2018. Construction to commence in the 2018-2019 Financial Year. Revised Budget Request has been submitted to reduce the current budget and reversion the remaining budget to 2018-2019 Financial Year.	1,400,000	1,400,000	157,671	1,400,000	1,400,000	157,671	-	11%	200,000	(1,200,000)
Asphalt Rejuvenation Program		95%	Project is Practically Complete awaiting financial completion. Revised Budget Request has been submitted to reduce the current year budget in line with actual expenditure.	500,000	515,000	438,052	440,000	515,000	438,052	-	85%	440,000	(75,000)
Fitzgerald Street/ Egmolesse Street, Norville - Construction of Roundabout - Works for Queensland Round 1		100%	Costs have been finalised. Revised Budget Request has been submitted to increase the current financial year budget in line with actual expenditure.	1,400,000	1,456,736	1,792,668	1,792,668	1,349,604	1,685,535	6,740	125%	1,685,536	335,932

Moderate + High Governance Projects as at 25 March 2018

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Johnston Street, Avoca - Upgrade		5%	Project is currently being designed. Drainage easement negotiations are continuing. Revised Budget Revision has been submitted to reduce the current financial year budget and reversion to the 2018/2019 Financial Year.	995,015	650,000	83,312	510,000	650,000	83,312	233,512	13%	300,000	(350,000)
Road Rehabilitation Package 2 - Moorlands Road, Moorland		95%	Project to be completed April 2018. Revised Budget Request has been submitted to reallocate budget from the Program Budget.	-	-	695,524	700,000	-	695,524	10,159	0%	700,000	700,000
Thabeban Stormwater Drainage Scheme - Stage 3		2%	Council officers will develop a Master Plan for future year expenditure. Current year expenditure is based on Council's contribution to the emergency services development. Project is currently being designed. Revised Budget Request has been submitted to reduce the current financial year budget.	1,308,000	3,700,000	141,945	3,200,000	1,500,000	90,068	57,450	6%	1,000,000	(500,000)
Thabeban Stormwater Drainage Scheme - Stage 2		100%	Costs have been finalised	-	446,697	446,697	446,697	-	-	-	0%	-	-
Thabeban Stormwater Drainage Scheme - Stage 1B		100%	Costs have been finalised	-	574,896	574,896	574,896	-	-	-	0%	-	-
<i>Cost to Council</i>				1,308,000	4,721,593	1,163,538	4,221,593	1,500,000	90,068	57,450	6%	1,000,000	(500,000)
Ten Mile Road, Sharon - Upgrade and Widen Narrow Sealed Sections between CH 3.7 km and CH 4.9 km		95%	Project is Practically Complete awaiting financial completion. Revised Budget Request has been submitted to reduce the current year budget in line with actual expenditure.	2,650,000	350,000	33,676	220,000	350,000	33,676	92,441	10%	220,000	(130,000)
Ten Mile Road, Sharon - Upgrade and Widen Narrow Sealed Sections between CH 4.9 km and CH 7.3 km		5%	Detailed design is complete. Tender has been awarded to Berajondo. Construction will commence mid April and due to be completed mid June 2018. Revised Budget Request has been submitted to reduce the current financial year budget in line with actual expenditure.	-	1,550,000	215,257	1,220,000	1,550,000	215,257	-	14%	1,220,000	(330,000)
Ten Mile Road, Sharon - Upgrade and Widen Narrow Sealed Sections between CH 7.3 km and CH 10.75 km		95%	Project is Practically Complete awaiting financial completion. Revised Budget Request has been submitted to increase the current financial year budget in line with actual expenditure.	-	750,000	853,364	860,000	750,000	853,364	818	114%	860,000	110,000
<i>Cost to Council</i>				2,650,000	2,650,000	1,102,297	2,300,000	2,650,000	1,102,297	93,259	42%	2,300,000	(350,000)
Strategic Projects Co-Ordination													
East Bundaberg Bio Hub Pipeline		2%	Currently assessing the Head Agreement for the Project. Revised Budget Request submitted to remove project. Council will not be undertaking this work.	500,000	500,000	1,433	-	500,000	1,433	-	0%	-	(500,000)

Moderate + High Governance Projects as at 25 March 2018

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Community Development													
Norville Pool - Bucket Play Area - Works for Queensland Round 2		2%	Council are undertaking preliminary investigations into the capacity of the existing pool plant equipment to better inform a future tender. A design and construct tender is expected to be issued by April 2018. A Revised Budget Request has been submitted to transfer shade cover budget to project.	500,000	500,000	1,953	550,000	10,000	1,953	5,000	20%	60,000	50,000
Norville Pool Wet Edge - Works for Queensland Round 1		100%	Project Completed. Revised Budget Request has been submitted to decrease current budget in line with actual expenditure.	1,027,500	1,463,926	1,218,236	1,218,236	1,319,132	1,073,442	-	81%	1,073,442	(245,690)
Parks, Sport and Natural Areas													
Natural Themed Playground Botanic Gardens		10%	Successful tenderer will be appointed by the end of April 2018.	350,000	500,000	1,093	500,000	500,000	1,093	-	0%	500,000	-
Baldwin Environmental Wetlands - Water Quality Improvement - Works for Queensland Round 2		2%	Specialised wetland designer has been engaged to undertake preliminary survey work for a detailed design. A Revised Budget Request has been submitted to increase current year budget.	500,000	500,000	11,777	500,000	-	11,777	27,960	0%	27,960	27,960
Nanning Garden Upgrade		95%	Project is Practically Complete awaiting financial completion.	1,189,098	1,189,098	1,139,888	1,189,098	824,118	774,908	-	94%	824,118	-
Water and Wastewater													
Smart Meter Trial		10%	Expressions of Interest have been shortlisted to 9 submissions. Presentations for these submissions will be completed in March. Invitations for tender will be underway in April. Revised Budget Request has been submitted to reallocate current year budget to 2018-2019 Financial Year in line with project schedule.	8,000,000	8,000,000	101,066	8,000,000	625,000	100,610	31,475	16%	150,000	(475,000)
Heaps Street New Roof Structure		100%	Costs have been finalised. Revised Budget Request has been submitted to reduce the current year budget in line with actual expenditure.	800,000	400,000	386,124	386,124	400,000	386,124	-	97%	386,124	(13,876)
Gregory Water Treatment Plant Upgrade		10%	Project is current being designed.	16,200,000	7,682,847	418,829	7,682,847	572,608	308,590	93,021	54%	572,608	-
Kalkie Water Treatment Plant Quality Upgrade		10%	Project is current being designed.	3,100,000	8,000,000	336,414	8,000,000	572,699	309,113	95,549	54%	572,699	-
Innes Park Dry Sewers		100%	Project is Practically Complete awaiting financial completion. Revised Budget Requests has been submitted to decrease current budget in line with actual expenditure.	600,000	201,387	123,249	123,249	200,000	121,862	3,882	61%	125,000	(75,000)
Branyan WTP Clear Water Storage - New Roof Structure		5%	Construction due to commence mid March. Construction due to be completed June. Revised Budget Request has been submitted to reduce current year budget.	500,000	500,000	22,705	450,000	500,000	22,705	-	5%	450,000	(50,000)

Moderate + High Governance Projects as at 25 March 2018

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Woodgate Vacuum Sewer Extension		25%	Construction has commenced and is due to be completed in July 2018. A Revised Budget Request has been submitted to increase the 2017-2018 Budget. Revised Budget Request has been submitted to reduce current budget in line with actual expenditure.	1,500,000	2,100,000	696,338	2,149,566	2,064,797	661,135	496,602	32%	2,114,363	49,566
Belle Eden Gravity Main Construction		0%	Timelines are contingent upon Developer. Project will be removed from the Budget at this time. Revised Budget Request has been submitted to reduce 2017-2018 Budget.	1,000,000	1,000,000	-	-	1,000,000	-	-	0%	-	(1,000,000)
Childers Wastewater Treatment Plant Upgrade		5%	Project is current being designed.	3,200,000	3,200,000	27,171	3,200,000	200,000	27,171	350,460	14%	200,000	-
Gin Gin Wastewater Treatment Plant Upgrade		5%	Project is current being designed.	3,700,000	3,700,000	22,659	3,700,000	100,000	22,659	233,640	23%	100,000	-
Port Sewerage Infrastructure - Installation of Gravity Reticulation System		100%	Costs have been finalised.	780,000	256,319	256,319	256,319	29,941	29,941	-	100%	29,941	-
Mon Repos Water		4%	Project is currently being designed. Construction due to commence May and programmed for completion in August.	670,000	670,000	-	670,000	500,000	-	-	0%	75,000	(425,000)
Mon Repos Wastewater		4%	Project is currently being designed. Construction due to commence May and programmed for completion in August.	900,000	900,000	31,026	900,000	500,000	31,026	6,391	6%	75,000	(425,000)
Coral Cove Sewer - Pebble Beach Drive New Pump Station, Rising Main and Gravity Main			Project complete. Costs to be finalised. Revised Budget Request has been submitted to increase 2017-2018 Budget in line with actuals.	950,000	893,741	915,329	919,241	170,000	191,589	4,557	113%	195,500	25,500
Coral Cove Sewer - Easement Negotiations and Compensation		100%	Costs have been finalised.	-	17,251	17,251	17,251	-	-	-	0%	-	-
Coral Cove Sewer - Pebble Beach Drive New Pump Station, Rising Main and Gravity Main Non Capital Costs			Project Complete. Revised Budget Request has been submitted to increase 2017-2018 Budget in line with actual expenditure.	-	63,667	63,746	63,746	20,000	20,078	-	100%	20,078	78
Cost to Council				950,000	974,659	996,326	1,000,238	190,000	211,667	4,557	111%	215,578	25,578

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Rubyanna STP - Design and Construction of Plant		90%	Practical Completion is expected mid June. A Revised Budget Request has been submitted to reduce the 2017-2018 Budget to remove \$3M in contingency budget.	92,726,237	54,227,378	44,847,661	51,226,910	22,835,778	15,251,159	4,816	67%	19,835,778	(3,000,000)
Project Administration and Control (All Stages)			Work is ongoing		1,005,000	882,418	1,005,000	109,593	52,068	9,172	48%	109,593	-
Non Capital Costs for Design and Construction of Rubyanna Plant			Work is ongoing		234,373	234,842	234,842	-	468	-	0%	468	468
Decommissioning of Bundaberg East WWTP		5%	Initial decommissioning works will commence in January 2018. Further activities will be undertaken to decontaminate East WWTP now that Rubyanna WWTP is online. Revised Budget Request has been submitted to re-provision \$300,000 into the 2018-2019 Financial Year.		500,000	34,399	500,000	500,000	25,982	-	5%	200,000	(300,000)
Purchase of Land		100%	Costs have been finalised		2,667,537	2,667,537	2,667,537	-	-	-	0%	-	-
Rubyanna STP Concept Study		100%	Costs have been finalised		53,700	53,700	53,700	-	-	-	0%	-	-
Rubyanna STP - Trunk Pipelines Concept Design and Survey		100%	Costs have been finalised		7,057,331	7,057,331	7,057,331	-	-	-	0%	-	-
Rubyanna WWTP River Outfall		100%	Costs have been finalised		4,495,809	4,495,809	4,495,809	-	-	-	0%	-	-
Rubyanna WWTP Pipelines - Springhill Road to RWWTP		100%	Costs have been finalised		487,880	487,880	487,880	-	-	-	0%	-	-
Rubyanna WWTP Pipelines - Darnell Street Sewerage Cutting		100%	Costs have been finalised		321,020	321,020	321,020	-	-	-	0%	-	-
<i>Cost to Council</i>				92,726,237	71,050,028	61,082,595	68,050,028	23,445,371	15,329,677	13,988	65%	20,145,839	(3,299,532)

Status Indicator Meaning

	Initiative is proceeding to plan with no indication of future impediments
	Progress is not as expected but action is being/taken and is expected to be on track within the next quarter or financial year

Please note that completed projects may still have outstanding costs

Capital Grants - Life to Date as at 25 March 2018

Project Description	Funding Name	Total Approved Funding	LTD Grant Income Actuals	Percentage Received	Total Approved Expenditure	LTD Grant Expenditure Actuals	Percentage Spend	Approved Cost to Council	Current Actual Cost to Council	Funding Completion Date	Comments
Major Projects											
Multi-Use Sports and Community Centre - Stage 2	Building Our Regions	5,000,000	4,000,000	80%	12,260,000	11,965,118	98%	2,260,000	3,465,118	14/02/2018	Currently negotiating an extension of time with the Department to incorporate additional works. Final Claim to be submitted on completion of the project.
	Community Development Grant	5,000,000	4,500,000	90%							Currently negotiating an extension of time with the Department to incorporate additional works. Final Claim to be submitted on completion of the project.
Burnett Heads CBD Revitalisation	Building Our Regions	3,320,677	1,660,000	50%	6,641,355	1,500,611	23%	415,410	(159,389)	1/10/2018	Milestone 2 is due to be submitted in April 2018. Payment due in May 2018.
	Building Better Regions Fund	2,905,268	-	0%						30/06/2018	Milestone 1 is due to be submitted in April 2018. Payment due in May 2018.
Bundaberg Regional Aviation and Aerospace Precinct - Stage 3	Building Our Regions	1,993,975	997,000	50%	5,239,560	14,376	0%	3,245,585	(982,624)	1/03/2019	Milestone 2 is due to be submitted in November 2018. Payment due in December 2018.
Elliott Heads Foreshore Redevelopment	Local Government Grants and Subsidies Program	1,604,144	481,243	30%	4,010,361	1,302	0%	2,406,217	(479,941)	18/10/2018	30% funding received at execution of agreement. The remaining funding is received progressively during construction.
Wastewater											
Rubyanna Sewerage Treatment Plant	Building Our Regions	5,000,000	4,250,000	85%	62,050,000	50,460,729	81%	57,050,000	46,210,729	30/07/2018	Final claim will be submitted for payment on completion of the project. Please note that total approved expenditure refers to the minimum expenditure required by the Grant funding.
Roads and Drainage											
On-Road Cycle Facilities (PCNP) on Avoca Street/Branyan Drive	Cycle Network Local Government Grants Program	392,500	294,375	75%	884,500	759,356	86%	492,000	464,981	30/06/2018	Milestone 1 has been received and the final claim will be submitted for payment on completion of the project.
Pathway Que Hee Street to Ring Road	Get Playing Plus	739,900	11,318	2%	1,479,800	178,514	12%	739,900	167,196	30/09/2018	Funding is received progressively during construction. First Milestone payment due April 2018.
Quay Street East/Scotland Street - Pathway Principal Cycle Network Plan	Cycle Network Local Government Grants Program	151,374	113,531	75%	302,748	173,086	57%	151,374	59,556	30/06/2018	50% funding received at execution of agreement. A further 25% will be received upon commencement of the project. The final 25% will be received at project completion.
Woondooma Street/Tantitha Street - Intersection Safety Improvements	BLACKSPOT	334,000	167,000	50%	334,000	263,092	79%	-	96,092	30/06/2018	50% funding received at execution of agreement. The final 50% will be received on completion of the project.

Capital Grants - Life to Date as at 25 March 2018

Project Description	Funding Name	Total Approved Funding	LTD Grant Income Actuals	Percentage Received	Total Approved Expenditure	LTD Grant Expenditure Actuals	Percentage Spend	Approved Cost to Council	Current Actual Cost to Council	Funding Completion Date	Comments
Woondooma Street/Targo Street - Intersection Safety Improvements	BLACKSPOT	291,500	145,750	50%	291,500	44,708	15%	-	(101,042)	30/06/2018	50% funding received at execution of agreement. The final 50% will be received on completion of the project.
Payne Street/Warrell Street - Intersection Safety Improvements	BLACKSPOT	142,500	71,250	50%	142,500	141,140	99%	-	69,890	30/06/2018	50% funding received at execution of agreement. The final 50% will be received on completion of the project. Final claim has been submitted and payment is due April 2018.
Ten Mile Road Widening	Roads to Recovery	2,650,000	1,392,304	53%	2,650,000	1,102,297	42%	-	(290,008)	30/06/2018	Next Milestone payment due in April 2018.
2017-2018 TIDS Allocation	TIDS	3,395,153	2,973,289	88%	6,790,306	6,810,699	100%	3,395,153	3,837,410	30/06/2018	Funding is claimed monthly in arrears. Next payment due in April 2018.
Works for Queensland											
Works for Queensland - Round 1	Works for Queensland	10,676,000	9,608,400	90%	10,676,000	13,102,565	123%	-	3,494,165	31/12/2017	Final Milestone has been submitted in December 2017 and is currently being assessed. Payment due to be received in April 2018.
Works for Queensland - Round 2	Works for Queensland	10,573,000	5,286,500	50%	10,573,000	946,747	9%	-	(4,339,753)	30/06/2019	50% funding received at execution of agreement. A further 40% will be received upon expending the initial allocation. The final 10% will be received on completion of the project.

**Item****24 April 2018****Item Number:**

F1

File Number:

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Part:GOVERNANCE &
COMMUNICATIONS**Portfolio:**

Organisational Services

Subject:

Corporate Structure

Report Author:

Amy Crouch, Executive Assistant

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

Our People, Our Business - 3.7 Organisational structure, processes and systems that innovatively support effective governance and service delivery.

Background:

Pursuant to section 196 of the *Local Government Act 2009*, Council is required to adopt an organisational structure *'that is appropriate to the performance of the local government's responsibilities'*.

There have been a number of changes to Council's structure over the past 12 months and it is appropriate to adopt the structure which comprises six departments and will meet Council's legislative responsibilities and its responsibilities to the community.

Associated Person/Organization:

Nil.

Consultation:

Mayor, Councillors, Chief Executive Officer and General Managers

Chief Legal Officer's Comments:

Pursuant to section 196(1) of the *Local Government Act 2009*, a local government must, by resolution, adopt an organisational structure that is appropriate to the performance of the local government's responsibilities.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

- ☐ Yes
☒ No

Attachments:

- [↓](#) 1 Organisational Structure - Departments & Branches

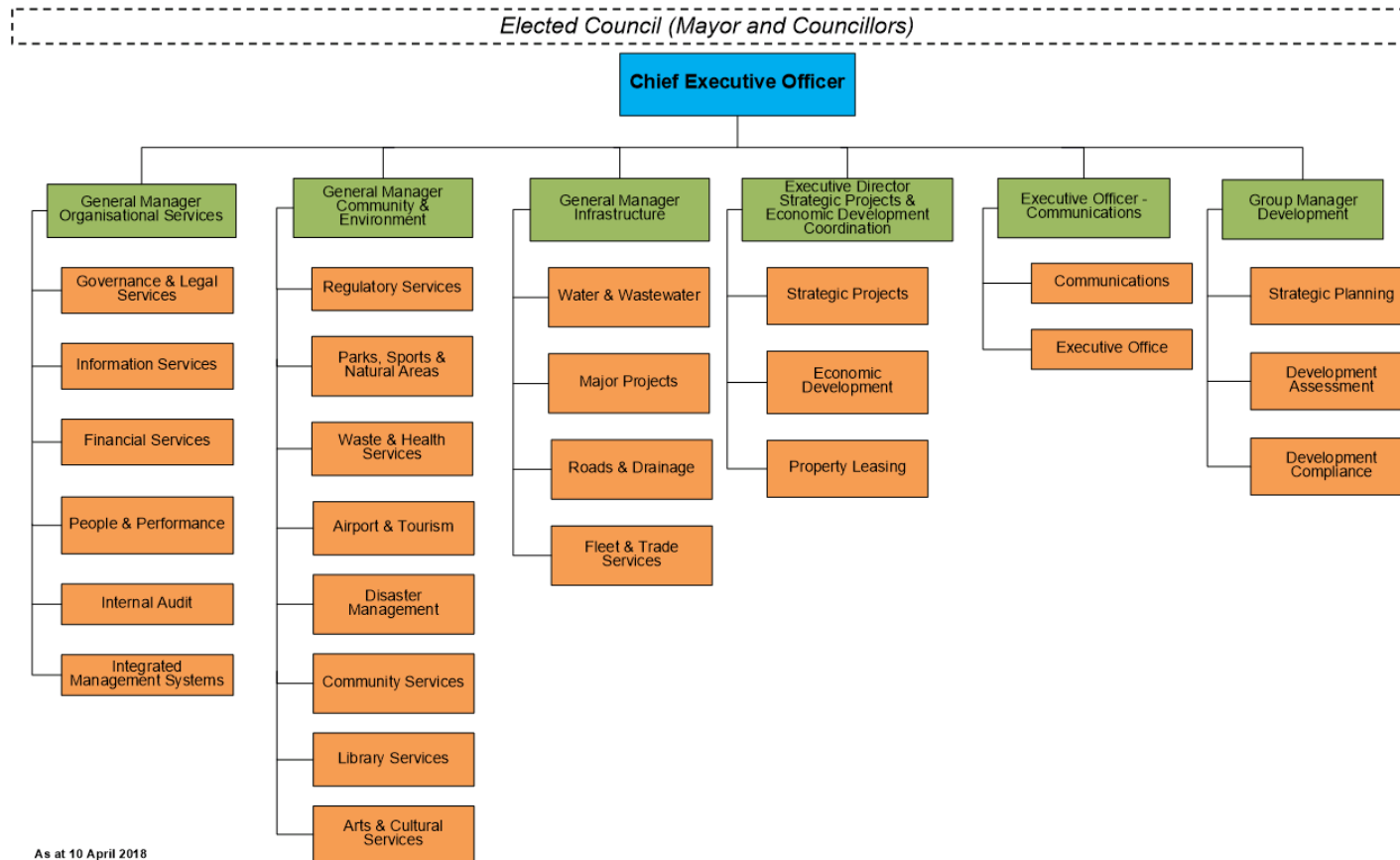
Recommendation:

That the Organisational Structure (as at 10 April 2018), be adopted by Council.



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Organisational Structure – Departments and Branches



XX-0-000 Rev.DRAFT 00/00/00 P1 of 1

**Item****24 April 2018**

Item Number:	File Number:	Part:
F2	0	GOVERNANCE & COMMUNICATIONS

Portfolio:

Organisational Services

Subject:

Making of Proposed Local Laws and Subordinate Local Laws

Report Author:

Amanda Sapolu, Chief Legal Officer

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

Our People, Our Business - 3.6 Responsible and ethical leadership and governance.

Previous Items:

F1 - Local Law Review - Ordinary Meeting - 31 Oct 2017 10.00 am

F1 - Local Law Review - Ordinary Meeting - 30 Jan 2018 10.00 am

Background:**Previous Resolutions**

On 21 July 2015, Council adopted its law making process for the making of local laws and subordinate local laws for the Bundaberg Regional Council. On 31 October 2017 Council resolved to propose to make a number of amending, repealing and new local laws and subordinate local laws (attachments 1-17). Further, on 30 January 2018, Council resolved to delegate to the Chief Executive Officer, the power to decide how the public interest testing of anti-competitive provisions in the proposed local laws and subordinate local laws should be undertaken.

Public Notification and Submissions

On 12 February 2018, a notice inviting the public to make submission relating to the proposed local laws and subordinate local laws was published on Council's website and in the News Mail. Council received four (4) properly made submissions (attachments 37, 38, 40 and 42). Council received a substantial submission from the Waste, Recycling Industry Association (Qld) (WRIQ). Attached (attachment 39 and 41) to this Report is Council's "response and proposed actions" to the WRIQ submissions.

Section 38 of the *Local Government Act 2009* provides that Council must not make a local law that contains an anti-competitive provision unless Council has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions. Accordingly, attached to this report are public interest test reports (attachments 32-35) about the local laws and subordinate local laws which contain anti-competitive provisions as follows:-

- (a) Public Interest Test Report – Administration (Amendment) Local Law (No. 1) 2017 and various subordinate local laws;
- (b) Public Interest Test Report – Animal Management (Amendment) Local Law (No. 1) 2017 and Animal Management (Amendment) Subordinate Local Law (No. 1) 2017; and
- (c) Public Interest Test Report – Community and Environmental Management (Amendment) Local Law (No. 1) 2017 and Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2017; and
- (d) Public Interest Test Report – Local Law No. 8 (Waste Management) 2017.

Council has consulted with the public about its proposed local laws and subordinate local laws, including possible anti-competitive provisions included in the proposed local laws and subordinate local laws.

Pursuant to section 29A(3) of the *Local Government Act 2009*, Council must consult with relevant government entities about the overall State interest in the proposed local laws. In compliance with the Act, Council consulted with a number of relevant government entities as detailed in attachment 44.

Apart from the Department of Environment and Heritage Protection, no relevant government entity consulted, expressed an interest in the proposed local laws. Council has consulted with King & Company Solicitors regarding the relevant government entity feedback and decided that no change to any of the proposed local laws is necessary as a result of consideration of the feedback. Attached for completeness is the feedback received from the Department (attachment 42) and Council's comments in response (attachment 43).

There are no changes required to be made to the proposed local laws and proposed subordinate local laws as a result of any submissions or feedback.

However, one administrative change will be required. As the law making process commenced in 2017 and will be finalised in 2018, it will be necessary to make amendments to the proposed local laws and subordinate local laws to reflect the year of adoption.

The Local Government Act 2009, section 32, relevantly provides that Council may prepare and adopt, by resolution, a consolidated version of a local law (including a subordinate local law). Relevantly, Council has decided to prepare and adopt, by resolution, a consolidated version of each current local law of Council which is amended by an amending local law and each current subordinate local law of Council which is amended by an amending subordinate local law.

Further Steps

Council now needs to adopt the consolidated versions (attachments 18-31) of the amended local laws and subordinate local laws and adopt the new local law.

Once Council resolves to make the proposed local laws and proposed subordinate local laws, Council must take steps to:

1. Place a public notice about the making of the proposed local laws and subordinate local laws in the Government Gazette and on its website; and
2. Advise the Minister; and
3. Make available copies of each local law and subordinate local law for inspection and purchase by the public at Council's public offices.

Associated Person/Organization:

Government Departments as detailed in the Attachments

Submitters as detailed in the Attachments

King and Company Solicitors

Consultation:

Councillors and Council staff

Chief Legal Officer's Comments:

The law making process has been previously adopted by Council, and has been followed in the making of the local laws and subordinate local laws.

Policy Implications:

A policy review is currently being undertaken by Council. The policy review will take into account any changes as a result of the adopted local laws and subordinate local laws.

Financial and Resource Implications:

Council has incurred costs in the procurement of external legal advice to advise on the process of making and adopting local laws.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

☐ Yes

☒ No

Attachments:

[↓](#) 1 Animal Management
(Amendment) Local Law (No. 1) 2018

- [↓](#)2 Animal Management
(Amendment) Subordinate Local Law
(No. 1) 2018
- [↓](#)3 Commercial Use of Local
Government Controlled Areas and
Roads (Amendment) Subordinate
Local Law (No. 1) 2018
- [↓](#)4 Community and Environmental
Management (Amendment) Local Law
(No. 1) 2018
- [↓](#)5 Community and Environmental
Management (Amendment)
Subordinate Local Law (No. 1) 2018
- [↓](#)6 Establishment or Occupation of
a Temporary Home (Amendment)
Subordinate Local Law (No. 1) 2018
- [↓](#)7 Local Government Controlled
Areas, Facilities and Roads
(Amendment) Local Law (No. 1) 2018
- [↓](#)8 Local Government Controlled
Areas, Facilities and Roads
(Amendment) Subordinate Local Law
(No. 1) 2018
- [↓](#)9 Operation of Public Swimming
Pools (Amendment) Subordinate Local
Law (No. 1) 2018
- [↓](#)10 Operation of Shared Facility
Accommodation (Amendment)
Subordinate Local Law (No. 1) 2018
- [↓](#)11 Administration (Amendment)
Local Law (No.1) 2018
- [↓](#)12 Operation of Temporary
Entertainment Events (Amendment)
Subordinate Local Law (No. 1) 2018
- [↓](#)13 Parking (Amendment)
Subordinate Local Law (No. 1) 2018
- [↓](#)14 Undertaking Regulated
Activities on Local Government
Controlled Areas and Roads
(Amendment) Subordinate Local Law
(No. 1) 2018
- [↓](#)15 Local Law (Repealing) Local
Law (No. 1) 2018
- [↓](#)16 Subordinate Local Law
(Repealing) Subordinate Local Law
(No. 1) 2018
- [↓](#)17 Local Law No.8 (Waste
Management) 2018
- [↓](#)18 Local Law 1 (Administration)
2011 (Consolidated) 27.02.18

- [↓](#) 19 Local Law 2 (Animal Management) 2011 (Consolidated) 08.02.18
- [↓](#) 20 Local Law 3 (Community and Environmental Management) 2011 (Consolidated) 27.02.18
- [↓](#) 21 Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2011 (Consolidated) 08.02.18
- [↓](#) 22 Subordinate Local Law 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011 (Consolidated) 07.02.18
- [↓](#) 23 Subordinate Local Law 1.3 (Establishment or Occupation of a Temporary Home) 2011 (Consolidated) 07.02.18
- [↓](#) 24 Subordinate Local Law 1.10 (Operation of Public Swimming Pools) 2011 (Consolidated) 07.02.18
- [↓](#) 25 Subordinate Local Law 1.11 (Operation of Shared Facility Accommodation) 2011 (Consolidated) 07.02.18
- [↓](#) 26 Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events) 2011 (Consolidated) 07.02.18
- [↓](#) 27 Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011 (Consolidated)
- [↓](#) 28 Subordinate Local Law 2 (Animal Management) 2011 (Consolidated) 08.02.18
- [↓](#) 29 Subordinate Local Law 3 (Community and Environmental Management) 2011 (Consolidated) 08.02.18
- [↓](#) 30 Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2011 (Consolidated) 08.02.18
- [↓](#) 31 Subordinate Local Law 5 (Parking) 2011 (Consolidated) 08.02.18
- [↓](#) 32 Public Interest Test Report - Administration (Amendment) Local Law (No. 1) 2017 and various subordinate local laws

- [↓](#)33 Public Interest Test Report - Animal Management (Amendment) Local Law (No. 1) 2017
- [↓](#)34 Public Interest Test Report - Community and Environmental Management (Amendment) Local Law (No. 1) 2017
- [↓](#)35 Public Interest Test Report - Local Law No. 8 (Waste Management) 2017
- [↓](#)36 Submission - Bundaberg Swimming Academy - Operation of Public Swimming Pools
- [↓](#)37 Submission - Paul & Caroline Simms & Scott Hamlet - Local Law No. 1
- [↓](#)38 Submission - Transformation Training Clinic - Animal Control Laws
- [↓](#)39 Submission Response - Transformation Training Clinic - Animal Control Laws
- [↓](#)40 Submission - WRIQ - Local Law 8 (Waste Management)
- [↓](#)41 Submission Response - WRIQ - Local Law 8 (Waste Management) 2017
- [↓](#)42 Submission - Department of Environment and Heritage Protection - Local Law No. 8 (Waste Management) 2017
- [↓](#)43 Submission Response - Department of Environment & Heritage Protection - Local Law No. 8 (Waste Management) 2017
- [↓](#)44 Consultation with Government Departments

Recommendation:

Council resolves—

- (a) **to note that Council has consulted with relevant government entities about the overall State interest in proposed local laws as follows—**
 - (i) **Administration (Amendment) Local Law (No. 1) 2017;**
 - (ii) **Animal Management (Amendment) Local Law (No. 1) 2017;**
 - (iii) **Community and Environmental Management (Amendment) Local Law (No. 1) 2017;**

- (iv) **Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2017;**
- (v) **Local Law No. 8 (Waste Management) 2017;**
- (vi) **Local Law (Repealing) Local Law (No. 1) 2017; and**
- (b) **to implement the recommendations of the Public Interest Test Reports as follows—**
 - (i) **Public Interest Test Report – Administration (Amendment) Local Law (No. 1) 2017 and various subordinate local laws; and**
 - (ii) **Public Interest Test Report – Animal Management (Amendment) Local Law (No. 1) 2017 and Animal Management (Amendment) Subordinate Local Law (No. 1) 2017; and**
 - (iii) **Public Interest Test Report – Community and Environmental Management (Amendment) Local Law (No. 1) 2017 and Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2017; and**
 - (iv) **Public Interest Test Report – Local Law No. 8 (Waste Management) 2017;**
- (c) **to make each of the following local laws, as advertised, but amended by the omission of each reference to ‘2017’, and the insertion instead of a reference to ‘2018’—**
 - (i) **Administration (Amendment) Local Law (No. 1) 2017;**
 - (ii) **Animal Management (Amendment) Local Law (No. 1) 2017;**
 - (iii) **Community and Environmental Management (Amendment) Local Law (No. 1) 2017;**
 - (iv) **Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2017;**
 - (v) **Local Law No. 8 (Waste Management) 2017;**
 - (vi) **Local Law (Repealing) Local Law (No. 1) 2017; and**
- (d) **to make each of the following subordinate local laws, as advertised, but amended by the omission of each reference to ‘2017’, and the insertion instead of a reference to ‘2018’—**
 - (i) **Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017;**
 - (ii) **Establishment or Occupation of a Temporary Home (Amendment) Subordinate Local Law (No. 1) 2017;**
 - (iii) **Operation of Public Swimming Pools (Amendment) Subordinate Local Law (No. 1) 2017;**
 - (iv) **Operation of Shared Facility Accommodation (Amendment) Subordinate Local Law (No. 1) 2017;**
 - (v) **Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2017;**

- (vi) **Undertaking Regulated Activities on Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017;**
- (vii) **Animal Management (Amendment) Subordinate Local Law (No. 1) 2017;**
- (viii) **Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2017;**
- (ix) **Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2017;**
- (x) **Parking (Amendment) Subordinate Local Law (No. 1) 2017;**
- (xi) **Subordinate Local Law (Repealing) Subordinate Local Law (No. 1) 2017;**
- (e) **to note that the following local laws and subordinate local laws contain anti-competitive provisions—**
 - (i) **Administration (Amendment) Local Law (No. 1) 2017;**
 - (ii) **Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017;**
 - (iii) **Operation of Public Swimming Pools (Amendment) Subordinate Local Law (No. 1) 2017;**
 - (iv) **Operation of Shared Facility Accommodation (Amendment) Subordinate Local Law (No. 1) 2017;**
 - (v) **Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2017;**
 - (vi) **Animal Management (Amendment) Local Law (No. 1) 2017;**
 - (vii) **Animal Management (Amendment) Subordinate Local Law (No. 1) 2017;**
 - (viii) **Community and Environmental Management (Amendment) Local Law (No. 1) 2017;**
 - (ix) **Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2017;**
 - (x) **Local Law No. 8 (Waste Management) 2017; and**
- (f) **to adopt, pursuant to section 32 of the *Local Government Act 2009*, in the form attached to this report to Council, consolidated versions of the local laws and subordinate local laws of Council as follows—**
 - (i) ***Local Law No. 1 (Administration) 2011;***
 - (ii) ***Local Law No. 2 (Animal Management) 2011;***
 - (iii) ***Local Law No. 3 (Community and Environmental Management) 2011;***
 - (iv) ***Local Law No. 4 (Local government Controlled Areas, Facilities and Roads) 2011;***
 - (v) ***Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011;***

- (vi) ***Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011;***
- (vii) ***Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011;***
- (viii) ***Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011***
- (ix) ***Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011***
- (x) ***Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011;***
- (xi) ***Subordinate Local Law No. 2 (Animal Management) 2011;***
- (xii) ***Subordinate Local Law No. 3 (Community and Environmental Management) 2011;***
- (xiii) ***Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;***
- (xiv) ***Subordinate Local Law No. 5 (Parking) 2011.***

Bundaberg Regional Council

Animal Management (Amendment) Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Animal Management (Amendment) Local Law (No. 1) 2018*.

2 Local law amended

This local law amends *Local Law No. 2 (Animal Management) 2011*.

Part 2 Amendment of local law

3 Amendment of s10 (Exclusion of animals)

Section 10(2) ‘20 penalty units’—

omit, insert—

‘50 penalty units’.

4 Amendment of s11 (Dog off-leash areas)

Section 11(1) to (3)—

omit, insert—

- ‘(1) The local government may, by resolution—
- (a) designate an area within a public place as an area where a dog is not required to be on a leash (a ***dog off-leash area***); and
 - (b) for a dog off-leash area — designate the dog off-leash area as an area where a dog is not required to be on a leash —
 - (i) at any time; or
 - (ii) on specified days; or
 - (iii) during specified hours on specified days.
- (2) However, before making a resolution under subsection (1), the local government must—
- (a) consult with the public for at least 21 days about each designation proposed under subsection (1); and
 - (b) consider every submission properly made to it about each designation proposed under subsection (1).
- (3) The local government must take reasonable steps to provide notice to members of the public regarding each designation under subsection (1).
- (4) In this section—
- reasonable steps*** include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of each designation under subsection (1).
- (5) The local government must keep a record available for public inspection

identifying each designation under subsection (1).

- (6) For the avoidance of doubt, the local government may, from time to time, by resolution, repeal or amend a resolution about a designation under subsection (1).
- (7) The repeal or amendment of a resolution about a designation under subsection (1) does not —
 - (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
 - (b) affect the previous operation of any provision of this local law or the resolution or anything suffered, done or begun under any provision of this local law or the resolution; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under any provision of this local law or the resolution; or
 - (d) affect a penalty incurred in relation to an offence arising under any provision of this local law; or
 - (e) affect an investigation or proceeding in relation to a right, privilege, liability or penalty mentioned in paragraph (c) or (d).
- (8) The investigation or proceeding may be started, continued or completed, and the right, privilege or liability may be enforced and the penalty imposed, as if the repeal or amendment had not happened.
- (9) Without limiting subsections (7) and (8), the repeal or amendment of a resolution about a designation under subsection (1) does not affect—
 - (a) the proof of anything that has happened; or
 - (b) any right, privilege or liability saved by the operation of this section or the resolution; or
 - (c) any repeal or amendment made by the resolution.’.

5 Amendment of s12 (Control of animals in public places)

- (1) Section 12(1), ‘Maximum penalty for subsection (1) — 20 penalty units.’—

omit, insert—

‘Maximum penalty for subsection (1)(a) if the animal is in a public place of environmental significance—50 penalty units.

Maximum penalty for subsection (1)(a) if the animal is in a public place other than a public place of environmental significance—20 penalty units.

Maximum penalty for subsection (1)(b)—20 penalty units.’.

- (2) After section 12(3)—

insert—

- ‘(4) In this section—

environmental significance, for a public place, means a public place which is designated as a public place of environmental significance by subordinate local law.’.

6 Amendment of s21 (Seizure of animals)

(1) Section 21(1)(b)—

omit, insert—

‘(b) if a compliance notice has been given to the owner or responsible person for the animal in relation to compliance with a requirement of this local law—the authorised person has entered a property, including private property, under chapter 5, part 2, division 1 of the Act, and reasonably believes the owner or responsible person for the animal has not complied with the compliance notice; or’.

(2) Section 21(2)(b)—

omit, insert—

‘(b) if a compliance notice has been given to the owner or responsible person for the dog in relation to compliance with a requirement of this local law—the authorised person has entered a property, including private property, under chapter 5, part 2, division 1 of the Act, and reasonably believes the owner or responsible person for the dog has not complied with the compliance notice; or’.

7 Amendment of s32 (Sale, disposal or destruction of animals)

Section 32(1)(b)(ii)—

omit, insert—

‘(ii) dispose of the animal in some other way without destroying it, for example, by giving the animal to an animal welfare agency for disposal by the animal welfare agency; or’.

8 Amendment of s42 (Sale of animals)

(1) Section 42, heading, ‘Sale’—

omit, insert—

‘Supply’.

(2) Section 42(1), ‘offer—

omit, insert—

‘supply’.

(3) Section 42(1), ‘, for sale’—

omit.

(4) Section 42(3), ‘offer or display animals for sale’—

omit, insert—

‘supply animals’.

9 Amendment of s43 (Subordinate local laws)

(1) Section 43(g)—

omit, insert—

‘(g) the designation of a public place as a public place of environmental significance;¹ or’.

(2) Section 43(p), ‘sale’—

omit, insert—

‘supply’.

10 Amendment of sch (Dictionary)

Schedule—

insert—

‘**animal welfare agency** means—

- (a) the Royal Society for the Prevention of Cruelty to Animals (Queensland); and
- (b) the Animal Welfare League of Queensland; and
- (c) another incorporated association which—
 - (i) has objects similar to the objects of the corporation referred to in paragraph (a) or the incorporated association referred to in paragraph (b); and
 - (ii) is recognised as an animal welfare agency by the local government.

supply includes doing any of the following things if doing the things affects the possession of an animal other than the mere temporary custody of it—

- (a) exchange, give or sell;
- (b) offer or agree to supply;
- (c) cause or permit to supply;
- (d) possess for supply.’.

Part 3 Transitional provision for Animal Management (Amendment) Local Law (No. 1) 2018

11 Transitional provision for dog off-leash areas

For the avoidance of doubt, the local government may make a resolution about a designation under section 11(1) contemporaneously with, or after, the commencement of this local law if, before making the resolution, the local government consulted with the public for at least 21 days about, and considered every submission properly made to it about, each designation proposed under section 11(1).

¹ See section 12(4).

Example—

The local government may consult with the public and consider every submission properly made to it contemporaneously with the public consultation undertaken by the local government as part of the local law making process adopted by the local government, by resolution, under section 29(1) of the *Local Government Act 2009*.

This and the preceding 5 pages bearing my initials is a certified copy of *Animal Management (Amendment) Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

622421_1

Bundaberg Regional Council

Animal Management (Amendment) Subordinate Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Animal Management (Amendment) Subordinate Local Law (No. 1) 2018*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 2 (Animal Management) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of s2 (Purpose and how it is to be achieved)

Section 2(2)(e)—

omit, insert—

‘(e) the conditions to be complied with by persons who supply animals, or a particular species of animal; and’.

4 Replacement of s11 (Dog off-leash areas — Authorising local law, s11(1))

Section 11—

omit, insert—

‘11 Control of animals in public places — Authorising local law, s12(4)

For section 12(4) of the authorising local law, schedule 7 identifies public places which are designated as a public place of environmental significance.’.

5 Amendment of s16 (Place of care for impounded animals — Authorising local law, s24)

Section 16, after ‘operated by’—

insert—

‘, or with the agreement of,’.

6 Amendment of s17 (Animals that may be disposed of without auction or tender — Authorising local law, s32(1)(b))

(1) Section 17(c), ‘.’—

omit, insert—

‘; and’.

(2) After section 17(c)—

insert—

- ‘(d) cattle; and
- (e) poultry; and
- (f) horses; and
- (g) goats, sheep and other animals of a similar size.’.

7 Amendment of s19 (Conditions regarding sale of animals — Authorising local law, s42(1))

- (1) Section 19, heading, ‘sale’—

omit, insert—

‘supply’.

- (2) Section 19, ‘offer for sale’—

omit, insert—

‘supply’.

8 Amendment of sch 1 (Prohibition on keeping animals)

- (1) Schedule 1, item 3, columns 1 and 2—

omit, insert—

‘Not used’.

- (2) Schedule 1, item 4, column 1, from ‘Sheep’ to ‘deer’—

omit, insert—

‘Horse, donkey, camel, cow, bull, ox, or other animal of a similar size and sheep, goat, alpaca, llama, deer or other animal of a similar size’.

9 Amendment of sch 4 (Minimum standards for keeping animals generally)

Schedule 4, section 3—

omit.

10 Amendment of sch 5 (Minimum standards for keeping particular animals)

- (1) Schedule 5, item 1, column 2, paragraph (b), ‘the greyhound’—

omit, insert—

‘a greyhound utilised for racing purposes’.

- (2) Schedule 5, item 6, column 1, after ‘rooster,’—

insert—

‘chicken,’.

11 Amendment of sch 6 (Prohibition of animals in public places)

- (1) Schedule 6, item 1, column 1, paragraph (a), ‘identified in schedule 7’—
omit.
- (2) Schedule 6, item 1, column 1, paragraph (b), ‘in schedule 7’—
omit.

12 Replacement of sch 7 (Dog off-leash areas)

Schedule 7—

omit, insert—

‘

Schedule 7 Public places of environmental significance

Section 11'.

13 Amendment of sch 12 (Conditions for sale of animals)

Schedule 12, heading, ‘**sale**’—

omit, insert—

‘supply’.

14 Amendment of sch 13 (Dictionary)

Schedule 13, definition *keep*, paragraph (b)(ii) ‘an authorised’—

omit, insert—

‘a’.

This and the preceding 3 pages bearing my initials is a certified copy of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the _____ day of _____ 2018.

Chief Executive Officer

623777 1

Bundaberg Regional Council Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2018*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Commercial use of local government controlled areas and roads)

- (1) Schedule 1, section 6(1)(q), ‘.’—

omit, insert—

‘; and’.

- (2) Schedule 1, after section 6(1)(q) —

insert—

- ‘(r) deliver to the local government a copy of each current insurance policy of the approval holder which relates to the operation of the prescribed activity at specified intervals.’.

This and the preceding page bearing my initials is a certified copy of *Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

622508_1

Bundaberg Regional Council Community and Environmental Management (Amendment) Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Community and Environmental Management (Amendment) Local Law (No. 1) 2018*.

2 Local law amended

This local law amends *Local Law No. 3 (Community and Environmental Management) 2011*.

Part 2 Amendment of local law

3 Amendment of s2 (Purpose and how it is to be achieved)

Section 2(2)(e), after ‘community’—
insert—
‘annoyance and’.

4 Amendment of s13 (Overgrown allotments)

(1) Section 13(1)—

omit, insert—

‘(1) The responsible person for an allotment must not permit or allow the allotment to become overgrown with vegetation to such an extent that the vegetation—

- (a) seriously affects the visual amenity of the allotment; or
- (b) is likely to attract or harbour reptiles; or
- (c) is likely to attract or harbour vermin; or
- (d) is likely to present a risk to the health or safety of the public.

Maximum penalty—20 penalty units.’.

(2) Section 13(2), ‘The authorised’—

omit, insert—

‘An authorised’.

(3) After section 13(4)—

insert—

‘(5) The local government may, by subordinate local law, prescribe requirements for the control of vegetation on allotments.’.

5 Amendment of s14 (Accumulation of objects and materials on allotments)

(1) Section 14(1)—

omit, insert—

‘(1) The responsible person for an allotment must not bring onto the allotment, or allow to remain or accumulate on the allotment, objects or materials which—

- (a) seriously affect the visual amenity of the allotment; or
- (b) are likely to attract or harbour reptiles; or
- (c) are likely to attract or harbour vermin; or
- (d) are likely to present a risk to the health or safety of the public.

(1) Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.
- Discarded bottles, containers or packaging.
- Refuse or scrap material.

Maximum penalty—20 penalty units.’.

(2) Section 14(2)(a), ‘(1)(a) or (b)’—

omit, insert—

‘(1)(a), (b), (c) or (d)’.

(3) Section 14(2)(b), ‘(1)(a) or (b)’—

omit, insert—

‘(1)(a), (b), (c) or (d)’.

(4) After section 14(3)—

insert—

‘(4) The local government may, by subordinate local law, prescribe requirements about objects or materials which are brought onto, or allowed to remain or accumulate on, an allotment.’.

6 Amendment of pt5 (Community safety hazards)

Part 5, heading, after ‘Community’ —

insert—

‘annoyance and’.

7 Amendment of s17 (What is a community safety hazard)

(1) Section 17, heading, after ‘community’—

insert—

‘annoyance or’.

(2) Section 17, after ‘A community’—

insert—

‘annoyance or’.

- (3) Section 17(c), after ‘community’—
insert—
‘annoyance or’.
- (4) Section 17, example, after ‘community’—
insert—
‘annoyance or’.

8 Amendment of s18 (Power to enter property to inspect for community safety hazards)

- (1) Section 18, heading, after ‘*community*’—
insert—
‘*annoyance and*’.
- (2) Section 18(1), after ‘community’—
insert—
‘annoyance or’.
- (3) Section 18(1), ‘hazards’—
omit, insert—
‘hazard’.
- (4) Section 18(2)(b), ‘community’—
omit, insert—
‘any community annoyance or’.
- (5) section 18(2)(b), ‘hazards’—
omit, insert—
‘hazard’.

9 Amendment of s19 (Removal or reduction of community safety hazards)

- (1) Section 19, heading, after ‘**community**’—
insert—
‘**annoyance and**’.
- (2) Section 19(1), after ‘community’—
insert—
‘annoyance or’.
- (3) Section 19(2), after ‘the community’—
insert—
‘annoyance or’.

- (4) Section 19(2)(a), after ‘the’—
insert—
 ‘annoyance or’.
- (5) Section 19(2), example, after ‘a community’—
insert—
 ‘annoyance or’.

10 Amendment of s20 (Prescribed requirements)

- (1) Section 20(1), after ‘community’—
insert—
 ‘annoyance or’.
- (2) Section 20(1), ‘hazards’—
omit, insert—
 ‘hazard’.

11 Insertion of new pt6A (Community amenity)

After part 6—

insert—

‘Part 6A Community amenity

21A Releasing helium balloons

A person must not release an unsecured balloon containing helium unless the balloon is—

- (a) released unintentionally and without negligence; or
- (b) released inside a building or structure and does not make its way into the open air; or
- (c) released for scientific, including meteorological, purposes; or
- (d) a balloon aircraft that is recovered after landing.

Maximum penalty—20 penalty units.’.

12 Amendment of s22 (Subordinate local laws)

- (1) After section 22(a)—
insert—
- ‘(aa) prescribed requirements for the control of vegetation on allotments;^{18A}
 or
 - (ab) prescribed requirements about objects or materials which are brought

^{18A} See section 13(5).

onto, or allowed to remain or accumulate on, an allotment;^{18B} or’.

- (2) Section 22(d), after, ‘community’—

insert—

‘annoyance and’.

- (3) Section 22(e), ‘community safety hazards’—

omit, insert—

‘any community annoyance and safety hazard’.

- (4) Section 22(aa) to (f)—

renumber as paragraphs (b) to (h).

- (5) Section 22, footnotes 18A to 23—

renumber as footnotes 19 to 25.

13 Amendment of sch (Dictionary)

- (1) Schedule, definition *responsible person*—

insert—

- (2) ‘*Example* —

- If a place is not occupied then the person who has control or management of the place is the owner of the place and the owner is the responsible person for the place. If a place is occupied and the occupier has control or management of the place then the occupier will be the responsible person for the place.’

- (2) Schedule —

insert—

‘*aircraft* has the meaning given in the *Civil Aviation Act 1988 (Cwlth)*.’.

This and the preceding 5 pages bearing my initials is a certified copy of *Community and Environmental Management (Amendment) Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

^{18B} See section 14(4).

622418_1

Bundaberg Regional Council Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2018*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 3 (Community and Environmental Management) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of s2 (Purpose and how it is to be achieved)

- (1) Section 2(2)(d), after ‘community’—
insert—
‘annoyance and’.
- (2) Section 2(2)(e), ‘community safety hazards’—
omit, insert—
‘a community annoyance or a safety hazard’.

4 Amendment of s7 (Prohibition on lighting or maintaining fires – Authorising local law, s15(2))

Section 7(2)—
omit, insert—

‘(2) For section 15(2) of the authorising local law, subject to subsection (3), in the whole of the local government area—

- (a) the lighting or maintaining of a fire in the open is only permitted on an allotment with an area of 4,000m² or less subject to the following conditions—
 - (i) the fire must be contained in a properly prepared barbecue or similar cooking apparatus using clean and dry combustible material for the purpose of cooking food for human consumption; or
 - (ii) the fire must be contained in a heater or fireplace which is—
 - (A) properly prepared and enclosed; and
 - (B) constructed so as to prevent the escape of fire or any burning material from the heater or fireplace; and

- (b) the lighting or maintaining of a fire in the open is only permitted on an allotment with an area of 4,001m² or more subject to the following conditions—
 - (i) the fire must be contained in a properly prepared barbecue or similar cooking apparatus using clean and dry combustible material for the purpose of cooking food for human consumption; or
 - (ii) the fire must be contained in a heater or fireplace which is —
 - (A) properly prepared and enclosed; and
 - (B) constructed so as to prevent the escape of fire or any burning material from the heater or fireplace; or
 - (iii) the fire is lit or maintained in a fireplace in the open which does not comply with the conditions specified in subsection (2)(b)(i) or (ii) but —
 - (A) only clean and dry non-toxic combustible material is burned in the fire; and
 - (B) only 1 fire may be lit and maintained on the allotment at any time; and
 - (C) appropriate firefighting equipment, which may include water, hoses and pumps, is kept on the allotment and available at all times when the fire is lit or maintained; and
 - (D) the fire is not lit before 7.00 a.m. and is extinguished no later than dusk on the day on which the fire was lit; and
 - (E) ashes must be thoroughly wetted down when the fire is extinguished; and
 - (F) the person proposing to light the fire must advise all neighbours of the intention of the person to light the fire and the date on which the fire is to be lit; and
 - (G) the place at which the fire is lit must be set back at least 6m from every boundary of the allotment and any building on the allotment; and
 - (H) a responsible person must be in attendance at the fire at all times from when the fire is lit until the extinguishment of the fire; and
- (c) the lighting or maintaining of a fire in the open in a local government controlled area in the local government area is prohibited unless the fire is lit and maintained in a fireplace, barbecue or incinerator constructed by the local government.’.

5 Replacement of pt 5 (Community safety hazards)

Part 5—

omit, insert—

‘Part 5 Community annoyance and safety hazards**9 Community annoyance and safety hazards—Authorising local law, s17(c)**

For section 17(c) of the authorising local law, each of the following is declared to be a community annoyance or a safety hazard—

- (a) barbed wire fencing;
- (b) electric fencing;
- (c) a shopping trolley left in a public place;
- (d) the slaughtering of an animal on an allotment;
- (e) roof sheeting, guttering, sheet metal or other similar materials kept on land;
- (f) a plant on an allotment which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area;
- (g) an act or omission on an allotment which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area;
- (h) a dead animal on an allotment which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area.

10 Prescribed requirements for community annoyance and safety hazards—Authorising local law, s 20(1)

- (1) For section 20(1) of the authorising local law, this section prescribes requirements that must be met by responsible persons relating to specified types of community annoyance or safety hazard.
- (2) If the community annoyance or safety hazard is barbed wire fencing on land, the responsible person for the barbed wire fencing must meet the following requirements—
 - (a) the barbed wire fencing must not be installed along a boundary of the land which adjoins a public place which is a park; and
 - (b) barbed wire fencing may only be used in a security fence in an urban area if the barbed wire is more than 2m above ground level.
- (3) If the community annoyance or safety hazard is electric fencing on land, the responsible person for the electric fencing must meet the following requirements—
 - (a) if the electric fencing is installed on land in an urban area that adjoins a road or a public place, the responsible person for the electric fencing must install warning signs on the electric fencing—
 - (i) of a size that can be read from a distance of 5m; and
 - (ii) at 5m intervals along the fence; and
 - (b) electric fencing installed on land in an urban area must be situated—
 - (i) at least 1.5m from a fence located on or within the boundary of the land; or
 - (ii) such that the electric fencing is installed on the boundary of the land, but the lowest point of the electric fencing which is capable of imparting an electric shock when touched is at least 2m above ground level; and
 - (c) the electric fencing must be installed, operated and maintained in accordance with AS/NZS3014:2003; and
 - (d) electric fencing which is installed for security purposes must be installed, operated and maintained in accordance with AS/NZS3016:2002.
- (4) If the community annoyance or safety hazard is a shopping trolley left in a public place, each of the following requirements are prescribed—
 - (a) a person must not, without reasonable excuse—
 - (i) take a shopping trolley of a retailer from the retailer's premises; and
 - (ii) leave unattended, or abandoned, a shopping trolley at a prescribed place outside the retailer's premises; and
 - (b) if a retailer—

- (i) makes a shopping trolley available for use by customers of the retailer at the retailer's premises; or
 - (ii) permits or allows customers of the retailer to use a shopping trolley at the retailer's premises,the retailer must—
 - (iii) within 60 days of the commencement of this section, ensure that the shopping trolley of the retailer is clearly identified with the name or brand of the retailer and the address of the retailer's premises; and
 - (iv) take all reasonable precautions to ensure that the shopping trolley remains on the retailer's premises.
 - 1. Example—fitting the shopping trolley with a wheel lock or a coin operated release.
- (5) If the community annoyance or safety hazard is the slaughtering of an animal on an allotment, the responsible person for the slaughtering of the animal must meet the following requirements—
 - (a) an animal must not be slaughtered on an allotment unless—
 - (i) the area of the allotment is not less than 4,000m²; or
 - (ii) the animal is a fish, chicken or another animal of a similar size; and
 - (b) an animal may be slaughtered on an allotment with an area of 4,001m² or more; and
 - (c) only an animal which has been kept on an allotment in compliance with the requirements of *Local Law No. 2 (Animal Management) 2011* may be slaughtered on the allotment; and
 - (d) if the slaughtering of an animal constitutes development under the Planning Act—the slaughtering may not be undertaken unless a development approval has been granted; and
 - (e) the slaughtering of the animal must be suitably screened so as not to be visible from any land adjoining the allotment or a public place; and
 - (f) the slaughtering must not cause, or be likely to cause, a nuisance on land adjoining the allotment or a public place from odour, vermin, or fly breeding; and
 - (g) waste and by-products from the slaughtering of the animal must be disposed of in accordance with the requirements of the *Environmental Protection Act 1994*; and
 - (h) the area used in the slaughtering of the animal must be treated to maintain it in a clean and sanitary condition.
- (6) If the community annoyance or safety hazard is roof sheeting, guttering, sheet metal or other similar materials kept on land and the materials are not fixed to a structure, the responsible person must ensure that the materials are weighted down, tied down or otherwise secured to prevent

the materials—

- (a) becoming airborne during high winds; or
- (b) being carried from the land by the overland flow of water or stormwater.’.

6 Omission of sch 3 (Prohibited fires)

Schedule 3—

omit.

7 Omission of sch 4 (Prescribed requirements for community safety hazards)

Schedule 4—

omit.

8 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions ***urban area*** and ***urban district***—

omit, insert—

‘***urban area***, for land, means the land is identified in the planning scheme of the local government in a zone other than any of the following—

- (a) the rural zone;
- (b) the rural residential zone;
- (c) the environmental management and conservation zone.’.

- (2) Schedule 6—

insert—

‘***non-toxic***, for a material, means the material is not composed of poisonous materials that could harm the environment or human health.

park has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

prescribed place includes—

- (a) a local government controlled area; and
- (b) a road.

retailer means a vendor of goods, or goods and services, to be sold direct to its customers within the local government area who makes shopping trolleys available for use by its customers.

retailer’s premises, for a retailer, means premises—

- (a) which are owned or occupied by the retailer; and
- (b) from which the retailer sells goods, or goods and services, direct to its customers.

shopping trolley—

- (a) means a wheeled basket or frame used for transporting goods purchased from a retailer; and
- (b) of a retailer, means a shopping trolley which is owned by, or under the control of, the retailer.

slaughtering, of an animal on an allotment, means the killing of the animal for consumption by the person occupying the allotment, other than in compliance with the requirements of the *Food Production (Safety) Act 2000*, for example, under, and in accordance with, an accreditation.’.

This and the preceding 7 pages bearing my initials is a certified copy of *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

624664_1

Bundaberg Regional Council Establishment or Occupation of a Temporary Home (Amendment) Subordinate Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Establishment or Occupation of a Temporary Home (Amendment) Subordinate Local Law (No. 1) 2018*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Establishment or occupation of a temporary home)

- (1) Schedule 1, section 2, from ‘The establishment’ to ‘residence.’—

omit, insert—

- ‘(1) Section 6(2) of the authorising local law does not apply to the establishment or occupation of a temporary home on land if—
- (a) the temporary home is merely being stored on the land; or
 - (b) the temporary home is established or occupied on the land for less than 4 weeks in any 52 week period and—
 - (i) the land is vacant; or
 - (ii) if a building or structure, other than a permanent residence, exists on the land — the temporary home is not established or occupied in front of the building or structure; or
 - (c) the temporary home is established or occupied on the land for less than 4 weeks in any 52 week period and —
 - (i) a permanent residence exists on the land; and
 - (ii) the temporary home is established or occupied at the rear of the permanent residence.
- (2) However, subsection (1) only applies if—
- (a) no waste liquids or materials, including grey water is deposited on the land whilst the temporary home is established or occupied on the land; and
 - (b) appropriate, and adequate, sanitation, water, waste water, refuse and personal hygiene facilities are established, and utilised, on the land; and
 - (c) the temporary home which is established or occupied on the land is not classified, under the Building Code of Australia, as a Class 10a non-habitable building or structure.’.

4 Amendment of sch 3 (Dictionary)

Schedule 3 —

insert—

'building' has the meaning given in the *Building Act 1975*.

structure has the meaning given in the Act.’.

This and the preceding 2 pages bearing my initials is a certified copy of *Establishment or Occupation of a Temporary Home (Amendment) Subordinate Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the _____ day of _____ 2018.

Chief Executive Officer

622521_1

Bundaberg Regional Council Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2018*.

2 Local law amended

This local law amends *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

Part 2 Amendment of local law

3 Amendment of s5 (Prohibited and restricted activities)

Section 5(4), ‘20’—

omit, insert—

‘50’.

4 Amendment of s7 (Opening hours of local government controlled areas)

Section 7(1), ‘subordinate local law’—

omit, insert—

‘resolution’.

5 Amendment of s12 (Subordinate local laws)

(1) Section 12(d)—

omit.

(2) Section 12, paragraphs (e) and (f)—

renumber as paragraphs (d) and (e).

(3) Section 12, footnotes 13 and 14—

renumber as footnotes 12 and 13.

This and the preceding page bearing my initials is a certified copy of *Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

623770_2

Bundaberg Regional Council

Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2018*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of s2 (Purpose and how it is to be achieved)

After section 2(2)—

insert—

(a) ‘Note— This subordinate local law does not contain a section 8 or a schedule 4.’.

4 Omission of s8 (Opening hours for local government controlled areas— Authorising local law, s 7(1))

Section 8—

omit.

5 Amendment of sch 1 (Prohibited activities for local government controlled areas or roads)

(1) Schedule 1, item 2, column 2, paragraph (a), after ‘road’—

insert—

‘including, for example, onto the road drainage infrastructure and facilities of a road’.

(2) Schedule 1, item 2, column 2, paragraph (b), after ‘with a road’—

insert—

‘, for example, the road drainage infrastructure and facilities of a road’.

(3) Schedule 1, item 2, column 2, paragraph (c)—

omit, insert—

‘(c) Creating a nuisance, or increasing the impact of an existing nuisance, on a road, including, for example, the road drainage infrastructure and facilities of a road;’.

(4) Schedule 1, item 10, column 1, paragraph (a), ‘Barolin’—

omit, insert—

‘Maryborough’.

6 Amendment of sch 2 (Restricted activities for local government controlled

areas or roads)

(1) Schedule 2, item 1—

omit, insert—

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas within the local government area	(a) Busking.	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(b) Fundraising.	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.

(2) Schedule 2, after item 2(d)—

insert—

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(e) Fundraising.	(e) Permitted only if authorised under the conditions of an approval for a prescribed activity.

(3) Schedule 2, item 4, column 3, paragraph (b)—

omit, insert—

‘(b) Permitted only—

- (i) with the written authorisation of the chief executive officer of the local government; or
- (ii) if authorised by a notice displayed by the local government at the park or

reserve.’.

(4) Schedule 2, item 11, column 3—

(a) paragraph (a)(iv)—

omit, insert—

‘(iv) a type of motor vehicle which is designated by the local government, by the display of a notice, which is—

(A) attached to a trailer; and

(B) being used by the driver of the motor vehicle for the purpose of launching or retrieving a trailable vessel from or to the trailer at an area of the foreshore which is designated by the local government, by the display of a notice, as an area which is suitable for the launch and retrieval of a trailable vessel from or to a trailer; and’.

(b) paragraph (b)—

omit, insert—

‘(b) the driver of the motor vehicle enters and exists the area of the foreshore at—

(i) a ramp which is designated by the local government for motor vehicle access purposes; or

(ii) another area which is designated by the local government, by the display of a notice, as suitable for motor vehicle access purposes.’.

7 Omission of sch 4 (Opening hours of local government controlled areas)

Schedule 4—

omit.

8 Amendment of sch 6 (Identification of local government controlled areas)

Schedule 6, Local government caravan parks,

‘

Finemore Holiday Park		33 Quay Street, Bundaberg	121	CP898251
--------------------------	--	---------------------------	-----	----------

,—

omit.

9 Amendment of sch 7 (Dictionary)

Schedule 7—

insert—

‘***fundraising*** has the meaning given in *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011*.’.

This and the preceding 4 pages bearing my initials is a certified copy of *Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

623830_2

Bundaberg Regional Council

Operation of Public Swimming Pools (Amendment)

Subordinate Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Operation of Public Swimming Pools (Amendment) Subordinate Local Law (No. 1) 2018*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011*.

Part 2 Amendment of subordinate local law

3 Insertion of new s3A

After section 3—

insert—

‘3A Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 2 defines particular words used in this subordinate local law.’.

4 Amendment of s4 (Matters regarding the prescribed activity— Authorising local law, s6(3))

- (1) Section 4, heading, after ‘6(3)’—

insert—

‘and (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)’.

- (2) After section 4(2)—

insert—

- ‘(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.’

5 Amendment of sch 1 (Operation of public swimming pools)

- (1) Schedule 1, section 2, ‘Operation of public swimming pools.’—

omit, insert—

- ‘(1) Section 6(2) of the authorising local law does not apply to the undertaking of the prescribed activity if the person undertaking the prescribed activity complies with the minimum standards specified in subsection (2).
- (2) A person undertaking the prescribed activity of the operation of a public swimming pool must comply with the following minimum standards—
 - (a) water in the public swimming pool must at all times comply with each of—
 - (i) the chemical parameters specified in subsection (3), table A; and
 - (ii) the microbiological criteria specified in subsection (3), table B; and
 - (b) facilities provided at the public swimming pool, such as toilets and change rooms, must be maintained in a clean and sanitary condition at all times; and
 - (c) facilities, fittings and equipment provided at the public swimming pool must be maintained in a good state of repair and working order and condition; and
 - (d) the operator of the public swimming pool must—
 - (i) keep and maintain, for a minimum period of 24 months, and have available for inspection at all times at the public swimming pool—
 - (A) written results of all testing of water in the public swimming pool; and
 - (B) written particulars of all backwashing, chemical adjustments and dose settings undertaken by the operator in relation to the water in the public swimming pool at any time; and
 - (ii) install and maintain all necessary equipment for the disinfection, filtration and recirculation of water in the public swimming pool; and
 - (iii) provide and maintain dressing rooms and facilities for showering

- and sanitation; and
- (iv) not permit or allow any person suffering, or appearing to suffer from, an infectious, contagious or offensive disease or skin complaint, to enter the public swimming pool; and
 - (e) the operator of the public swimming pool must test the water in the public swimming pool to ensure compliance with the prescribed chemical parameters and microbiological criteria—
 - (i) at least daily; and
 - (ii) more often than daily, if necessary, having regard to any of the following—
 - (A) bather load and likely use;
 - (B) level of environmental contamination;
 - (C) climatic considerations;
 - (D) health status of pool users; and
 - (f) the operation of the public swimming pool, including each building, structure, facility and equipment used in the operation of the public swimming pool must be kept and maintained—
 - (i) in good working order and condition; and
 - (ii) in a clean, tidy and sanitary condition; and
 - (iii) each toilet, bathroom, kitchen, laundry and drinking water facility used in the operation of the public swimming pool must be provided with an adequate and continuous supply of water.
- (3) This subsection (3) specifies prescribed chemical parameters and microbiological criteria for public swimming pool water.

TABLE A
CHEMICAL PARAMETERS TABLE

	Indoor Pool	Indoor Pool (Heated)	Outdoor Pool	Outdoor Pool (Heated)	Spa
Water Temperature		>26 °C		>26 °C	35 °C – 37 °C Ideal 40 °C Max
Free Chlorine (mg/L, ppm minimum)	1.5	2	1.5	3	3
Free Chlorine (mg/L, ppm with cyanic acid)	N/A	N/A	3	4	N/A

Total Chlorine (mg/L, ppm)	Free chlorine + 1 (10max)	Free chlorine + 1 (10max)	Free chlorine + 1 (10max)	Free chlorine + 1 (10max)	10.0
Bromine (mg/L, ppm)	3.0	4.0	3.0	4.0	4 - 6
Ozone (for Chlorine Level see above)	0 residual	0 residual	0 residual	0 residual	0 residual
pH	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8
Total Alkalinity (mg/L, ppm)	80 - 200	80 - 200	80 - 200	80 - 200	80 - 200
Cyanuric Acid	0*	0*	30 - 50	30 - 50	0*

* As indoor pools are protected from direct sunlight, cyanuric acid must not be used as the effectiveness of chlorine is reduced.

NOTE: Combined chlorine shall not exceed half the total chlorine concentration with a maximum of 1.0 ppm.

TABLE B

MICROBIOLOGICAL CRITERIA TABLE

Type of Organism	Maximum Count Allowable
Heterotrophic Colony Count (HCC), 35-37 °C/48	<100ml
Thermotolerant (Faecal) coliforms or <i>Escherichia coli</i>	Nil per 100mL
<i>Pseudomonas aeruginosa</i>	Nil per 100mL

(2) Schedule 1, after section 2—

insert—

‘3 Documents and materials that must accompany an application for an approval

- (1) Details of the public swimming pool including a plan or other information identifying the public swimming pool and all buildings proposed to be used in the operation of the public swimming pool.
- (2) Details of the proposed management and supervision of the public swimming pool (including the qualifications and experience of the proposed managers and supervisors).
- (3) If the applicant is not the owner of the land on which the public swimming pool is to be situated — the owner’s written consent to the application.
- (4) Details of the equipment that will be used for chlorination, filtration and recirculation of water in the public swimming pool.
- (5) Details of procedures that will be adopted to ensure that the public swimming

pool water is adequate to protect public health.

- (6) Details of the equipment which will be used for emergency medical treatment and first aid.
- (7) Details of the operation of the public swimming pool including —
 - (a) the hours of operation of the public swimming pool; and
 - (b) whether the public swimming pool is to be heated or non-heated; and
 - (c) the existence or otherwise of automatic dosing equipment to be used in conjunction with the chlorination, filtration and recirculation of water in the public swimming pool.

4. Additional criteria for the granting of an approval

- (1) The equipment for chlorination, filtration and recirculation of public swimming pool water must be adequate to protect public health.
- (2) The management and supervision of the public swimming pool must be adequate to protect public safety and prevent nuisance.
- (3) Any proposed manager or supervisor of the public swimming pool must be suitably qualified.
- (4) The equipment which will be used for emergency medical treatment and first aid must be situated at an appropriate location at the public swimming pool.
- (5) Provision must be made at the public swimming pool for separate dressing rooms for male and female users of the pool that are—
 - (a) of a size sufficient to accommodate the likely maximum number of users (at any 1 time) of the pool; and
 - (b) situated and constructed so that they totally conceal persons within the dressings rooms from persons who may be outside the dressing rooms.
- (6) Provision must be made at the public swimming pool for proper and sufficient male and female sanitary conveniences.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

The holder of the approval must comply with the minimum standards specified in section 2(2) and (3).

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.’.

6 Insertion of new sch 2

After schedule 1—

insert—

‘Schedule 2 Dictionary

Section 3A

building has the meaning given in the *Building Act 1975*.

nuisance includes anything that—

- (a) disturbs or inconveniences people in the vicinity of a public swimming pool; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of a public swimming pool.

public swimming pool means a swimming pool that is made available for use by—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

structure has the meaning given in the *Local Government Act 2009*.

swimming pool has the meaning given in the *Building Act 1975*.’.

This and the preceding 6 pages bearing my initials is a certified copy of *Operation of Public Swimming Pools (Amendment) Subordinate Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

623569_1

Bundaberg Regional Council Operation of Shared Facility Accommodation (Amendment) Subordinate Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Operation of Shared Facility Accommodation (Amendment) Subordinate Local Law (No. 1) 2018*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Operation of shared facility accommodation)

- (1) Schedule 1, section 2, ‘No activity stated.’—

omit, insert—

- ‘(1) Section 6(2) of the authorising local law does not apply to the operation of shared facility accommodation at premises if—

- (a) the prescribed activity is undertaken in compliance with the criteria prescribed in subsection (2); and
- (b) the undertaking of the prescribed activity at the premises does not oblige, or require, a resident of the premises to share any of the following facilities—
 - (i) a bedroom;
 - (ii) a dormitory;
 - (iii) toilet facilities;
 - (iv) bathroom, shower or other bathing facilities.

- (2) This subsection prescribes criteria for the operation of shared facility accommodation at premises—

- (a) the operator of the shared facility accommodation, or a representative of the operator, must reside at the premises; and
- (b) the operator of the shared facility accommodation must—
 - (i) display at the premises, in a prominent position, a plan that is visible to all guests and visitors of the premises that identifies each bedroom at the premises and specifies the maximum number of persons who may be accommodated in each bedroom at the premises; and
 - (ii) develop and implement a suitable bed bug management plan; and
 - (iii) maintain a register of the residents of the premises; and
 - (iv) allow an authorised person of the local government to enter the premises for the purpose of undertaking an inspection of the

- premises; and
- (c) the use of the premises for the prescribed activity must—
 - (i) be lawful; and
 - (ii) not cause a significant risk to public health or safety; and
- (d) the premises, and all fixtures and fittings proposed to be used for the purposes of the prescribed activity, must be—
 - (i) in good working order and condition; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
 - (iv) free of pests; and
- (e) the operator of the shared facility accommodation must—
 - (i) provide regular maintenance of the premises (including internal and external paintwork); and
 - (ii) provide regular maintenance of facilities, for example, pool water testing and grease trap maintenance; and
 - (iii) provide regular maintenance of furniture and equipment; and
 - (iv) provide regular cleaning of the premises; and
 - (v) provide regular fumigation or other treatment of the premises to keep the premises free of pests; and
 - (vi) provide regular maintenance of the kitchen, clothes washing, clothes drying, bathroom, shower and toilet facilities; and
- (f) the walls of each bedroom at the premises must be so constructed as to ensure the privacy of the occupants of the room; and
- (g) each wall or partition wall at the premises must be of a proper and workmanlike construction; and
- (h) a room at the premises must not be used as a bedroom unless each occupant of the room can obtain access to it without passing through any other bedroom or other room in the private occupation of another person; and
- (i) every common use room at the premises must be so situated that any resident of the premises can obtain access to it without passing through any bedroom or other room which is not a common use room; and
- (j) the floor and the ground surface below the floor of a bedroom must be kept free of dampness; and
- (k) if a bedroom is or becomes affected by dampness so as to interfere with the comfort or health of a person accommodated in the room, the room must not be further used as a bedroom until the floor or ground surface has been damp-proofed; and
- (l) where the provision of accommodation includes the supply of bedding and linen, the operator must ensure that—

- (i) all bedding and linen is clean; and
 - (ii) linen provided to a person accommodated has been washed since it was last used; and
- (m) the premises must be either—
 - (i) connected to a reticulated water supply system; or
 - (ii) provided with an adequate water supply which complies with—
 - (A) all relevant legislation relating to the minimum standards for drinking water; and
 - (B) the current *Australian Drinking Water Guidelines*; and
- (n) an adequate and continuous supply of potable hot and cold water must be reticulated to all showers, baths, hand basins, kitchen sinks and laundry facilities at the premises; and
- (o) the premises must be configured so that every person accommodated has convenient access to at least 1 bath or shower and at least 1 water closet and hand basin without having to pass through any bedroom or any other room which is not a common use room; and
- (p) for single dwelling accommodation (that is, accommodation which does not involve shared laundry facilities), the premises must be equipped (at least) with—
 - (i) electrical and drainage facilities to accommodate a washing machine; and
 - (ii) a clothes line or hoist with not less than 10 m of line or, alternatively, 1 electric heat operated clothes dryer; and
- (q) for accommodation which involves shared laundry facilities, not being short term or tourist accommodation, the premises must be equipped (at least) with—
 - (i) a laundry of adequate size containing—
 - (A) a laundry tub with reticulated hot and cold water; and
 - (B) 1 washing machine for each 4 bedrooms; and
 - (ii) an external clothes line in the ratio of 7.5 m of clothes line for each bedroom or, alternatively, 1 electric heat operated clothes dryer for each 4 dwelling units; and
- (r) the operator must keep the premises free from—
 - (i) vermin, insects, nesting birds and lice; and
 - (ii) any other pests of a generally similar class specified in a written notice given by an authorised person to the approval holder; and
- (s) the operator must, if required by written notice given by an authorised person—
 - (i) obtain an inspection report in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (ii) give a copy of the report to the local government; and

- (iii) repair or remedy any defects specified in the report within—
 - (A) 30 days after the date of the report; or
 - (B) any longer period which may be specified by written notice given to the operator by an authorised person.’.
- (2) Schedule 1, after section 3(3)—
insert—
‘(4) A suitable bed bug management plan.’.
- (3) Schedule 1, section 6—
 - (a) subsection (1)(g), after ‘of the premises’—
insert—
‘at specified intervals by a licensed pest control operator’; and
 - (b) subsection (1)(k), after ‘keep’—
insert—
‘and maintain, at the premises,’;
 - (c) subsection 1(q), ‘.’—
omit, insert—
‘; and’;
 - (d) after subsection (1)(q)—
insert—
‘(r) require the approval holder to develop and implement a suitable bed bug management plan.’; and
 - (e) subsection (2), after ‘walls’—
insert—
‘and doors’; and
 - (f) subsection (14)(a)—
omit, insert—
‘(a) a laundry of adequate size containing —
 - (i) at least 1 laundry tub with reticulated hot and cold water; and
 - (ii) if up to 25 persons are to occupy the premises—1 washing machine with an adequate supply of hot and cold water; and
 - (iii) if more than 25 persons are to occupy the premises — a minimum of 2 washing machines with an adequate supply of hot and cold water; and’.
 - (g) after subsection (17)—
insert—
‘(18) The premises must be provided with toilet and ablution facilities which comply with the requirements of the Building Code of

BUNDABERG REGIONAL COUNCIL

Administration (Amendment) Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Administration (Amendment) Local Law (No. 1) 2018*.

2 Local law amended

This local law amends *Local Law No. 1 (Administration) 2011*.

Part 2 Amendment of local law

3 Amendment of sch1 (Dictionary)

Schedule 1, definition *shared facility accommodation*—

omit, insert—

‘*shared facility accommodation* means accommodation, including accommodation in a hotel or motel, which is occupied or available for occupation by residents, in return for payment, on the basis of resident’s sharing 1 or more of the following facilities—

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.’.

4 Amendment of sch2 (Prescribed activities)

- (1) Schedule 2, part 2, definition of prescribed activity ‘establishment or occupation of a temporary home’, ‘structure,’—

omit, insert—

‘tent, structure, caravan, bus or other vehicle which is’.

- (2) Schedule 2, part 2, definition of prescribed activity ‘operation of shared facility accommodation’—

omit, insert—

‘*operation of shared facility accommodation*—

- (a) means the provision of shared facility accommodation to holiday makers or travellers; and
- (b) includes the provision of shared facility accommodation to holiday makers or travellers in a hotel or motel.’.

This and the preceding 2 pages bearing my initials is a certified copy of *Administration (Amendment) Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the
day of 2018.

.....
Chief Executive Officer

622338_1

Bundaberg Regional Council Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2018

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	3 Amendment of sch 1 (Operation of temporary entertainment events)	2

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2018*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Operation of temporary entertainment events)

(1) Schedule 1, after section 3(8)—

insert—

- ‘(9) If requested by the local government—a copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000.00.
- (10) If requested by the local government—an event management plan which details proposed arrangements for each of the following—
- (a) consultation with key stakeholders; and
 - (b) notification of the event to the surrounding residents, including contact details for the nominated responsible person under section 4(7); and
 - (c) cleaning and sanitation; and
 - (d) noise management, including audio equipment; and
 - (e) waste and recycling; and
 - (f) catering services with food safety plan for each service; and
 - (g) toilet and wash basin adequacy; and
 - (h) drinking water quality and supply; and
 - (i) security services; and
 - (j) emergency response; and
 - (k) traffic management; and

- (l) risk management strategy; and
- (m) fire and evacuation plan; and
- (n) fire response plans; and
- (o) camping controls including shower and ablutions facilities and medical responses (if applicable); and
- (p) copies of applicable approvals and certifications, for example—
 - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted; and
 - (ii) a fire safety audit report conducted in accordance with AS4655-Fire Safety Audits, taking into account—
 - (A) AS2444—Portable fire extinguishers and fire blankets—selection and location; and
 - (B) AA2293—Emergency escape lighting and exit signs; and
 - (C) AS1851—Maintenance of fire protection system and equipment; and
 - (iii) a report from an approved electrical contractor, taking into account—
 - (A) AS/NZS3760—In-service safety inspection and testing of electrical equipment; and
 - (B) AS/NZS3001—Transportable structures in vehicles including their sites; and
 - (iv) a certified structural safety report for all temporary construction work; and
 - (v) a fireworks licence issued by the Department of Environment and Heritage Protection; and
 - (vi) the registration document, and inspection and testing records issued by a competent person, under the *Work Health and Safety Act Qld*, for each amusement device; and
 - (vii) a current public liability insurance certificate; and
 - (viii) a temporary food business license issued under the *Food Act 2006*; and
 - (ix) a public open space booking; and
 - (x) a traffic control permit.’.

(2) Schedule 1, after section 4(8)—

insert—

‘(9) If the temporary entertainment event—

(a) involves the use of 1 or more animals; and

(b) is to be undertaken on a local government controlled area or a road,
the use of each animal must be in accordance with any applicable guideline
or policy of the Royal Society for the Prevention of Cruelty to Animals
(RSPCA) Australia.’.

(3) Schedule 1—

(a) section 6(o)(vi), ‘.’—

omit, insert—

‘; and’.

(b) after section 6(o)—

insert—‘(p) require the approval holder to deliver a bond or security to the local
government to secure compliance with the requirements of each
condition of the approval and the provisions of the authorising local
law.’.

This and the preceding 3 pages bearing my initials is a certified copy of *Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

623743_1

Bundaberg Regional Council Parking (Amendment) Subordinate Local Law (No. 1) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Parking (Amendment) Subordinate Local Law (No. 1) 2018*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 5 (Parking) 2011*.

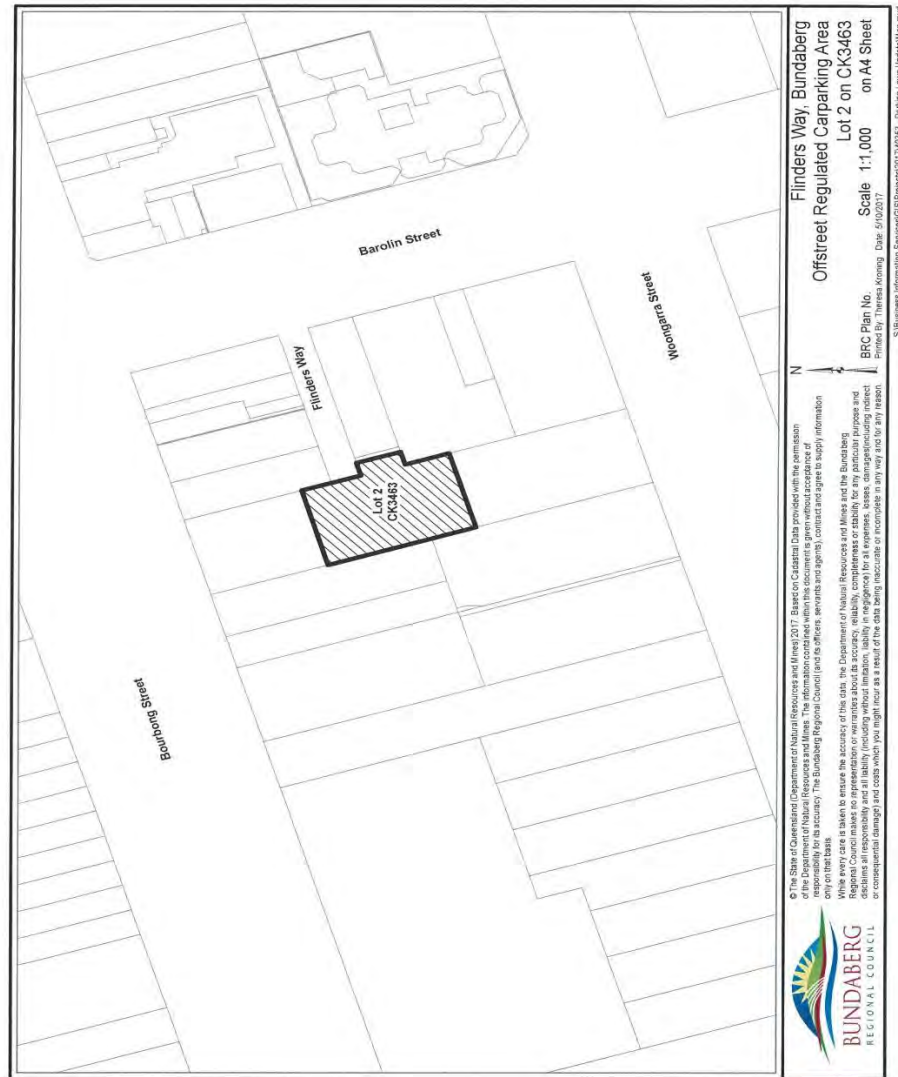
Part 2 Amendment of subordinate local law

3 Amendment of sch 2 (Declaration of off-street regulated parking areas)

Schedule 2 —

insert—

‘



This and the preceding 2 pages bearing my initials is a certified copy of *Parking (Amendment) Subordinate Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the _____ day of _____ 2018.

.....
Chief Executive Officer

638300_1

Bundaberg Regional Council Undertaking Regulated Activities on Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2018

Contents

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Undertaking Regulated Activities on Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2018*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Undertaking regulated activities on local government controlled areas and roads)

- (1) Schedule 1, section 1(2)(c)(x), after ‘wedding;’—

insert—

‘or’.

- (2) Schedule 1, after section 1(2)(c)(x)—

insert—

‘(xi) fundraising;’.

4 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘***fundraising*** includes the collection of donations for—

- (a) charitable or community purposes; or
- (b) an incorporated association; but
- (c) does not include, the public place activity identified in schedule 1, section 1(2)(c)(vi).’.

This and the preceding page bearing my initials is a certified copy of *Undertaking Regulated Activities on Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

624271_1

Local Law (Repealing) Local Law (No. 1) 2018

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1 Short title

This local law may be cited as *Local Law (Repealing) Local Law (No. 1) 2018*.

2 Commencement

This local law commences on the date notice of the making of the local law is published in the gazette.

3 Local law repealed

This local law repeals *Local Law No. 8 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*.

4 Expiration

This local law expires on the day after notice of the making of the local law is published in the gazette.

This and the preceding page bearing my initials is a certified copy of *Local Law (Repealing) Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2018.

.....
Chief Executive Officer

Subordinate Local Law (Repealing) Subordinate Local Law (No. 1) 2018

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1 Short title

This subordinate local law may be cited as *Subordinate Local Law (Repealing) Subordinate Local Law (No. 1) 2018*.

2 Commencement

This subordinate local law commences on the date notice of the making of the subordinate local law is published in the gazette.

3 Subordinate local law repealed

This subordinate local law repeals *Subordinate Local Law No. 8 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*.

4 Expiration

This subordinate local law expires on the day after notice of the making of the subordinate local law is published in the gazette.

This and the preceding page bearing my initials is a certified copy of *Subordinate Local Law (Repealing) Subordinate Local Law (No. 1) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2018.

.....
Chief Executive Officer

Local Law No. 8 (Waste Management) 2018

Contents

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Local Law No. 8 (Waste Management) 2018

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 8 (Waste Management) 2018*.

2 Objects

The object of this local law is to protect the public health, safety and amenity related to waste management by—

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

3 Relationship to other laws

- (1) This local law is—
 - (a) in addition to and does not derogate from laws about the management of waste; and
 - (b) to be read with *Local Law No. 1 (Administration) 2011*.
- (2) For the purposes of *Environmental Protection Regulation 2008*, section 81ZC, this local law replaces *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments).

4 Definitions

The dictionary in the Schedule (Dictionary) of this local law defines the particular words used in this local law.

Part 2 Waste management

Division 1 Designation of areas for general or green waste collection

5 Designation of areas

The local government may—

- (a) by resolution, designate areas within its local government area in which the local government may conduct general waste or green waste collection; and
- (b) decide the frequency of general waste or green waste collection in the designated areas.

Division 2 General waste

Subdivision 1 Storage of general waste

6 Owner or occupier of premises to supply waste containers

- (1) The owner or occupier of premises must—
 - (a) subject to subsection (2), supply standard general waste containers at the premises as—
 - (i) are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law; or
 - (b) supply at the premises, waste containers, other than standard general waste containers, as—
 - (i) if required by the local government — are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law.

Examples of ways the local government may require waste containers for paragraph 1(b)(i)—

by a resolution of the local government or a development approval for the premises

Maximum penalty — 20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.
- (3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.
- (4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.

7 Requirements for storing general waste in waste containers

- (1) The occupier of premises must—
 - (a) store general waste produced as a result of the ordinary use or occupation of the premises in—

- (i) a standard general waste container; or
- (ii) if another type of waste container is prescribed by subordinate local law — the other type of container; and
- (b) keep each waste container clean and in good repair; and
- (c) ensure that each waste container is securely covered, except when the waste is being placed in, or removed from, the container or the container is being cleaned.

Maximum penalty — 20 penalty units.

(2) A person must not—

- (a) place any of the following in a waste container—
 - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container; or
 - (ii) material that is smouldering or aflame; or
 - (iii) matter or a thing that is alive; or
 - (iv) a thing stated in a subordinate local law; or
- (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
- (c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or
- (d) disturb or otherwise interfere with the contents of a waste container; or
- (e) if a waste container is set aside for the collection of recyclable waste alone—place in the waste container a matter or thing other than recyclable waste.

Maximum penalty — 20 penalty units.

(3) The occupier of the premises must not allow a person to place a thing in a waste container in contravention of subsection (2)(a).

Maximum penalty — 20 penalty units.

(4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

8 General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—
 - (a) if the local government requires the container to be kept at a particular place at the premises — at the place (the **waste container storage place**); or

Examples of ways the local government may require waste containers to be kept at a

particular place —

by a resolution of the local government or a development approval for the premises

- (b) if a subordinate local law requires the container to be kept at a particular place at the premises — at the place (also a **waste container storage place**); or
- (c) if paragraphs (a) and (b) do not apply — at ground level close to the rear alignment of a building at the premises.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—
 - (a) the local government has arranged to collect waste from the container at the place; and
 - (b) the container is in the place for no longer than—
 - (i) the period, if any, allowed under a local law of the local government; or
 - (ii) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

- (3) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty for subsection (3) — 20 penalty units.

- (4) It is a defence in the proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

9 Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a **prescribed person**) for serviced premises, other than a single detached dwelling—
 - (a) the owner or occupier of the premises;
 - (b) if a prescribed ERA is carried out at the premises — the holder of the environmental authority for the prescribed ERA.
- (2) The prescribed person must ensure that the waste container storage place for the premises is supplied with—
 - (a) if required by the local government — each of the following—
 - (i) either—

- (A) an elevated stand at a level required by the local government for holding all waste containers; or
- (B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
- (ii) a hose cock and hose in the vicinity of the stand or paved area;
- (iii) a suitable enclosure for the area where the waste containers are kept; and

Examples of ways the local government may require a prescribed person to comply with subsection (2)(a) —

by a resolution of the local government or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law — facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

Maximum penalty for subsection (2) — 20 penalty units.

Subdivision 2 Removal of general waste

10 Local government may give notice about removal of general waste

- (1) This section applies where the local government has arranged for the removal of general waste produced at a premises.
- (2) The local government may give the occupier of the premises a written notice stating—
 - (a) the days (each a *scheduled collection day*) on which the waste is to be collected; and
 - (b) the location (*collection location*) where the waste container is to be placed for collection of the waste ; and
 - (c) the time by which the waste container is to be placed in the collection location for collection of the waste; and
 - (d) the time by which the waste container is to be removed from the collection location.

11 Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at a premises, other than serviced premises.
- (2) The local government may—
 - (a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and

- (b) impose conditions on the approval, including, for example, conditions about—
 - (i) the place for depositing or disposing of the waste; or
 - (ii) the method of depositing or disposing of the waste.
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—
 - (a) at a waste facility in accordance with part 3; or
 - (b) in accordance with—
 - (i) an approval under subsection (2) for disposal of the waste; and
 - (ii) if the approval has been given on conditions — the conditions of the approval.

Maximum penalty for subsection (3) — 20 penalty units.

Division 3 Storage and treatment of industrial waste

12 Requirements for storing industrial waste

- (1) The occupier of premises where there is industrial waste must—
 - (a) if required by the local government—
 - (i) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (ii) keep the waste containers at the particular place at the premises required by the local government; and
 - (iii) keep each waste container clean and in good repair; and

Examples of ways the local government may require compliance with subsection 1(a) —

by a resolution of the local government or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law — comply with each requirement prescribed by subordinate local law, about each of the following—
 - (i) the supply at the premises of industrial waste containers for storing the waste at the premises;
 - (ii) keeping the waste containers at a particular place at the premises;
 - (iii) keeping each waste container clean and in good repair.

Maximum penalty — 20 penalty units.

- (2) The local government may supply industrial waste containers at the premises if the occupier does not supply at the premises the number of industrial waste containers which are—
 - (a) required by the local government under subsection (1)(a); or
 - (b) prescribed by subordinate local law under subsection (1)(b).
- (3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

13 Requirement to treat industrial waste for disposal

The occupier of premises where there is industrial waste must—

- (a) if required by the local government, treat the waste to a standard approved by the local government—
 - (i) for disposal of the waste at a waste facility; or
 - (ii) for transport to, and disposal of the waste at, a waste facility; and

Examples of ways the local government may require an occupier to treat industrial waste for disposal —

by a resolution of the local government or a development approval for the premises

- (b) comply with requirements, as prescribed by subordinate local law, about the treatment of industrial waste—
 - (i) for disposal of the waste at a waste facility; and
 - (ii) for transport to, and disposal of the waste at, a waste facility.

Maximum penalty — 40 penalty units.

Part 3 Waste receipt and disposal

14 Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—
 - (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;
 - (d) material that can spontaneously combust;

- (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
- (f) an explosive;
- (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;
- (h) waste prescribed by subordinate local law.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
 - (a) the person who—
 - (i) is the registered suitable operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

15 Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty — 20 penalty units.

16 Restrictions on use of waste facility

- (1) A person must not, without the consent of a waste facility's owner or operator—
 - (a) enter the facility other than to deposit waste; or
 - (b) remain on the facility after depositing waste; or
 - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty — 10 penalty units.

- (2) Subsection (1) does not apply to—
 - (a) the facility's owner or operator; or
 - (b) an authorised person; or

- (c) a person who acquires from a waste facility, with the consent of the local government—
 - (i) recyclable waste, for example, mulch or green waste; or
 - (ii) 1 or more items of waste which are made available for sale or disposal by the local government, for example, at a “tip shop”.

17 Person to comply with directions and give information

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
 - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by a facility person; and
 - (b) comply with all reasonable instructions about dealing with the waste at the waste facility which are given by—
 - (i) the person in charge of the facility; or
 - (ii) a facility person; and
 - (c) if asked by a facility person — give information to the facility person about the type and amount of waste being delivered to the facility; and
 - (d) if asked by a facility person — give information to the facility person that provides satisfactory evidence of the identity and residential address of the person.

Maximum penalty — 10 penalty units.

- (3) In this section, for a waste facility, facility person means each of the following—
 - (a) the operator of the waste facility;
 - (b) the owner of the waste facility;
 - (c) the local government.

Part 4 Subordinate local laws

18 Subordinate local laws

The local government may, by subordinate local law, specify—

- (a) a thing that is specified to be waste pursuant to the Schedule (Dictionary) of this local law; and

- (b) requirements about the necessity to supply standard general waste containers at premises under section 6(1)(a); and
- (c) requirements about the supply at premises of waste containers, other than standard general waste containers, to contain the general waste produced at the premises under section 6(1)(b); and
- (d) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises under section 7(1); and
- (e) a thing that a person must not place in a waste container under section 7(2); and
- (f) requirements about the keeping of the waste container supplied for premises at a particular place at the premises under section 8(1)(b); and
- (g) requirements about the supply of facilities and structures for the placement, storage and cleaning of waste containers under section 9(2)(b); and
- (h) requirements about the supply at premises of industrial waste containers for storing industrial waste at the premises and other requirements about waste containers for the storage of industrial waste under section 12(1)(b); and
- (i) requirements about the treatment of industrial waste under section 13(b); and
- (j) waste that a person must not deposit at a waste facility under section 14(1).

Part 5 Transitional provisions

19 Continuation of chapter 5A requirements

- (1) This section applies if a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments), is replaced by a provision of this local law.
- (2) In this section, ***prescribed provision*** means a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments) which is replaced by a provision of this local law.
- (3) If the local government has made a requirement under a prescribed provision prior to the commencement of this local law, the requirement applies for the provision of this local law which replaced the prescribed provision from the commencement of this local law.

Example —

The local government may require that a waste container supplied for serviced premises be kept at a particular place at the premises by development approval for the premises under

Environmental Protection Regulation 2008, section 81ZH(1). *Environmental Protection Regulation 2008*, section 81ZH(1) is a prescribed provision which is replaced by section 8 (General requirements for keeping waste containers at serviced premises). A requirement under the prescribed provision made prior to the commencement of this local law would apply for section 8 of this local law from the commencement of this local law.

Schedule Dictionary

section 3

authorised person means a person appointed by the chief executive officer of the local government, pursuant to *Local Government Act 2009*, section 202, to exercise the powers of an authorised person under this local law.

collection location means a place at, or adjacent to, premises at which a standard general waste container associated with the premises can be easily accessed by a general waste collection vehicle without causing obstruction.

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

development approval has the meaning given in the *Planning Act 2016*.

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

environmental authority has the meaning given in the *Environmental Protection Act 1994*.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

general waste means—

- (a) waste other than regulated waste; and
- (b) for part 2, any of the following—
 - (i) commercial waste;
 - (ii) domestic waste;
 - (iii) recyclable waste.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;
 - (ii) domestic clean-up waste;
 - (iii) domestic waste;
 - (iv) green waste;
 - (v) recyclable interceptor waste;
 - (vi) recyclable waste;
 - (vii) waste discharged to a sewer.

industrial waste container means a container of a type approved by the local government for storing industrial waste at premises in the local government's area.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste,

intercepted by, and held in, an interceptor.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

occupier of premises means the person who has the control or management of the premises.

owner of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

premises includes domestic premises, government premises, industrial premises and commercial premises.

prescribed ERA has the meaning given in the *Environmental Protection Act 1994*.

prescribed person see section 9(1).

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area of the local government.

Examples of waste that may be declared to be recyclable waste—

glass bottles, plastic containers, paper, cardboard, steel and aluminium cans.

regulated waste has the meaning given in the *Environmental Protection Regulation 2008*.

scheduled collection day see section 10(2).

serviced premises means—

- (a) premises which are in an area designated by the local government as an area in which the local government may conduct general waste collection under—
 - (i) *Waste Reduction and Recycling Regulation 2011*, section 7; or
 - (ii) section 5; and
- (b) premises for which the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

standard general waste container—

- (a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area; and
- (b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—
 - (i) 1 or more or multiple types of commercial waste; or
 - (ii) 1 or more or multiple types of recyclable waste.

Example for paragraph (b)—

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

waste, has the meaning given in the *Environmental Protection Act 1994*, and includes any thing that is specified to be waste under a subordinate local law.

waste container storage place see section 8(1).

waste facility—

- (a) for part 2, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and
- (b) for part 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local government is the lessee, occupier, operator or owner of the facility.

This and the preceding 17 pages bearing my initials is a certified copy of *Local Law No. 8 (Waste Management) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the _____ day of _____ 2018.

.....

Chief Executive Officer

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Local Law No. 1 (Administration) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2011*.

2 Purposes and how they are to be achieved

- (1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.
- (2) The purposes are to be achieved by providing for—
 - (a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
 - (b) authorised persons for enforcing local laws; and
 - (c) review of certain decisions made under local laws; and
 - (d) enforcement of local laws; and
 - (e) matters relating to legal proceedings; and
 - (f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Relationship with other laws²

This local law—

- (a) is in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

- (a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or
- (b)

² This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in—
 - (a) section 5(a); or
 - (b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.³
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

- (a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or
 - (b) for a category 1 activity—50 penalty units; or
 - (c) for a category 2 activity—200 penalty units; or
 - (d) for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

(a) *Examples—*

- A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a ‘permitted advertising device’). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.
- A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.
- A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government’s area.

- (4) In this section—

category 1 activity means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

category 2 activity means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

category 3 activity means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

³ For the offence for undertaking a prescribed activity mentioned in section 5(b) without a current approval if the Local Government Act is not a local law, see the relevant Local Government Act that provides for the approval.

current approval means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

7 Approvals for prescribed activities to be obtained under this part

An approval required for a prescribed activity must be obtained under this part.

8 Form of application

- (1) An application for the local government's approval of a prescribed activity must be made in a form approved by the local government.
 - (b) *Examples of a form approved by the local government—*
 - (c) A written form or an online application process.
- (2) The application must be accompanied by—
 - (a) documents and materials required under a subordinate local law for this paragraph; and
 - (b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
 - (c) the prescribed fee.
 - (d) *Example for paragraph (a)—*
 - (e) The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.
 - (f) *Example for paragraph (b)—*
 - (g) A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.
- (3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (4) The notice under subsection (3) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (6) However, the local government may extend the period for the applicant to provide

the further information.

- (7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
- (a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
 - (b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (c) if the prescribed activity is the commercial use of a local government controlled area or road—the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies; and
 - (d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
 - (e) the grant of the approval would be consistent with the purpose of any relevant local law; and
 - (f) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
 - (g) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.
 - (h) *Example for paragraph (a)—*
 - (i) An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.
- (2) The local government may, by written notice to the applicant—
- (a) grant the approval unconditionally; or
 - (b) grant the approval subject to conditions determined in accordance with section 10; or
 - (c) refuse to grant the approval.

Examples for paragraph (b)—

- If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the

applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.

- The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.
- (3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.
 - (4) The local government must give the applicant an information notice if the local government—
 - (a) refuses to grant the approval; or
 - (b) grants the approval subject to a non-standard condition.
 - (5) In this section—

non-standard condition means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—
 - (a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (b) be consistent with the purpose of any relevant local law; and
 - (c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and
 - (d) not conflict with the conditions of any other relevant approval issued under an Act; and
 - (e) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.
- (4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—
 - (a) contravenes a noise standard; or
 - (b) causes an environmental nuisance.⁴
 - (j) *Example for paragraph (a)—*

⁴ See *Environmental Protection Act 1994*, schedule 1, section 3(b).

(k) A condition of an approval for operation of a temporary entertainment event may authorise the operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

(5) In this section—

environmental nuisance see *Environmental Protection Act 1994*, section 15.

noise standard see *Environmental Protection Act 1994*, section 440K.

11 Compliance with conditions of approval

(1) A holder of an approval must ensure each condition of the approval is complied with.

Maximum penalty for subsection (1)—50 penalty units.

(2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification

(1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.

Example—

A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's *Guidelines for Safe Pool Operation*. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) – e.g. the Royal Life Saving Society) as evidence that this requirement has been met.

(2) In this section—

third party certifier means—

- (a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

13 Term of approval

Unless sooner cancelled or suspended, an approval remains in force for—

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—one year from

the date the approval is granted.

14 Renewal of approval

- (1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—
 - (a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or
 - (b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.
- (2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.
 - (l) *Example—*
 - (m) The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.
- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
 - (a) grant the application; or
 - (b) grant the application and amend the conditions of the approval; or
 - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
 - (a) the matters mentioned in section 9(1); and
 - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.
- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—

- (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or
- (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
- (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the *proposed transferee*).⁵
- (2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.
- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
 - (a) grant the application to transfer the approval; or
 - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.

⁵ See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.
Attachment 18 - Local Law 1 (Administration) 2011 (Consolidated) 27.02.18

16 Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must be written and state—
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

Each of the following is a ground for amending, suspending or cancelling an approval—

- (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on roads or local government controlled areas; or
 - (v) to improve access to a road; or
 - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;
- (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the *show cause notice*) stating—
 - (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and
 - (d) if the proposed action is suspension of the approval, the proposed suspension period; and
 - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
 - (a) if the proposed action was to amend the approval—amend the approval; or
 - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The suspension—
 - (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with

- a show cause notice about proposed action under section 18; and
- (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
 - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;
 - (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment⁶ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁷

A person must not threaten, insult or use abusive language to an authorised person.
Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an *original decision*) may apply to the chief executive officer⁸ for a review of the decision under this part.⁹
- (2) The application (a *review application*) must be made within 14 days of—
 - (a) if the person is given an information notice for the decision—the day the person is given the notice; or

⁶ See the Act, chapter 6, part 6, for the power to appoint authorised persons.

⁷ See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.

⁸ See definition of *chief executive officer* in the Act, schedule 4.

⁹ Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.

- (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
 - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
 - (b) supported by enough information to enable the local government to decide the application.

23 Review decision

- (1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the **review decision**) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the **review notice**).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.¹⁰
- (2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

26 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
 - (a) a person—
 - (i) is contravening a local law or a condition of an approval; or
 - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
 - (b) a matter relating to the contravention can be remedied; and
 - (c) it is appropriate to give the person an opportunity to remedy the matter.
 - (n) *Examples for paragraph (b) of matters relating to a contravention that can be remedied—*
 - If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
 - If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give¹¹ a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.¹²
- (3) The compliance notice must state the following—
 - (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.
- (4) The time under subsection (3)(c) must be reasonable having regard to—
 - (a) the action required to remedy the contravention; and

¹⁰ See the Act, section 132.

¹¹ See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

¹² Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138(2).

- (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.
- (o) *Examples of reasonable steps to avoid further contravention—*
 - The repetition of a specified action at stated intervals for a certain period.
 - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.
- (7) The recipient must comply with the compliance notice.¹³
- Maximum penalty for subsection (7)—50 penalty units.

27 Compliance notice authorised by local law

- (1) This section applies if—
 - (a) a local law provides that an authorised person may give a compliance notice to a person;¹⁴ and
 - (b) the authorised person gives¹⁵ a compliance notice to the person (the **recipient**).¹⁶
- (2) The compliance notice must state the following—
 - (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, an information notice.

¹³ See also sections 17(e) and 18 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government's power to enter property and take action that is required under a remedial notice.

¹⁴ For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2011*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

¹⁵ See also footnote 10.

¹⁶ See also footnote 11.

- (6) The recipient must comply with the compliance notice.¹⁷

Maximum penalty for subsection (6)—50 penalty units.

28 Power to remove and cost recovery

- (1) This section applies where—
- (a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law; or
 - (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—
- (a) in the interests of public health or safety; or
 - (b) to prevent environmental harm, property damage or loss of amenity.
- (3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—
- (a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and
 - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (5) In this section—
- thing** does not include an animal.

29 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
- (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) An order under this section—
- (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the prescribed activity under section 19.

¹⁷ See also footnote 12.

- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.
Maximum penalty for subsection (4)—50 penalty units.
- (5) This section does not affect the local government's powers under another law.
- (6) In this section—
relevant person means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

Part 6 Legal proceedings

30 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.

31 General defence for owners or occupiers of land

In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—

- (a) the act or omission occurred without the owner's or occupier's knowledge or consent; and
- (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

33 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be

decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty for subsection (3)—20 penalty units.

- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

35 Fees

- (1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

- (p) Suppose that a person pays an approval fee appropriate to an approval of 1 year's duration but, because of unforeseen circumstances, surrenders the approval within 3 months after it is granted. A resolution might provide that, in such a case, the former approval holder is to receive a partial reimbursement of the approval fee.
- (3) Unless specific provision to the contrary is made in the local law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

36 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.
- (2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

- (1) This section applies where—

- (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an *impounded item*);¹⁸ or
 - (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law states that this section is to apply.
- (2) However, this section does not apply to an impounded item that is an animal¹⁹
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).
- (4) A person may reclaim the impounded item if—
 - (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
- (5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
 - (a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or
 - (b) by sale through—
 - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
 - (c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.
- (6) The proceeds of the sale or disposal of the impounded item must be applied—
 - (a) firstly, towards the costs of the sale or disposal; and
 - (b) secondly, towards the prescribed fee for impounding the impounded item; and
 - (c) thirdly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

Part 8 Subordinate local laws

¹⁸ See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

¹⁹ See *Local Law No.2 (Animal Management) 2011*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

38 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;²⁰ and
- (b) the categories of prescribed activities for the purposes of maximum penalties;²¹
- (c) the documents and materials that must accompany an application for an approval;²² and
- (d) additional criteria for the granting of approvals for prescribed activities;²³ and
- (e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;²⁴ and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁵ and
- (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁶
- (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁷ and
- (i) the term for which an approval for a prescribed activity remains in force;²⁸ and
- (j) the further term for which an approval for a prescribed activity may be renewed or extended;²⁹ and
- (k) categories of approvals that are non-transferable;³⁰ and
- (l) complementary accommodation prescribed as appropriate for caravan parks;³¹ and
- (m) a State-controlled road to which this local law applies;³² and
- (n) public place activities prescribed as regulated activities on local government

²⁰ See section 6(3).

²¹ See section 6(4).

²² See section 8(2)(a).

²³ See section 9(1)(d).

²⁴ See section 10(3).

²⁵ See section 12(1).

²⁶ See section 12(2), definition of *third party certifier*, paragraph(a).

²⁷ See section 12(2), definition of *third party certifier*, paragraph(b).

²⁸ See section 13(a).

²⁹ See section 14(1)(a).

³⁰ See section 15(2).

³¹ See schedule 1, definition of *complementary accommodation*, paragraph (b).

³² See schedule 1, definition of *road*, subparagraph (b)(i).

controlled areas and roads.³³

³³ See schedule 2, part 2, definition of *regulated activities on local government controlled areas and roads*, paragraph (c).

Schedule 1 Dictionary

Section 3

amend for an approval, includes varying a condition, removing a condition or adding a condition.

approval includes a consent, permission, licence, permit or authorisation.

authorised person see the Act, schedule 4³⁴.

caravan see *Residential Tenancies Act 1994*, section 3A.

complementary accommodation means—

- (a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

disturbance, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

DOGIT land means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13, or the *Torres Strait Islander Land Act 1991*, section 12.

entertainment includes recreation and amusement.

entertainment event means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

environmental harm see *Environmental Protection Act 1994*, section 14.

goods does not include animals.

human remains means the body or part of the body of a deceased person.

information notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

Local Government Act see the Act, schedule 4.

local government cemetery means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

³⁴ See also section 20.

local government controlled area—

- 1 A *local government controlled area* means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of local government controlled areas—

- parks, reserves and gazetted foreshores
 - camping grounds or caravan parks on land owned or controlled by the local government
 - local government swimming pools
 - cemeteries
 - Council Chambers and local government offices
 - jetties.
- 2 A *local government controlled area* includes part of a local government controlled area.
- 3 A *local government controlled area* does not include a residential lot on DOGIT land.

network connection see the Act, section 35(2).

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³⁵.

property see *Acts Interpretation Act 1954*, section 36.

public notice means a notice published in a newspaper circulating in the local government's area.

public place see the Act, section 125(5).

residence means human habitation on a short-term or long-term basis.

review decision see section 23(1).

road means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—
 - (i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

shared facility accommodation means accommodation, including accommodation in a hotel or motel, which is occupied or available for occupation by residents, in return for payment, on the basis of resident's sharing 1 or more of the following facilities—

- (a) dormitories or bedrooms;
- (b) toilets;

³⁵ See the Act, section 97.

- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

alteration or improvement to local government controlled areas and roads³⁶
means—

- 1 *Alteration or improvement to local government controlled areas and roads*
means—
- (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.

³⁶ Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

2 *Alteration or improvement to local government controlled areas and roads* does not include an alteration or improvement—

- (a) that constitutes development under the Planning Act³⁷; or
- (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
- (c) that involves a network connection; or
- (d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas³⁸ and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the Planning Act;
- (e) operation of a temporary entertainment event;
- (f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a tent, structure, caravan, bus or other vehicle which is used or intended for temporary use as a place of residence but does not include—

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.³⁹

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2011*.

operation of camping grounds means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

³⁷ See the definition of ***Planning Act*** in the Act, schedule 4.

³⁸ See footnote 36.

³⁹ See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government's planning scheme.

operation of cane railways means the operation of a tramway or railway—

- (a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4⁴⁰; and
- (b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and
- (c) that does not transport passengers or other freight for reward.

operation of caravan parks means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

operation of cemeteries means to operate a place for disposing of human remains by—

- (a) burial; or
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

operation of public swimming pools means the operation of a swimming pool that is made available for use to—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

operation of shared facility accommodation—

- (a) means the provision of shared facility accommodation to holiday makers or travellers; and
- (b) includes the provision of shared facility accommodation to holiday makers or travellers in a hotel or motel.

operation of temporary entertainment events means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

undertaking regulated activities regarding human remains means undertaking one of the following activities—

- (a) disturbance of human remains buried outside a cemetery; or
- (b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or
- (c) disturbance of human remains in a local government cemetery.

undertaking regulated activities on local government controlled areas⁴¹ and roads means undertaking one of the following activities on a local government controlled area or road—

⁴⁰ *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

⁴¹ See footnote 36.

- (a) driving or leading of animals to cross a road; or
- (b) depositing of goods or materials; or
- (c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment event.

Example for paragraph (c)— A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.

This and the preceding 28 pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 1 (Administration) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

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Chief Executive Officer

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Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

This model local law may be cited as *Local Law No. 2 (Animal Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
 - (a) balances community expectations with the rights of individuals; and
 - (b) protects the community against risks to health and safety; and
 - (c) prevents pollution and other environmental damage; and
 - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
 - (b) the prescription of minimum standards for keeping animals; and
 - (c) the proper control of animals in public places and koala conservation areas; and
 - (d) the management of dangerous or aggressive animals other than dogs;⁴² and
 - (e) the seizure and destruction of animals in certain circumstances; and
 - (f) the establishment and administration of animal pounds.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws⁴³

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

⁴² The *Animal Management (Cats and Dogs) Act 2008* provides for the management of **regulated dogs**, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

⁴³ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.

Part 2 Keeping of animals

Division 1 Prohibition on keeping animals

5 Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) whether an animal is a restricted dog;⁴⁴
 - (g) the locality in which the animal would be kept;
 - (h) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.⁴⁵

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

- (3) A person must not keep an animal in contravention of a prohibition under this section.

Maximum penalty for subsection (3)—50 penalty units.

Division 2 Animals for which approval is required

6 Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁴⁶ for keeping an animal or animals in prescribed circumstances.
- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—

⁴⁴ Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

⁴⁵ See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

⁴⁶ Keeping an animal for which an approval is required under this local law is a **prescribed activity** under schedule 2 of *Local Law No. 1 (Administration) 2011*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.⁴⁷
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act⁴⁸.
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.⁴⁹

Division 3 Animals for which desexing is required

7 Requirement to desex an animal

- (1) The local government may, by subordinate local law, require an animal of a particular species or breed to be desexed.
- (2) The subordinate local law may—
- (a) specify that the requirement for desexing only applies once an animal reaches a certain age; and
 - (b) exempt animals under particular circumstances.

Example for paragraph (b)—

Exemption might be provided for an animal that is owned by a member of a recognised breeders' association for the purposes of breeding or showing.

- (3) A person must not keep an animal that is required to be desexed unless the animal has been desexed.

Maximum penalty for subsection (3)—20 penalty units.

⁴⁷ See note 4.

⁴⁸ See the definition of **Planning Act** in the Act, schedule 4.

⁴⁹ Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

Division 4 Minimum standards

8 Minimum standards for keeping animals

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.⁵⁰

Maximum penalty for subsection (2)—20 penalty units.

- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

Division 5 Identification of registered cats and dogs

9 Identification for cats and dogs in certain circumstances

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act 2008* for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog.⁵¹

Part 3 Control of animals

Division 1 Animals in public places

10 Exclusion of animals

- (1) The local government may, by subordinate local law, specify public places where animals, or animals of a particular species or breed, are prohibited.
- (2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition specified under subsection (1).

Maximum penalty for subsection (2)—50 penalty units.

- (3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited in a particular public place.
- (4) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

- (a) the animals that are prohibited in the place; and

⁵⁰ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

⁵¹ Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a cat or dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

- (b) in general terms, the provisions of subsection (2).

11 Dog off-leash areas

- (1) The local government may, by resolution—
 - (a) designate an area within a public place as an area where a dog is not required to be on a leash (a ***dog off-leash area***); and
 - (b) for a dog off-leash area — designate the dog off-leash area as an area where a dog is not required to be on a leash —
 - (i) at any time; or
 - (ii) on specified days; or
 - (iii) during specified hours on specified days.
- (2) However, before making a resolution under subsection (1), the local government must—
 - (a) consult with the public for at least 21 days about each designation proposed under subsection (1); and
 - (b) consider every submission properly made to it about each designation proposed under subsection (1).
- (3) The local government must take reasonable steps to provide notice to members of the public regarding each designation under subsection (1).
- (4) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of each designation under subsection (1).
- (5) The local government must keep a record available for public inspection identifying each designation under subsection (1).
- (6) For the avoidance of doubt, the local government may, from time to time, by resolution, repeal or amend a resolution about a designation under subsection (1).
- (7) The repeal or amendment of a resolution about a designation under subsection (1) does not —
 - (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
 - (b) affect the previous operation of any provision of this local law or the resolution or anything suffered, done or begun under any provision of this local law or the resolution; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under any provision of this local law or the resolution; or
 - (d) affect a penalty incurred in relation to an offence arising under any provision of this local law; or
 - (e) affect an investigation or proceeding in relation to a right, privilege, liability or penalty mentioned in paragraph (c) or (d).

- (8) The investigation or proceeding may be started, continued or completed, and the right, privilege or liability may be enforced and the penalty imposed, as if the repeal or amendment had not happened.
- (9) Without limiting subsections (7) and (8), the repeal or amendment of a resolution about a designation under subsection (1) does not affect—
 - (a) the proof of anything that has happened; or
 - (b) any right, privilege or liability saved by the operation of this section or the resolution; or
 - (c) any repeal or amendment made by the resolution.

12 Control of animals in public places⁵²

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
 - (a) unless the animal is under the effective control of someone; and
 - (b) if the animal is a declared dangerous animal⁵³—unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

Maximum penalty for subsection (1)(a) if the animal is in a public place of environmental significance—50 penalty units.

Maximum penalty for subsection (1)(a) if the animal is in a public place other than a public place of environmental significance—20 penalty units.

Maximum penalty for subsection (1)(b)—20 penalty units.

- (2) The owner or responsible person for a dog that is on heat must ensure that the animal is not in a public place.

Maximum penalty for subsection (2)—20 penalty units.

- (3) An animal is under the *effective control* of someone only if—
 - (a) a person who is physically able to control the animal—
 - (i) is holding it by an appropriate leash, halter or rein; or
 - (ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
 - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or

⁵² See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

⁵³ See the definition of *declared dangerous animal* in the schedule.

- (b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or
 - (c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or
 - (d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or
 - (e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.
- (4) In this section—

environmental significance, for a public place, means a public place which is designated as a public place of environmental significance by subordinate local law.

13 Person in control of dog or prescribed animal to clean up faeces

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

14 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.⁵⁴

Maximum penalty for subsection (1)—20 penalty units.

- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.
- (3) The owner of the animal must ensure that it is not wandering at large.⁵⁵

Maximum penalty for subsection (3)—20 penalty units.

- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—
- (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or
 - (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

Example for paragraph (b)—

⁵⁴ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

⁵⁵ See the definition of *wandering at large* in the schedule.

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

15 Koala conservation requirements

- (1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.
- (2) The prescribed requirements may relate to—
 - (a) the enclosure in which the dog must be kept between sunset and sunrise; or
 - (b) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or
 - (c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land; or
 - (d) other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise.
- (3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

Maximum penalty for subsection (3)—20 penalty units.

- (4) In this section—

koala area means—

- (a) a koala habitat area; or
- (b) an area designated by subordinate local law as a koala area.

koala habitat area means an area designated as a koala habitat by—

- (a) a conservation plan made under the *Nature Conservation Act 1992*; or
- (b) a State planning instrument.

Division 3 Aggressive behaviour by animals other than dogs

16 Limited application of division to dogs⁵⁶

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

17 Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

⁵⁶ Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008*, sections 194 to 196.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.⁵⁷

18 Defences for offence against s 17

It is a defence to a prosecution for an offence against section 17 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the ***accompanying person***), or the responsible person's or accompanying person's property.

Division 4 Dangerous animals other than dogs⁵⁸

⁵⁷ See section 83 of that Act.

⁵⁸ Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

19 Declaration of dangerous animal other than a dog

- (1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
- (2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.
- (3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice⁵⁹ about the declaration.

20 Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice,⁶⁰ require the responsible person for a declared dangerous animal to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

Part 4 Seizure, impounding or destruction of animals

Division 1 Seizure of animals

21 Seizure of animals

- (1) An authorised person may seize⁶¹ an animal, other than a dog,⁶² in the following circumstances—
 - (a) the animal is found wandering at large; or
 - (b) if a compliance notice has been given to the owner or responsible person for the animal in relation to compliance with a requirement of this local law—the authorised person has entered a property, including private property, under chapter 5, part 2, division 1 of the Act, and reasonably believes the owner or responsible person for the animal has not complied with the compliance

⁵⁹ See the definition of **information notice** in *Local Law No.1 (Administration) 2011*, schedule 1.

⁶⁰ See *Local Law No.1 (Administration) 2011*, section 27 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁶¹ See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

⁶² See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

- notice; or
- (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.⁶³
- (2) An authorised person may seize a dog in the following circumstances—
- (a) the dog is found wandering at large; or
 - (b) if a compliance notice has been given to the owner or responsible person for the dog in relation to compliance with a requirement of this local law—the authorised person has entered a property, including private property, under chapter 5, part 2, division 1 of the Act, and reasonably believes the owner or responsible person for the dog has not complied with the compliance notice; or
 - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
- (a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or
 - (b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

22 Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal, other than a regulated dog,⁶⁴ under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if—

⁶³ The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: “If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government’s area.”

⁶⁴ See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated dog.

- (a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or
- (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
- (c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

23 Immediate return of animal seized wandering at large

- (1) This section applies where—
 - (a) an animal has been seized under section 21(1)(a) or section 21(2)(a); and
 - (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

24 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

25 What is a notice of impounding

- (1) A **notice of impounding** means a written notice, given to the owner or responsible person for an animal, stating that—
 - (a) the animal has been impounded; and
 - (b) the animal may be reclaimed within the prescribed period provided that—
 - (i) the cost-recovery fee is paid; and
 - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
 - (iii) if the animal has been seized under section 21(1)(b) or 21(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
 - (iv) continued retention of the animal is not needed as evidence for a

proceeding or proposed proceeding for an offence involving the animal; and

(v) no destruction order has been made for the animal.

(2) In this section—

relevant compliance notice means the compliance notice mentioned in section 21(1)(b) or 21(2)(b).

26 Dealing with animal seized and impounded for wandering at large

(1) Subsection (2) applies where—

- (a) an authorised person has impounded an animal seized under section 21(1)(a) or 21(2)(a); and
- (b) the animal was not a declared dangerous animal at the time of being seized; and
- (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.

(2) The authorised person must give the owner or responsible person a notice of impounding.

(3) Subsection (4) applies where—

- (a) an authorised person has impounded a declared dangerous animal seized under section 21(1)(a); or
- (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.

(4) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding; or
- (b) make a destruction order for the animal under section 30.

27 Dealing with animal seized and impounded for non-compliance with local law

(1) This section applies where an authorised person has impounded an animal seized under section 21(1)(b) or 21(2)(b).

(2) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding; or
- (b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

28 Dealing with animal seized and impounded for attacking etc a person or

another animal

- (1) This section applies where an authorised person has impounded an animal seized under section 21(1)(c).
- (2) The authorised person may⁶⁵—
 - (a) make a destruction order for the animal under section 30; or
 - (b) give the owner or responsible person a notice of impounding.

29 Reclaiming an impounded animal

- (1) This section applies where—
 - (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
 - (a) reclaims the animal within the prescribed period; and
 - (b) pays the cost-recovery fee; and
 - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration—obtains the approval or registration; and
 - (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
 - (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
 - (a) if subsection (3)(a) applies—
 - (i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
 - (b) if subsection (3)(b) applies—
 - (i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and

⁶⁵ An authorised person may also declare an animal as a declared dangerous animal under section 19 if specified criteria are met.

- (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

Division 4 Destruction of animal following notice

30 Destruction orders

- (1) An authorised person may make an order (a ***destruction order***) stating the person proposes to destroy an animal 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
 - (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (b) the animal is a declared dangerous animal and was found wandering at large; or
 - (c) the animal has been seized more than 3 times during a 12 month period.
- (3) The destruction order must—
 - (a) be served on a person who owns, or is a responsible person for, the animal; and
 - (b) include or be accompanied by an information notice.⁶⁶
- (4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the review is finally decided or is otherwise ended; and
 - (b) the order is still in force; and
 - (c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.
- (6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 29(2)(b)-(d).

⁶⁶ See note 17.

- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
- (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 29(2)(b)-(d).
- (9) In this section—

review means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration) 2011*.

appeal means an appeal under part 4 of this local law.

Division 5 Disposal of impounded animals

31 Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under section 29(2); or
- (b) if section 29(3)(a) applies— the impounded animal has not been reclaimed within 3 days of an authorised person’s advice to the owner or responsible person that the animal’s continued retention as evidence is no longer required; or
- (c) if section 29(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or
- (d) an authorised person has seized an animal mentioned in section 27(2)(b); or
- (e) the owner of an animal has surrendered the animal to the local government.

32 Sale, disposal or destruction of animals

- (1) The local government may—
- (a) offer the animal for sale by public auction or by tender; or
 - (b) if the animal is an animal mentioned in section 27(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it, for example, by giving the animal to an animal welfare agency for disposal by the animal welfare agency; or
 - (iii) destroy the animal.

Example for paragraph (b)—

The subordinate local law might specify dogs, cats and other small domestic animals, for which a

public auction or tender might not be practicable.

- (2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
 - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
 - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.
- (4) An amount realised on sale of an impounded animal must be applied—
- (a) first, towards the costs of the sale; and
 - (b) second, towards the cost-recovery fee for impounding; and
 - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
- (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
- (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

- The local government may give the animal away.
- The local government may have the animal destroyed.

Division 6 Other impounding matters

33 Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (2) The register of impounded animals must contain the following information about each impounded animal—
- (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and

- (d) if known—the name and address of the responsible person; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

34 Access to impounded animal

- (1) This section applies to an animal impounded under section 24.
- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

35 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
 - (a) a seized animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the local government's facility for keeping impounded animals.

Maximum penalty for subsection (1)—50 penalty units.

- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders

36 Who may appeal

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

37 Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.

- (2) An appeal is started by—
 - (a) filing notice of appeal with the Magistrates Court; and
 - (b) serving a copy of the notice of appeal on the local government; and
 - (c) complying with rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

38 Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

39 Hearing procedures

- (1) In deciding an appeal, the Magistrates Court—
 - (a) has the same powers as the local government; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

40 Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

41 Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Miscellaneous

42 Supply of animals

- (1) The local government may, by subordinate local law, specify conditions to be complied with by persons who supply animals, or a particular species of animal.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not supply animals in the area unless the person complies with conditions specified under subsection (1).

Maximum penalty for subsection (3)—50 penalty units.

43 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the circumstances in which the keeping of animals is prohibited;⁶⁷ or
- (b) the circumstances in which an approval is required for the keeping of animals;⁶⁸ or
- (c) the circumstances in which desexing of an animal is required;⁶⁹ or
- (d) minimum standards for keeping animals generally or animals of a particular species or breed;⁷⁰ or
- (e) the identification for cats and dogs required under the *Animal Management (Cats and Dogs) Act 2008*;⁷¹ or
- (f) the exclusion of animals, or animals of a specified species, from public places;⁷² or
- (g) the designation of a public place as a public place of environmental significance;⁷³ or
- (h) animals whose faeces in public places must be removed and disposed of;⁷⁴ or
- (i) proper enclosure requirements;⁷⁵ or
- (j) requirements for keeping a dog within a koala area;⁷⁶ or

⁶⁷ See section 5(1).

⁶⁸ See section 6(1).

⁶⁹ See section 7(1).

⁷⁰ See section 8(1).

⁷¹ See section 9.

⁷² See section 10(1).

⁷³ See section 12(4).

⁷⁴ See section 13.

⁷⁵ See section 14(2).

⁷⁶ See section 15(1).

- (k) designation of an area as a koala area;⁷⁷ or
- (l) the criteria for declaring an animal other than a dog to be a declared dangerous animal;⁷⁸ or
- (m) the organisation or local government that operates a place or care for impounded animals;⁷⁹ or
- (n) the species, breed or class of animal that may be disposed of other than by public auction or tender;⁸⁰ or
- (o) the office at which the register of impounded animals is available for public inspection;⁸¹ or
- (p) the conditions to be complied with by persons who offer animals, or a particular species of animal, for supply;⁸² or
- (q) the exclusion of animals of a particular species from the application of this local law;⁸³ or
- (r) the declaration of a species of animal as a declared dangerous animal;⁸⁴ or
- (s) the period within which an impounded animal may be reclaimed.⁸⁵

⁷⁷ See section 15(4).

⁷⁸ See section 19(1).

⁷⁹ See section 24(b).

⁸⁰ See section 32(1)(b).

⁸¹ See section 33(3).

⁸² See section 42(1).

⁸³ See the definition of *animal* in the schedule.

⁸⁴ See the definition of *declared dangerous animal* in the schedule.

⁸⁵ See the definition of *prescribed period* in the schedule.

Schedule Dictionary

Section 3

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

animal welfare agency means—

- (a) the Royal Society for the Prevention of Cruelty to Animals (Queensland); and
- (b) the Animal Welfare League of Queensland; and
- (c) another incorporated association which—
 - (i) has objects similar to the objects of the corporation referred to in paragraph (a) or the incorporated association referred to in paragraph (b); and
 - (ii) is recognised as an animal welfare agency by the local government.

attack, by an animal, means—

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁸⁶

declared dangerous animal means an animal—

- (a) of a species declared by subordinate local law as a declared dangerous animal; or
- (b) declared under section 19 of this local law to be a declared dangerous animal.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 30(1).

dog off-leash area see section 11(1).

effective control see section 12(3).

notice of impounding see section 25(1).

owner, of an animal, means

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;
- (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

⁸⁶ See the Act, section 97 for the power of a local government to fix a cost recovery fee.

prescribed period means the period, fixed by subordinate local law, of not less than—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days;

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

responsible person, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) the parent or guardian of a minor who has immediate control or custody of the animal; or
- (c) the person who occupies the place at which the animal is usually kept,

but does not include—

- (a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
- (b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

restricted dog see *Animal Management (Cats and Dogs) Act 2008*, section 63.

State planning instrument see *Sustainable Planning Act 2009*, schedule 3.

supply includes doing any of the following things if doing the things affects the possession of an animal other than the mere temporary custody of it—

- (a) exchange, give or sell;
- (b) offer or agree to supply;
- (c) cause or permit to supply;
- (d) possess for supply.

the Act means the *Local Government Act 2009*.

wandering at large means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
 - (i) a public place; or
 - (ii) a private place without the consent of the occupier.

This and the preceding 25 pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 2 (Animal Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

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Chief Executive Officer

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Local Law No. 3 (Community and Environmental Management) 2011

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Part 1 Preliminary

1 Short title

This model local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community annoyance and safety hazards; and
 - (f) noise that exceeds noise standards.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws⁸⁷

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) This part does not apply to—
 - (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*⁸⁸ or the *Plant Protection Act 1989*⁸⁹; or

⁸⁷ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

⁸⁸ See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.

⁸⁹ See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

(b) noxious fisheries resources or diseased fisheries resources⁹⁰.

(2) In this section—

declared pest see the *Land Protection (Pest and Stock Route Management) Act 2002*, section 8 and the *Plant Protection Act 1989*, section 4.

diseased fisheries resources see the *Fisheries Act 1994*, section 94.

noxious fisheries resources see the *Fisheries Act 1994*, schedule.

Division 2 Declaration of local pests

6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication.
- (4) In this section—

chief executive means the chief executive of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered.

7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication; and
 - (c) comes to an end three months after the date of publication.
- (4) In this section—

environmental harm see *Environmental Protection Act 1994*, section 14.

8

⁹⁰ See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice⁹¹ given to the owner of land, require the owner⁹² to take specified action to control declared local pests.
- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or

⁹¹ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁹² See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (b) prevent or minimise seeding or reproduction by declared local pests; or
 - (c) contain infestation by declared local pests within a localised area; or
 - (d) reduce the density or extent of infestation by declared local pests; or
 - (e) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.
- (c) Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

- (1) A person must not—
- (a) introduce, propagate or breed a declared local pest; or
 - (b) provide harbour to a declared local pest.
 - (c) Maximum penalty for subsection (1)—50 penalty units.
- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

- (3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

- (1) The responsible person for an allotment must not permit or allow the allotment to become overgrown with vegetation to such an extent that the vegetation—

- (a) seriously affects the visual amenity of the allotment; or
 - (b) is likely to attract or harbour reptiles; or
 - (c) is likely to attract or harbour vermin; or
 - (d) is likely to present a risk to the health or safety of the public.
 - (s) Maximum penalty—20 penalty units.
- (2) An authorised person may, by compliance notice⁹³ given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.
- (3) However, the notice cannot prevent a use of land authorised under the Planning Act⁹⁴ or the *Environmental Protection Act 1994*.
- (4) In this section—
vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁹⁵ of the State or Commonwealth or under the local government's planning scheme.
- (5) The local government may, by subordinate local law, prescribe requirements for the control of vegetation on allotments.

14 Accumulation of objects and materials on allotments

- (1) The responsible person for an allotment must not bring onto the allotment, or allow to remain or accumulate on the allotment, objects or materials which—
- (a) seriously affect the visual amenity of the allotment; or
 - (b) are likely to attract or harbour reptiles; or
 - (c) are likely to attract or harbour vermin; or
 - (d) are likely to present a risk to the health or safety of the public.
- (i) *Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—*
- Discarded or disused machinery or machinery parts.
 - Broken-down or severely rusted vehicles.
 - Discarded bottles, containers or packaging.
 - Refuse or scrap material.
- (t) Maximum penalty—20 penalty units.
- (2) The authorised person may, by compliance notice⁹⁶ given to the responsible person for the allotment, require the responsible person to—
- (a) remove objects or materials that are causing the circumstance mentioned in

⁹³ See footnote 5.

⁹⁴ See definition of *Planning Act* in the Act, schedule 4.

⁹⁵ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

⁹⁶ See footnote 5.

subsection (1)(a), (b), (c) or (d) or

- (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a), (b), (c) or (d) .

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.
- (4) The local government may, by subordinate local law, prescribe requirements about objects or materials which are brought onto, or allowed to remain or accumulate on, an allotment.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.⁹⁷
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
 - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
 - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.
- (u) Maximum penalty for subsection (3)—50 penalty units.
- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

Maximum penalty for subsection (4)—50 penalty units.

- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

16 Fire hazards

⁹⁷ See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice⁹⁸ given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.⁹⁹
- (3) In this section—

fire hazard means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community annoyance and safety hazards

17 What is a community annoyance or safety hazard

A ***community annoyance or safety hazard*** is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community annoyance or safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community annoyance or safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

18 Power to enter property to inspect for community annoyance and safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to

⁹⁸ See footnote 5.

⁹⁹ See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

identify any community annoyance or safety hazard.

- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for any community annoyance or safety hazard.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community annoyance and safety hazards

- (1) This section applies where an authorised person forms the opinion that a community annoyance or safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹⁰⁰ given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community annoyance or safety hazard to—
 - (a) remove the annoyance or hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community annoyance or safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community annoyance or safety hazard located on the owner's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
- A requirement to install and maintain an electric fence in accordance with appropriate standards.

¹⁰⁰ See footnote 5.

- (2) A responsible person must comply with requirements prescribed under this section.
Maximum penalty for subsection (2)—50 penalty units.

Part 6 Noise standards

21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹⁰¹
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
 - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹⁰² and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁰³

Part 6A Community amenity

21A Releasing helium balloons

A person must not release an unsecured balloon containing helium unless the balloon is—

- (a) released unintentionally and without negligence; or
- (b) released inside a building or structure and does not make its way into the open air; or
- (c) released for scientific, including meteorological, purposes; or
- (d) a balloon aircraft that is recovered after landing.
- (v) Maximum penalty—20 penalty units.

Part 7 Miscellaneous

22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;¹⁰⁴ or

¹⁰¹ See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

¹⁰² See, however, *Local Law No.1 (Administration) 2011*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁰³ Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

¹⁰⁴ See section 6(1).

- (b) prescribed requirements for the control of vegetation on allotments;¹⁰⁵ or
- (c) prescribed requirements about objects or materials which are brought onto, or allowed to remain or accumulate on, an allotment;¹⁰⁶ or
- (d) lighting and maintaining of fires in the open;¹⁰⁷ or
- (e) fire hazards;¹⁰⁸ or
- (f) community annoyance and safety hazards;¹⁰⁹ or
- (g) prescribed requirements relating to any community annoyance and safety hazard;¹¹⁰ or
- (h) prescribed noise standards for the *Environmental Protection Act 1994*.¹¹¹

¹⁰⁵ See section 13(5).

¹⁰⁶ See section 14(4).

¹⁰⁷ See section 15(2).

¹⁰⁸ See section 16(3)(b).

¹⁰⁹ See section 17(c).

¹¹⁰ See section 20(1).

¹¹¹ See section 21(2).

Schedule Dictionary

(ii) Section 3

allotment means an individual parcel or piece of land.

aircraft has the meaning given in the *Civil Aviation Act 1988 (Cwlth)*.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

responsible person means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

Example —

- If a place is not occupied then the person who has control or management of the place is the owner of the place and the owner is the responsible person for the place. If a place is occupied and the occupier has control or management of the place then the occupier will be the responsible person for the place.

the Act means the *Local Government Act 2009*.

This and the preceding 12 pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 3 (Community and Environmental Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

686142_1

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to—

- (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
- (b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.

(2) The purpose is to be achieved by providing for—

- (a) the regulation of access to local government controlled areas; and
- (b) the prohibition or restriction of particular activities on local government controlled areas or roads; and
- (c) miscellaneous matters affecting roads.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹¹²

This local law is—

- (a) in addition to and does not derogate from laws¹¹³ regulating the use of trust land and roads; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

¹¹² This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

¹¹³ Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Land Protection (Pest and Stock Route Management) Act 2002*.

Part 2 Use of local government controlled areas, facilities and roads¹¹⁴

5 Prohibited and restricted activities

- (1) The local government may, under a subordinate local law, declare an activity to be—
 - (a) prohibited in a local government controlled area or road (a ***prohibited activity***); or
 - (b) restricted in a local government controlled area or road (a ***restricted activity***).

Example for paragraph (a)—

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

Example for paragraph (b)-

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.
- (3) In this section—

reasonable steps may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—

 - (a) if the declaration relates to the whole area—the restricted activities for the area; and
 - (b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and
 - (c) in general terms, the provisions of subsection (4).
- (4) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty - 50 penalty units

6 Motor vehicle access to local government controlled areas

- (1) A ***motor vehicle access area*** is an area within a local government controlled area that is—
 - (a)

¹¹⁴ *Local Law No. 1 (Administration) 2011* deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

- a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
- (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity¹¹⁵ to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.
- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a ***prohibited vehicle***) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity¹¹⁶ to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
- (a) declarations of motor vehicle access areas under subsection (1)(b); and
 - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—
- emergency vehicle*** includes the following—
- (a) an ambulance;
 - (b) a fire-engine;
 - (c) a police vehicle;
 - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.
- reasonable steps*** include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—
- (a) a description of the declared motor vehicle access area; and
 - (b) a description of prohibited vehicles for the area; and
 - (c) in general terms, the provisions of subsections (2) and (4).

7 Opening hours of local government controlled areas

- (1) The local government may, by resolution, declare the times when a local government controlled area is open to the public (the ***opening hours***).
- (2) A person must not enter or remain in a local government controlled area outside the

¹¹⁵ *Local Law No.1 (Administration) 2011*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

¹¹⁶ See footnote 3.

opening hours unless the person is authorised to do so by the chief executive officer¹¹⁷.

Maximum penalty for subsection (2)—20 penalty units.

- (3) If the local government declares the opening hours for a local government controlled area under subsection (1), it must place a notice showing the opening hours at each public entrance to the area.

8 Power of closure of local government controlled areas

- (1) The local government may, by resolution, temporarily close a local government controlled area to public access—
 - (a) to carry out construction, maintenance, repair or restoration work; or
 - (b) to protect the health and safety of a person or the security of a person's property; or
 - (c) because of a fire or other natural disaster; or
 - (d) to conserve or protect the cultural or natural resources of the area or native wildlife.
- (2) A resolution under subsection (1)—
 - (a) must state a period, not greater than 6 months, during which the area will be closed; and
 - (b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.
- (3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
 - (a) the conservation of the cultural or natural resources of the area, including, for example—
 - (i) to protect significant cultural or natural resources; or
 - (ii) to enable the restoration or rehabilitation of the area; or
 - (iii) to protect a breeding area for native wildlife; or
 - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
 - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
 - (b) protection of the health and safety of members of the public;
 - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
 - (d) protection of the amenity of an area adjacent to the area;
 - (e) the orderly or proper management of the area.

¹¹⁷ See definition of *chief executive officer* in the Act, schedule 4.

- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

Example—

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

- (5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (5)—20 penalty units.

- (6) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

Part 3 Matters affecting roads

9 Power to require owner of land adjoining road to fence land

- (1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—
- (a) animals escaping from the land onto the road; or
 - (b) interference with the safe movement of traffic or the safe use of the road.
- (2) The local government may, by giving a compliance notice¹¹⁸ to the owner—
- (a) if the land is not currently fenced—require the owner to fence the land; or
 - (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.
- (3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.
- (4) In this section—

animal does not include a native animal, feral animal or pest animal.

feral animal see *Animal Care and Protection Act 2001*, section 42.

pest animal see *Animal Care and Protection Act 2001*, section 42.

10 Numbering of premises and allotments adjoining a road¹¹⁹

- (1) An owner of land must not adopt a number for a building or allotment that is

¹¹⁸ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices.

¹¹⁹ See the Act, section 60, regarding control of roads by a local government.

inconsistent with a numbering system adopted by the local government under this section.

Maximum penalty for subsection (1)—10 penalty units.

- (2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

11 Compliance notice about a road or footpath crossing

- (1) The local government may give a compliance notice to a person who is the owner or occupier of land adjoining or adjacent to a road to do 1 or more of the following—
- (a) perform work on the land or the road;
 - (b) construct a vehicle crossing to provide vehicular access between the land and the road to a standard specified by the local government in the compliance notice;
 - (c) maintain or repair a vehicle crossing which provides vehicular access between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing—
 - (i) is not effective for its intended purpose; or
 - (ii) is causing a nuisance or poses a risk of a nuisance; or
 - (iii) constitutes an actual or potential safety hazard;
 - (d) alter a vehicle crossing, or construct a new or modified vehicle crossing between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing is no longer adequate having regard to—
 - (i) the volume or nature of traffic using the vehicle crossing; or
 - (ii) the manner in which the vehicle crossing is used by traffic; or
 - (iii) changes in the use of the land to which the vehicle crossing provides access; or
 - (iv) changes in the usual or expected standard of vehicle crossing provision in the relevant locality.
- (2) However, a compliance notice may only be given under subsection (1) if the work to be carried out is required as a direct result of the intentional act or negligence of the person and, in the reasonable opinion of an authorised person, the work should be performed to—
- (a) protect public health, safety or amenity; or
 - (b) prevent environmental harm or environmental nuisance; or
 - (c) prevent interference with the safe movement of traffic or the safe use of a road.

Part 4 Miscellaneous

12 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of prohibited activities or restricted activities;¹²⁰ or
- (b) the declaration of motor vehicle access areas;¹²¹ or
- (c) the declaration of prohibited vehicles;¹²² or
- (d) closing a local government controlled area to public access;¹²³ or
- (e) minimum standards for fences on land adjoining a road.¹²⁴

¹²⁰ See section 5(1).

¹²¹ See section 6(1).

¹²² See section 6(3).

¹²³ See section 8(3).

¹²⁴ See section 9(3).

Schedule Dictionary

Section 3

environmental nuisance see *Environmental Protection Act 1994*, schedule 4.

land see *Local Government Act 2009*, schedule 4.

local government controlled area see *Local Law No.1 (Administration) 2011*, schedule 1.

occupier see *Local Government Act 2009*, schedule 4.

owner see *Local Government Act 2009*, schedule 4.

road see *Local Law No.1 (Administration) 2011*, schedule 1.

vehicle crossing means facilities provided for the purpose of vehicles making entry or exit at, or substantially at, right angles between a road and land adjoining or adjacent to the road and may include an invert, pipe or driveway at, or adjacent to, the boundary of the land.

This and the preceding 8 pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

686208_1

Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of

schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Part 3 Application to State-controlled roads

7 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 3 are roads to which the authorising local law applies unless otherwise provided in the local law.

Schedule 1 Commercial use of local government controlled areas and roads

Section 5

1. Prescribed activity

Commercial use of local government controlled areas and roads.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

- (1) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for serving food and drink or for other business purposes—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be operated from a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the operation of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the operation of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the operation of the prescribed activity.
- (6) Details of the operation of the prescribed activity including—
 - (a) if goods or services are to be supplied—the nature of the goods and services to be supplied; and
 - (b) if the goods or services are to be supplied at particular times—the times during which the goods or services will be supplied; and
 - (c) if goods or services are to be supplied—the method of sale of the goods or services; and
 - (d) a copy of each policy of insurance of the applicant which relates to the operation of the prescribed activity; and
 - (e) how the applicant proposes to dispose of waste generated by the operation of the prescribed activity; and

- (f) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.
- (7) Subsection (8) applies if—
 - (a) the prescribed activity is to be operated at a place on a local government controlled area or road; and
 - (b) the place abuts, or is adjacent to, land other than a local government controlled area or road; and
 - (c) the operation of the prescribed activity may cause a nuisance, inconvenience or annoyance to the occupier of the land.
- (8) The application must be accompanied by—
 - (a) the written consent of the occupier of the land to the operation of the prescribed activity at the place; or
 - (b) a written statement from the occupier of the land in support of the operation of the prescribed activity at the place.

4. Additional criteria for the granting of an approval

- (1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
- (2) There must be a public demand for the prescribed activity in respect of which the approval is sought.
- (3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
- (4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—
 - (a) the occupier of any land which adjoins the location of the prescribed activity; or
 - (b) vehicular traffic; or
 - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
- (6) If the prescribed activity is mobile roadside vending or stationary roadside vending—
 - (a) whether the prescribed activity for which the approval is sought is competitive with business activities operated from fixed premises in the local government area; and

- (b) whether the business activities operated from the fixed premises are sufficient to meet public demand for the goods or services proposed to be sold as part of the operation of the prescribed activity; and
- (c) whether the grant of the approval will result in substantial competition between the applicant for the approval and operators of business activities operated from fixed premises in the local government area; and
- (d) whether the goods or services proposed to be sold as part of the operation of the prescribed activity, or similar goods or services, are available for sale from fixed premises near the location of the prescribed activity.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require that the approval holder—
 - (a) limit the activities authorised by the approval to 1 or more of—
 - (i) a single specified location;
 - (ii) a number of specified locations;
 - (iii) a specified area;
 - (iv) a number of specified areas; and
 - (b) limit the activities to specified days and times; and
 - (c) limit the activities to—
 - (i) a specified period of time; or
 - (ii) specified periods of time; and
 - (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
 - (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
 - (f) give specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
 - (g) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
 - (h) if the approval authorises the approval holder to use a specified part of a

road for the operation of the activity — pay a specified rental to the local government at specified intervals; and

- (i) submit the operation of the activity, including any vehicle or premises used in the operation of the activity, for inspection by an authorised person; and
- (j) prominently and permanently display at a specified location each of—
 - (i) the approval number granted by the local government ; and
 - (ii) the name and address of the approval holder; and
- (k) if the approval relates to an activity on a road—give a written indemnity to the State; and
- (l) limit the activities authorised by the approval such that the activities may not be operated within a specified radius of—
 - (i) fixed premises which sell or offer for sale, the same or similar goods or services; or
 - (ii) the site of operation of another prescribed activity—
 - (A) the operation of which is authorised by an approval granted by the local government; and
 - (B) at which the same or similar goods or services are sold or offered for sale; and
- (m) limit the operation of the prescribed activity so that it does not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or
 - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
- (n) limit the operation of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
- (o) ensure that the operation of the prescribed activity does not create a road safety risk; and
- (p) ensure that all facilities and equipment used in the operation of the prescribed activity are, at all times, maintained—
 - (i) in good working order and condition; and
 - (ii) in a clean and sanitary condition; and

- (q) if the approval authorises the operation of a roadside vending activity on a road on specified days—remove the vehicle from the road after the close of business each day unless otherwise specified by the local government; and
 - (r) deliver to the local government a copy of each current insurance policy of the approval holder which relates to the operation of the prescribed activity at specified intervals.
- (2) If the prescribed activity is mobile roadside vending, the conditions of the approval may also require that the approval holder—
 - (a) limit the operation of the activity to—
 - (i) a specified vehicle; or
 - (ii) a number of specified vehicles; and
 - (b) if the approval holder is selling or offering for sale, goods, for example, food, or services—not engage in mobile roadside vending on any local government controlled area or road within a specified radius of fixed premises which sell or offer for sale, the same or similar goods or services.
 - (c) not—
 - (i) unless authorised by an authorised person—park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or
 - (ii) amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*; or
 - (iii) place a sign or device advertising the activity of the approval holder on any local government controlled area or road; and
 - (d) keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and
 - (e) produce the vehicle for inspection by an authorised person—
 - (i) prior to commencement of the prescribed activity; and
 - (ii) when required by the authorised person; and
 - (f) limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity; and
 - (g) only serve customers from the non-traffic or kerbside side of a vehicle

- used in the operation of the activity; and
- (h) not operate the activity in a manner which is, or may be, a risk to road safety; and
 - (i) unless authorised by an authorised person—not permit or allow an animal in or about any vehicle used in the operation of the activity; and
 - (j) not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
 - (k) for waste generated by the operation of the activity—
 - (i) only dispose of the waste—
 - (A) in a safe and sanitary manner; and
 - (B) in a manner which maintains the vehicle and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (ii) not dispose of the waste—
 - (A) so as to attract pests; or
 - (B) into a water course; or
 - (C) at another location other than a location properly intended for the receipt of the waste.
- (3) If the prescribed activity is footpath dining, the conditions of the approval may also require that the approval holder—
- (a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, a registered café, restaurant, takeaway food shop or similar premises which are operated by the approval holder (***principal premises***); and
 - (b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
 - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
 - (d) limit the operation of the activity to the normal business hours of the principal premises; and
 - (e) remove all tables, chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business; and
 - (f) keep and maintain the area identified in the approval, including all tables, chairs, fixtures, fittings and equipment used in the operation of the

- activity at all times in a clean, sanitary and tidy condition; and
- (g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and
 - (h) not place or display any sign or device advertising the activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the footpath for that purpose; and
 - (i) not use an umbrella within the area identified in the approval unless the umbrella has not less than 2m clearance above ground level to any part of the umbrella and is securely anchored to the satisfaction of an authorised person; and
 - (j) only use furniture in the area identified in the approval which is—
 - (i) aesthetically acceptable to the local government; and
 - (ii) kept in a proper state of repair; and
 - (k) provide, for use by patrons of each of the principal premises and the area identified in the approval, adequate toilet facilities; and
 - (l) regularly clean the area identified in the approval—
 - (i) during business hours for the principal premises; and
 - (ii) daily, after the close of business of the principal premises.
- (4) If the prescribed activity is the display of goods for sale on a footpath, the conditions of the approval may also require that the approval holder—
- (a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, retail premises which are operated by the approval holder (also *principal premises*); and
 - (b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
 - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
 - (d) limit the operation of the activity to the normal business hours of the principal premises; and
 - (e) only use, for the purposes of display of the goods for sale, a structure which is—

- (i) of safe construction; and
- (ii) in good condition and repair; and
- (iii) securely fixed to the footpath; and
- (f) only display goods for sale if the goods are in an orderly and sightly condition; and
- (g) only display goods for sale if the goods are the property of, or offered for sale by, the approval holder; and
- (h) remove all goods, and any structure designed for the display of the goods for sale, when the principal premises are not open for business.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 State-controlled roads to which the local law applies

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 4 Dictionary

Section 4

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever and also includes an animal.

mobile roadside vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator travels from place to place; and
- (b) the operator supplies the goods or services to a customer in response to the customer waiving down the operator.

principal premises has the meaning given in schedule 1, section 6(3)(a) and (4)(a).

sale includes —

- (a) to sell; and
- (b) sell for resale; and
- (c) offer, or expose for sale; and
- (d) agree or attempt to sell; and
- (e) receive, keep or have in possession for sale; and
- (f) cause or permit to be sold or offered or exposed for sale; and
- (g) provide a sample; and
- (h) barter; and
- (i) auction; and
- (j) supply or have available for supply; and
- (k) suffer or permit any of the above acts.

stationary roadside vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator carries on the activity from—
 - (i) a specified place; or
 - (ii) a number of specified places; but
- (b) the activity is not footpath dining.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste has the meaning given in the *Environmental Protection Act 1994*.

This and the preceding 14 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

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Chief Executive Officer

685851_1

Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of

schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Establishment or occupation of a temporary home

Section 5

1. Prescribed activity

Establishment or occupation of a temporary home

2. Activities that do not require an approval under the authorising local law

(1) Section 6(2) of the authorising local law does not apply to the establishment or occupation of a temporary home on land if—

- (a) the temporary home is merely being stored on the land; or
- (b) the temporary home is established or occupied on the land for less than 4 weeks in any 52 week period and—
 - (i) the land is vacant; or
 - (ii) if a building or structure, other than a permanent residence, exists on the land — the temporary home is not established or occupied in front of the building or structure; or
- (c) the temporary home is established or occupied on the land for less than 4 weeks in any 52 week period and —
 - (i) a permanent residence exists on the land; and
 - (ii) the temporary home is established or occupied at the rear of the permanent residence.

(2) However, subsection (1) only applies if—

- (a) no waste liquids or materials, including grey water is deposited on the land whilst the temporary home is established or occupied on the land; and
- (b) appropriate, and adequate, sanitation, water, waste water, refuse and personal hygiene facilities are established, and utilised, on the land; and
- (c) the temporary home which is established or occupied on the land is not classified, under the Building Code of Australia, as a Class 10a non-habitable building or structure.

3. Documents and materials that must accompany an application for an approval

- (1) A drawing showing the design and dimensions of the proposed temporary home.
- (2) Details of the materials out of which the temporary home is (or is to be)

constructed and other structural details of the temporary home.

- (3) Details of the location of the temporary home.
- (4) If the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.
- (5) Details of the name of each person who is to occupy the temporary home.
- (6) Details of the operation of the proposed temporary home including toilet, bathing, laundry, water storage and refuse facilities.
- (7) If a permanent residence or permanent structure is proposed to be constructed on the land the subject of the application—a copy of the development approval for the permanent residence or permanent structure.
- (8) If the applicant or another person is to live on site during construction of a permanent residence or permanent structure on the land—an independent itemised valuation of the construction cost (of both the proposed temporary home and the permanent residence or permanent structure) including an itemised valuation based on recognised current building industry rates covering all areas that are applicable to the construction of the temporary home and the permanent residence or permanent structure including, without limitation, the outstanding cost of purchase of the land, the cost of construction of the proposed temporary home and the cost of construction of the proposed permanent residence or permanent structure.
- (9) Proof that the financial resources of the applicant are such that the applicant is capable of funding the construction of the temporary home and the permanent residence or permanent structure.
- (10) If the applicant is an owner/builder—verification that the cash flow of the applicant will be sufficient to fund the construction of each of the temporary home and the permanent residence or permanent structure.
- (11) If the applicant is an owner/builder—evidence that the applicant is registered as an owner/builder with the Queensland Building Services Authority.
- (12) A progress chart or similar timetable showing significant milestones during the process of construction of each of the temporary home and the permanent residence or permanent structure so as to enable the term of the proposed approval to be fixed by the local government.

4. Additional criteria for the granting of an approval

- (1) The temporary home will not be occupied as a place of residence permanently or for an indefinite period.
- (2) The applicant proposes, within the period for which the approval is granted—
 - (a) to erect, or convert an existing structure into, a permanent residence; or

- (b) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence.
- (3) An adequate source of water will be available to the proposed temporary home.
- (4) Adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.
- (5) The temporary home must be located on the land in such a way as to not impact adversely on the amenity of the owner or occupier of any adjoining land.
- (6) The local government may refuse an application for an approval on the ground that—
 - (a) the applicant has not made a genuine application for a development approval for—
 - (i) the proposed erection of, or conversion of an existing structure into, a permanent residence; or
 - (ii) the proposed building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; or
 - (b) a development approval has been granted but is likely to expire before building work to be carried out under the approval has been completed.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (a) regulate the design, dimensions, construction, and external appearance of the temporary home; and
 - (b) require the provision of specified facilities for personal hygiene and sanitation, and for washing and drying clothes; and
 - (c) require the approval holder to provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and
 - (d) regulate the disposal of waste water and refuse from the temporary home; and
 - (e) require the approval holder of the approval to dismantle and remove the temporary home by a specified date;
 - (f) require the approval holder to keep the temporary home in good order

and repair;

- (g) require the approval holder to ensure that the temporary home is not unsightly or unhygienic; and
 - (h) restrict the number of persons who may occupy the temporary home; and
 - (i) require the approval holder to advise the local government of any change of the name of the persons who are occupying the temporary home.
- (2) All water supplied for domestic purposes to the temporary home must be potable water.
 - (3) All sewerage and waste water from the temporary home must be discharged safely.

7. Term of an approval

- (1) An approval may be granted for a term of up to 18 months.
- (2) The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.
- (3) The term of an approval must not exceed the lawful period of the development approval for the permanent residence or permanent structure.
- (4) The term of the approval must be specified in the approval.
- (5) In any event, the term of an approval comes to an end on the earlier of—
 - (a) the date on which the term of the approval ends; and
 - (b) the date on which the permanent residence or proposed permanent residence becomes fit for occupation as a place of residence.

8. Term of renewal of an approval

- (1) An approval cannot be renewed.
- (2) However, the local government may extend the term of an approval to coincide with the expected completion date of the building work for the erection or alteration of, or conversion of an existing structure into, a permanent residence that is, when the application for extension is made, and likely to be completed within a reasonable time.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Consistency of the proposed		A builder's licence (of the

Attachment 23 - Subordinate Local Law 1.3 (Establishment or Occupation of a Temporary Home) 2011 (Consolidated) 07.02.18

(e)

operation and management of the activity with the criteria in section 4(3) and (4) of this schedule.		class BLR, BMR, BO or BPMS) issued by the Building Services authority OR A plumber's license issued by the Plumbers and Drainers Board
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Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

building has the meaning given in the *Building Act 1975*.

development approval see the *Sustainable Planning Act 2009*, schedule 3.

structure has the meaning given in the Act.

This and the preceding 9 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

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Chief Executive Officer

685861_1

Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

3A Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 2 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

4 Matters regarding the prescribed activity—Authorising local law, s 6(3) and (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.

- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activity stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

Schedule 1 Operation of public swimming pools

Section 4

1. Prescribed activity

Operation of public swimming pools.

2. Activities that do not require an approval under the authorising local law

- (1) Section 6(2) of the authorising local law does not apply to the undertaking of the prescribed activity if the person undertaking the prescribed activity complies with the minimum standards specified in subsection (2).
- (2) A person undertaking the prescribed activity of the operation of a public swimming pool must comply with the following minimum standards—
 - (a) water in the public swimming pool must at all times comply with each of—
 - (i) the chemical parameters specified in subsection (3), table A; and
 - (ii) the microbiological criteria specified in subsection (3), table B; and
 - (b) facilities provided at the public swimming pool, such as toilets and change rooms, must be maintained in a clean and sanitary condition at all times; and
 - (c) facilities, fittings and equipment provided at the public swimming pool must be maintained in a good state of repair and working order and condition; and
 - (d) the operator of the public swimming pool must—
 - (i) keep and maintain, for a minimum period of 24 months, and have available for inspection at all times at the public swimming pool—
 - (A) written results of all testing of water in the public swimming pool; and
 - (B) written particulars of all backwashing, chemical adjustments and dose settings undertaken by the operator in relation to the water in the public swimming pool at any time; and
 - (ii) install and maintain all necessary equipment for the disinfection, filtration and recirculation of water in the public swimming pool; and
 - (iii) provide and maintain dressing rooms and facilities for showering and sanitation; and
 - (iv) not permit or allow any person suffering, or appearing to suffer from, an infectious, contagious or offensive disease or skin complaint, to enter the public swimming pool; and
 - (e) the operator of the public swimming pool must test the water in the public swimming pool to ensure compliance with the prescribed chemical parameters and microbiological criteria—
 - (i) at least daily; and
 - (ii) more often than daily, if necessary, having regard to any of the

following—

- (A) bather load and likely use;
 - (B) level of environmental contamination;
 - (C) climatic considerations;
 - (D) health status of pool users; and
- (f) the operation of the public swimming pool, including each building, structure, facility and equipment used in the operation of the public swimming pool must be kept and maintained—
- (i) in good working order and condition; and
 - (ii) in a clean, tidy and sanitary condition; and
 - (iii) each toilet, bathroom, kitchen, laundry and drinking water facility used in the operation of the public swimming pool must be provided with an adequate and continuous supply of water.
- (3) This subsection (3) specifies prescribed chemical parameters and microbiological criteria for public swimming pool water.

TABLE A

CHEMICAL PARAMETERS TABLE

	Indoor Pool	Indoor Pool (Heated)	Outdoor Pool	Outdoor Pool (Heated)	Spa
Water Temperature		>26 °C		>26 °C	35 °C – 37 °C Ideal 40 °C Max
Free Chlorine (mg/L, ppm minimum)	1.5	2	1.5	3	3
Free Chlorine (mg/L, ppm with cyanic acid)	N/A	N/A	3	4	N/A
Total Chlorine (mg/L, ppm)	Free chlorine + 1 (10max)	Free chlorine + 1 (10max)	Free chlorine + 1 (10max)	Free chlorine + 1 (10max)	10.0
Bromine (mg/L, ppm)	3.0	4.0	3.0	4.0	4 - 6
Ozone (for Chlorine Level see above)	0 residual	0 residual	0 residual	0 residual	0 residual
pH	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8
Total	80 - 200	80 - 200	80 - 200	80 - 200	80 - 200

Alkalinity (mg/L, ppm)					
Cyanuric Acid	0*	0*	30 - 50	30 - 50	0*

* As indoor pools are protected from direct sunlight, cyanuric acid must not be used as the effectiveness of chlorine is reduced.

NOTE: Combined chlorine shall not exceed half the total chlorine concentration with a maximum of 1.0 ppm.

TABLE B

MICROBIOLOGICAL CRITERIA TABLE

Type of Organism	Maximum Count Allowable
Heterotrophic Colony Count (HCC), 35-37 °C/48	<100ml
Thermotolerant (Faecal) coliforms or <i>Escherichia coli</i>	Nil per 100mL
<i>Pseudomonas aeruginosa</i>	Nil per 100mL

3 Documents and materials that must accompany an application for an approval

- (1) Details of the public swimming pool including a plan or other information identifying the public swimming pool and all buildings proposed to be used in the operation of the public swimming pool.
- (2) Details of the proposed management and supervision of the public swimming pool (including the qualifications and experience of the proposed managers and supervisors).
- (3) If the applicant is not the owner of the land on which the public swimming pool is to be situated — the owner's written consent to the application.
- (4) Details of the equipment that will be used for chlorination, filtration and recirculation of water in the public swimming pool.
- (5) Details of procedures that will be adopted to ensure that the public swimming pool water is adequate to protect public health.
- (6) Details of the equipment which will be used for emergency medical treatment and first aid.
- (7) Details of the operation of the public swimming pool including —
 - (a) the hours of operation of the public swimming pool; and
 - (b) whether the public swimming pool is to be heated or non-heated; and
 - (c) the existence or otherwise of automatic dosing equipment to be used in conjunction with the chlorination, filtration and recirculation of water in the public swimming pool.

4. Additional criteria for the granting of an approval

- (1) The equipment for chlorination, filtration and recirculation of public swimming pool water must be adequate to protect public health.
- (2) The management and supervision of the public swimming pool must be adequate to protect public safety and prevent nuisance.
- (3) Any proposed manager or supervisor of the public swimming pool must be suitably qualified.
- (4) The equipment which will be used for emergency medical treatment and first aid must be situated at an appropriate location at the public swimming pool.
- (5) Provision must be made at the public swimming pool for separate dressing rooms for male and female users of the pool that are—
 - (a) of a size sufficient to accommodate the likely maximum number of users (at any 1 time) of the pool; and
 - (b) situated and constructed so that they totally conceal persons within the dressings rooms from persons who may be outside the dressing rooms.
- (6) Provision must be made at the public swimming pool for proper and sufficient male and female sanitary conveniences.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

The holder of the approval must comply with the minimum standards specified in section 2(2) and (3).

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 2 Dictionary

Section 3A

building has the meaning given in the *Building Act 1975*.

nuisance includes anything that—

- (a) disturbs or inconveniences people in the vicinity of a public swimming pool; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of a public swimming pool.

public swimming pool means a swimming pool that is made available for use by—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

structure has the meaning given in the *Local Government Act 2009*.

swimming pool has the meaning given in the *Building Act 1975*.

This and the preceding 7 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

685873_1

Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Operation of shared facility accommodation

Section 5

1. Prescribed activity

Operation of shared facility accommodation.

2. Activities that do not require an approval under the authorising local law

- (1) Section 6(2) of the authorising local law does not apply to the operation of shared facility accommodation at premises if—
 - (a) the prescribed activity is undertaken in compliance with the criteria prescribed in subsection (2); and
 - (b) the undertaking of the prescribed activity at the premises does not oblige, or require, a resident of the premises to share any of the following facilities—
 - (i) a bedroom;
 - (ii) a dormitory;
 - (iii) toilet facilities;
 - (iv) bathroom, shower or other bathing facilities.
- (2) This subsection prescribes criteria for the operation of shared facility accommodation at premises—
 - (a) the operator of the shared facility accommodation, or a representative of the operator, must reside at the premises; and
 - (b) the operator of the shared facility accommodation must—
 - (i) display at the premises, in a prominent position, a plan that is visible to all guests and visitors of the premises that identifies each bedroom at the premises and specifies the maximum number of persons who may be accommodated in each bedroom at the premises; and
 - (ii) develop and implement a suitable bed bug management plan; and
 - (iii) maintain a register of the residents of the premises; and
 - (iv) allow an authorised person of the local government to enter the premises for the purpose of undertaking an inspection of the premises; and
 - (c) the use of the premises for the prescribed activity must—
 - (i) be lawful; and
 - (ii) not cause a significant risk to public health or safety; and

- (d) the premises, and all fixtures and fittings proposed to be used for the purposes of the prescribed activity, must be—
 - (i) in good working order and condition; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
 - (iv) free of pests; and
- (e) the operator of the shared facility accommodation must—
 - (i) provide regular maintenance of the premises (including internal and external paintwork); and
 - (ii) provide regular maintenance of facilities, for example, pool water testing and grease trap maintenance; and
 - (iii) provide regular maintenance of furniture and equipment; and
 - (iv) provide regular cleaning of the premises; and
 - (v) provide regular fumigation or other treatment of the premises to keep the premises free of pests; and
 - (vi) provide regular maintenance of the kitchen, clothes washing, clothes drying, bathroom, shower and toilet facilities; and
- (f) the walls of each bedroom at the premises must be so constructed as to ensure the privacy of the occupants of the room; and
- (g) each wall or partition wall at the premises must be of a proper and workmanlike construction; and
- (h) a room at the premises must not be used as a bedroom unless each occupant of the room can obtain access to it without passing through any other bedroom or other room in the private occupation of another person; and
- (i) every common use room at the premises must be so situated that any resident of the premises can obtain access to it without passing through any bedroom or other room which is not a common use room; and
- (j) the floor and the ground surface below the floor of a bedroom must be kept free of dampness; and
- (k) if a bedroom is or becomes affected by dampness so as to interfere with the comfort or health of a person accommodated in the room, the room must not be further used as a bedroom until the floor or ground surface has been damp-proofed; and
- (l) where the provision of accommodation includes the supply of bedding

- and linen, the operator must ensure that—
- (i) all bedding and linen is clean; and
 - (ii) linen provided to a person accommodated has been washed since it was last used; and
- (m) the premises must be either—
- (i) connected to a reticulated water supply system; or
 - (ii) provided with an adequate water supply which complies with—
 - (A) all relevant legislation relating to the minimum standards for drinking water; and
 - (B) the current *Australian Drinking Water Guidelines*; and
- (n) an adequate and continuous supply of potable hot and cold water must be reticulated to all showers, baths, hand basins, kitchen sinks and laundry facilities at the premises; and
- (o) the premises must be configured so that every person accommodated has convenient access to at least 1 bath or shower and at least 1 water closet and hand basin without having to pass through any bedroom or any other room which is not a common use room; and
- (p) for single dwelling accommodation (that is, accommodation which does not involve shared laundry facilities), the premises must be equipped (at least) with—
- (i) electrical and drainage facilities to accommodate a washing machine; and
 - (ii) a clothes line or hoist with not less than 10 m of line or, alternatively, 1 electric heat operated clothes dryer; and
- (q) for accommodation which involves shared laundry facilities, not being short term or tourist accommodation, the premises must be equipped (at least) with—
- (i) a laundry of adequate size containing—
 - (A) a laundry tub with reticulated hot and cold water; and
 - (B) 1 washing machine for each 4 bedrooms; and
 - (ii) an external clothes line in the ratio of 7.5 m of clothes line for each bedroom or, alternatively, 1 electric heat operated clothes dryer for each 4 dwelling units; and
- (r) the operator must keep the premises free from—
- (i) vermin, insects, nesting birds and lice; and

- (ii) any other pests of a generally similar class specified in a written notice given by an authorised person to the approval holder; and
- (s) the operator must, if required by written notice given by an authorised person—
 - (i) obtain an inspection report in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (ii) give a copy of the report to the local government; and
 - (iii) repair or remedy any defects specified in the report within—
 - (A) 30 days after the date of the report; or
 - (B) any longer period which may be specified by written notice given to the operator by an authorised person.

3. Documents and materials that must accompany an application for an approval

- (1) A plan to scale and specifications of the operation of the prescribed activity including—
 - (a) a site plan; and
 - (b) a floor plan; and
 - (c) the location and area of each access way; and
 - (d) particulars of the proposed use of each room and the maximum number of persons to be accommodated in each bedroom; and
 - (e) particulars of—
 - (i) all lighting and ventilation; and
 - (ii) all sanitary facilities; and
 - (iii) all fire safety installations; and
 - (iv) shared facilities; and
 - (v) all water supply facilities; and
 - (vi) all on-site sewerage facilities.
- (2) If the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application.
- (3) An electrical safety certificate of compliance.
- (4) A suitable bed bug management plan.

4. Additional criteria for the granting of an approval

- (1) The use of the premises for the prescribed activity must—
 - (a) be lawful; and
 - (b) not cause significant risk to health or safety.
- (2) The premises and all fixtures and fittings proposed to be used for the purposes of the prescribed activity must be—
 - (a) in good working order and condition; and
 - (b) in a good state of repair; and
 - (c) in a clean and sanitary condition; and
 - (d) free of pests.
- (3) Any room which is to be used as a bedroom must—
 - (a) be accessible without passing through any other bedroom or room used for the private occupation of another person, except when folding beds are used for sleeping on a temporary or short term basis; and
 - (b) ensure the privacy of the occupants of the room.

5. Conditions that must be imposed on an approval

The conditions of an approval must—

- (a) limit the number of persons for whom accommodation may be provided at the premises, or a specified part of the premises; and
- (b) make provision about the number of beds that may be placed, and the number of persons who may sleep—
 - (i) in a specified room at the premises; or
 - (ii) in the premises as a whole; and
- (c) require the approval holder to—
 - (i) clearly number or otherwise identify each room at the premises which is to be used as a bedroom; and
 - (ii) display, in the manner, and at the locations specified by the local government, a plan of the premises which—
 - (A) identifies each bedroom at the premises; and
 - (B) specifies the maximum number of persons who may be accommodated in each bedroom at the premises.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
- (a) require that specified modifications, or other specified building work related to the premises be carried out within a specified period; and
 - (b) require the regular maintenance of the premises (including internal and external paintwork); and
 - (c) require that specific provision be made for electrical and fire safety; and
 - (d) require the provision and maintenance of specified facilities, for example, pool water testing and grease trap maintenance; and
 - (e) require the provision and maintenance of specified furniture and equipment; and
 - (f) require the regular cleaning of the premises; and
 - (g) require fumigation or other treatment of the premises at specified intervals by a licensed pest control operator to keep the premises free of pests; and
 - (h) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
 - (i) require the provision of services of specified kinds (for example, the safe custody of valuables) for the persons using the accommodation; and
 - (j) require that the approval holder or a representative of the approval holder approved by the local government reside at the premises; and
 - (k) require the approval holder to keep and maintain, at the premises, specified records; and
 - (l) specify requirements about the use of specific rooms; and
 - (m) make provision about the use and maintenance of kitchen, clothes washing, clothes drying, bathroom, shower and toilet facilities; and
 - (n) make provision about the use and maintenance of furniture, fittings, equipment and chattels; and
 - (o) make provision about the use and maintenance of shared or communal areas and facilities; and
 - (p) specify a minimum width for a path or area which is used for access or egress purposes; and
 - (q) require the approval holder to ensure compliance by each person accommodated at the premises with rules prescribed by the local government governing the use of the premises, for example, rules about

the hanging of washing at a place at the premises where the washing is visible from a road or other public place; and

- (r) require the approval holder to develop and implement a suitable bed bug management plan.
- (2) The walls and doors of each bedroom at the premises must be so constructed as to ensure privacy for the occupants of the room.
- (3) Each wall or partition wall at the premises must be of a proper and workmanlike construction.
- (4) A room at the premises must not be used as a bedroom unless each occupant of the room can obtain access to it without passing through any other bedroom or other room in the private occupation of another person.
- (5) Every common use room at the premises must be so situated that any resident of the premises can obtain access to it without passing through any bedroom or other room which is not a common use room.
- (6) The number of beds in a bedroom must not exceed the maximum number of persons who use the room as sleeping accommodation.
- (7) The floor and the ground surface below the floor of a bedroom must be kept free of dampness.
- (8) If a bedroom is or becomes affected by dampness so as to interfere with the comfort or health of a person accommodated in the room, the room must not be further used as a bedroom until the floor or ground surface has been damp-proofed in accordance with the written directions of an authorised person.
- (9) Where the provision of accommodation includes the supply of bedding and linen, the approval holder must ensure that—
 - (a) all bedding and linen is clean; and
 - (b) linen provided to a person accommodated has been washed since it was last used.
- (10) The premises must be either—
 - (a) connected to a reticulated water supply system; or
 - (b) provided with an adequate water supply which complies with—
 - (i) all relevant legislation relating to the minimum standards for drinking water; and
 - (ii) the Australian Drinking Water Guidelines.
- (11) An adequate and continuous supply of potable hot and cold water must be reticulated to all showers, baths, hand basins, kitchen sinks and laundry facilities.

- (12) The premises must be configured so that every person accommodated has convenient access to at least 1 bath or shower and at least 1 water closet and hand basin without having to pass through any bedroom or any other room which is not a common use room.
- (13) For single dwelling accommodation (that is, accommodation which does not involve shared laundry facilities), the premises must be equipped (at least) with—
 - (a) electrical and drainage facilities to accommodate a washing machine; and
 - (b) a clothes line or hoist with not less than 10 m of line or, alternatively, 1 electric heat operated clothes dryer.
- (14) For accommodation which involves shared laundry facilities, not being short term or tourist accommodation, the premises must be equipped (at least) with—
 - (a) a laundry of adequate size containing—
 - (i) at least 1 laundry tub with reticulated hot and cold water; and
 - (ii) if up to 25 persons are to occupy the premises—1 washing machine with an adequate supply of hot and cold water; and
 - (iii) if more than 25 persons are to occupy the premises — a minimum of 2 washing machines with an adequate supply of hot and cold water; and
 - (b) an external clothes line in the ratio of 7.5 m of clothes line for each bedroom or, alternatively, 1 electric heat operated clothes dryer for each 4 dwelling units.
- (15) The approval holder must keep the premises free from—
 - (a) vermin, insects, nesting birds and lice; and
 - (b) any other pests of a generally similar class specified in a written notice given by an authorised person to the approval holder.
- (16) The approval holder must, if required by written notice given by an authorised person—
 - (a) obtain an inspection report in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (b) give a copy of the report to the local government; and
 - (c) repair or remedy any defects specified in the report within—
 - (i) 30 days after the date of the report; or
 - (ii) any longer period which may be specified by written notice given to the approval holder by an authorised person.

- (17) The approval holder must maintain a register of the residents of the premises.
- (18) The premises must be provided with toilet and ablution facilities which comply with the requirements of the Building Code of Australia.

7. Term of an approval

One year from the date the approval is granted.

8. Term of renewal of an approval

A further term equal to the current term of the approval.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

bed includes—

- (a) a bunk; and
- (b) a fold-up bed or lounge used as a bed.

bedroom means a room or dormitory intended for the primary purpose of sleeping but does not include a room or place to which persons who ordinarily reside at the premises may have access as part of the use of the premises for ordinary shared facility accommodation purposes.

building work has the meaning given in the *Sustainable Planning Act 2009*.

common use room means any room which a resident of the premises may need to access as part of ordinary shared living in the premises including, without limitation, a bathroom, washroom, sanitary convenience, kitchen, lounge room, tv room and laundry.

fire safety installation has the meaning given in the *Building Act 1975*.

local government public health risk has the meaning given in the *Public Health Act 2005*.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

pest includes vermin and insects.

potable water means water which complies with the Australian Drinking Water Guidelines.

premises means premises used for the operation of shared facility accommodation.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

temporary, use of folding beds for sleeping, means use of the folding beds for sleeping for 1 or 2 nights.

vermin means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
 - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
 - (ii) a local government public health risk.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 14 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....

Chief Executive Officer

685890_1

Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Part 3 Application to State-controlled roads

7 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 3 are roads to which the authorising local law applies unless otherwise provided in the local law.

Schedule 1 Operation of temporary entertainment events

Section 5

1. Prescribed activity

Operation of temporary entertainment events.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

- (1) A plan of the place of the temporary entertainment event which details—
 - (a) the boundaries of the place; and
 - (b) the water supply system for the place; and
 - (c) the position of each waste container at the place; and
 - (d) each advertising device proposed to be installed, erected or displayed about the operation of the temporary entertainment event at the place; and
 - (e) the sewerage system for the place, including the position of each sanitary convenience at the place; and
 - (f) the nature and position of each installation at the place which is to be used for the preparation or sale of food.
- (2) Details and drawings of buildings and other structural elements of the place of the temporary entertainment event.
- (3) A detailed statement of the nature of the entertainment to be provided at the place of the temporary entertainment event and when the place is to be open to the public.
- (4) If the applicant is not the owner of the place of the temporary entertainment event—the written consent of the owner of the place.
- (5) The dates and times during which the temporary entertainment event is to be undertaken.
- (6) The expected attendance rate for the temporary entertainment event.
- (7) The street address, real property description and details of the owner of the place where the temporary entertainment event is to be undertaken.
- (8) The name, street address, telephone number, facsimile number and email

address of each person and business who will operate the temporary entertainment event.

- (9) If requested by the local government—a copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000.00.
- (10) If requested by the local government—an event management plan which details proposed arrangements for each of the following—
 - (a) consultation with key stakeholders; and
 - (b) notification of the event to the surrounding residents, including contact details for the nominated responsible person under section 4(7); and
 - (c) cleaning and sanitation; and
 - (d) noise management, including audio equipment; and
 - (e) waste and recycling; and
 - (f) catering services with food safety plan for each service; and
 - (g) toilet and wash basin adequacy; and
 - (h) drinking water quality and supply; and
 - (i) security services; and
 - (j) emergency response; and
 - (k) traffic management; and
 - (l) risk management strategy; and
 - (m) fire and evacuation plan; and
 - (n) fire response plans; and
 - (o) camping controls including shower and ablutions facilities and medical responses (if applicable); and
 - (p) copies of applicable approvals and certifications, for example—
 - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted; and
 - (ii) a fire safety audit report conducted in accordance with AS4655-Fire Safety Audits, taking into account—

- (A) AS2444—Portable fire extinguishers and fire blankets—selection and location; and
- (B) AA2293—Emergency escape lighting and exit signs; and
- (C) AS1851—Maintenance of fire protection system and equipment; and
- (iii) a report from an approved electrical contractor, taking into account—
 - (A) AS/NZS3760—In-service safety inspection and testing of electrical equipment; and
 - (B) AS/NZS3001—Transportable structures in vehicles including their sites; and
- (iv) a certified structural safety report for all temporary construction work; and
- (v) a fireworks licence issued by the Department of Environment and Heritage Protection; and
- (vi) the registration document, and inspection and testing records issued by a competent person, under the *Work Health and Safety Act Qld*, for each amusement device; and
- (vii) a current public liability insurance certificate; and
- (viii) a temporary food business license issued under the *Food Act 2006*; and
- (ix) a public open space booking; and
- (x) a traffic control permit.

4. Additional criteria for the granting of an approval

- (1) The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
- (2) Entertainment of the kind proposed must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.
- (3) Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
- (4) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public.

- (5) Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.
- (6) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.
- (7) The applicant for the approval must nominate a person who is responsible for —
 - (a) ensuring compliance with the authorising local law before, during and after the event; and
 - (b) handling general complaints which may be received; and
 - (c) liaising and communicating with the local government or an authorised person.
- (8) The operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.
- (9) If the temporary entertainment event—
 - (a) involves the use of 1 or more animals; and
 - (b) is to be undertaken on a local government controlled area or a road,
the use of each animal must be in accordance with any applicable guideline or policy of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) Australia.

5. Conditions that must be imposed on an approval

The approval holder must—

- (a) display the approval in the manner, and at the locations, specified by the local government; and
- (b) produce the approval for inspection by an authorised person on demand.

6. Conditions that will ordinarily be imposed on an approval

The conditions of an approval may —

- (a) require specified action to maintain or improve the place of the temporary entertainment event; and
- (b) require the approval holder to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the approval holder to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and

- (e) require the approval holder to provide specified equipment, or take specified measures, to reduce adverse effects of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and
- (f) require the approval holder to take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the event commences; and
- (g) regulate noise emission from the temporary entertainment event; and
- (h) require the design and construction of the place of the temporary entertainment event to be safe and appropriate having regard to the nature of the entertainment proposed and the number of people expected to attend the place; and
- (i) if the approval relates to an activity on a road – require the approval holder to indemnify the State; and
- (j) require the approval holder to ensure that the place of the temporary entertainment event and its operation do not unreasonably detract from the amenity of the area in which the place is located; and
- (k) prescribe requirements for adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event; and
- (l) prescribe requirements for the collection and disposal of waste generated by the temporary entertainment event; and
- (m) prescribe requirements for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
- (n) require that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
- (o) prescribe requirements about—
 - (i) crowd, traffic and parking control; and
 - (ii) security measures to be implemented; and
 - (iii) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and
 - (iv) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and
 - (v) the exhibition of signage as part of the operation of the temporary

entertainment event; and

- (vi) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event; and
- (p) require the approval holder to deliver a bond or security to the local government to secure compliance with the requirements of each condition of the approval and the provisions of the authorising local law.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 State-controlled roads to which the local law applies

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 4 Dictionary

Section 4

building has the meaning given in the *Building Act 1975*.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

waste has the meaning given in the *Environmental Protection Act 1994*.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 11 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

685874_1

Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Part 3 Application to State-controlled roads

7 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 3 are roads to which the authorising local law applies unless otherwise provided in the local law.

Schedule 1 Undertaking regulated activities on local government controlled areas and roads

Section 5

1. Prescribed activity

- (1) Undertaking regulated activities on local government controlled areas and roads, and in particular, undertaking 1 of the following activities on a local government controlled area or road—
 - (a) driving or leading of animals to cross a road;
 - (b) depositing of goods or materials;
 - (c) holding of a public place activity prescribed under a subordinate local law but excluding the operation of a temporary entertainment event.
- (2) For the purposes of subsection (1)(c), public place activity means, provided the activity on the local government controlled area or road is not the use of the local government controlled area or road for soliciting or carrying on the supply of goods or services (including food or drink) for profit, each of the following activities—
 - (a) the placing of a display or information booth;
 - (b) conducting a social gathering or meeting of more than 50 people;
 - (c) conducting or taking part in—
 - (i) an organised sporting activity of regional, State or national significance; or
 - (ii) a street parade or festival; or
 - (iii) a vintage car display; or
 - (iv) a novelty vehicle race, for example, a go-cart race; or
 - (v) an invitation-only ceremony, party or celebration attended by more than 50 people; or
 - (vi) a cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day; or
 - (vii) a training event held on no more than 1 day; or
 - (viii) a training event held on more than 1 day without payment of a fee; or
 - (ix) a musical or theatrical performance undertaken by a person to entertain the public; or

- (x) a wedding; or
- (xi) fundraising;
- (d) exercising a right of occupation and use of a specified part of a local government controlled area by an incorporated association.

2. Activities that do not require an approval under the authorising local law

The activity of driving or leading of animals to cross a road, but only if the person undertaking the activity—

- (a) takes out and maintains policies of insurance applicable to the undertaking of the activity, including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$10,000,000.00 and insurance against property damage resulting from the undertaking of the prescribed activity and produces copies of the policies on demand by an authorised person; and
- (b) ensures that the undertaking of the activity does not unduly interfere with the proper use of any local government controlled area or road; and
- (c) ensures that the physical characteristics of the road on which the activity is, or is to be, undertaken are suitable for the activity; and
- (d) ensures that the activity does not cause nuisance, inconvenience or annoyance to—
 - (i) the occupier of any land which adjoins the location of the activity; or
 - (ii) vehicular traffic; or
 - (iii) pedestrian traffic; and
- (e) ensures that the undertaking of the activity does not —
 - (i) have a detrimental effect on the amenity of the surrounding area; or
 - (ii) create a safety risk, including a safety risk to vehicular traffic or pedestrian traffic; and
- (f) places or displays adequate signage warning the public of the undertaking of the activity on the road; and
- (g) removes the signage, and all equipment used in the undertaking of the activity from the road when the activity is not being undertaken; and
- (h) keeps and maintains the area used in the undertaking of the activity at all times in a clean, sanitary and tidy condition; and

- (i) ensures that the undertaking of the activity is properly supervised; and
- (j) does not injure, deface, misuse, mark or otherwise damage any building or structure on any local government controlled area or road on which the activity is being undertaken.

3. Documents and materials that must accompany an application for an approval

- (1) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for the prescribed activity—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be undertaken at or in close proximity to a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the undertaking of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the undertaking of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the undertaking of the prescribed activity.
- (6) Details of the undertaking of the prescribed activity including—
 - (a) a copy of each policy of insurance of the applicant which relates to the undertaking of the prescribed activity; and
 - (b) how the applicant proposes to dispose of waste generated by the undertaking of the prescribed activity; and
 - (c) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.

4. Additional criteria for the granting of an approval

- (1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
- (2) There must be a public demand for the prescribed activity in respect of which the approval is sought.
- (3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
- (4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—
 - (a) the occupier of any land which adjoins the location of the prescribed

- activity; or
 - (b) vehicular traffic; or
 - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
- (6) If the prescribed activity is the driving or leading of animals to cross a road—the driving or leading of the animals to cross the road must not unduly interfere with the proper use of the road or create a safety hazard for users of the road.
- (7) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road—the depositing of the goods or materials on the local government controlled area or road must not unduly interfere with the usual use or the amenity of the local government controlled area or road.
- (8) If the prescribed activity is the holding of a public place activity on a local government controlled area or road—
- (a) the undertaking of the prescribed activity must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding area; and
 - (b) there must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
 - (c) adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and
 - (d) adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require that the approval holder—
- (a) limit the activities authorised by the approval to 1 or more of—
 - (i) a single specified location;
 - (ii) a number of specified locations;
 - (iii) a specified area;
 - (iv) a number of specified areas; and

- (b) limit the activities to specified days and times; and
- (c) limit the activities to—
 - (i) a specified period of time; or
 - (ii) specified periods of time; and
- (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
- (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) give the local government specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
- (g) take specified measures to ensure that the activities authorised by the approval do not cause environmental harm or environmental nuisance; and
- (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the undertaking of the activity — pay a specified rental to the local government at specified intervals; and
- (i) submit the undertaking of the activity, including any vehicle or premises used in the undertaking of the activity, for inspection by an authorised person; and
- (j) prominently and permanently display at a specified location each of—
 - (i) the approval number granted by the local government; and
 - (ii) the name and address of the approval holder; and
- (k) if the approval relates to an activity on a road—give a written indemnity to the State; and
- (l) display specified warning notices for the safety of users of the local government controlled area or road; and
- (m) limit the undertaking of the prescribed activity so that it does not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or
 - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
- (n) limit the undertaking of the prescribed activity so that it does not

- detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
- (o) ensure that the undertaking of the prescribed activity does not create a safety risk; and
 - (p) at all times keep and maintain all facilities and equipment used in the undertaking of the prescribed activity—
 - (i) in good working order and condition; and
 - (ii) in a clean and sanitary condition.
- (2) If the prescribed activity is the driving or leading of animals to cross a road, the conditions of the approval may also require that the approval holder—
- (a) restrict the number of animals that may be driven or led across the road; and
 - (b) not conduct the prescribed activity in a manner which is, or may be, a risk to road safety.
- (3) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road, the conditions of the approval may also require that the approval holder—
- (a) deposit the goods or materials in a specified manner; and
 - (b) limit the deposit of the goods or materials to a specified area; and
 - (c) if the goods or materials are deposited on a footpath—keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
 - (d) only use, for the purposes of the deposit of the goods or materials, a structure which is—
 - (i) of safe construction; and
 - (ii) in good condition and repair; and
 - (iii) securely fixed to the land on which the prescribed activity is undertaken; and
 - (e) remove the goods or materials, and any structure used for the purposes of the depositing of the goods or materials, at a specified time, or after a specified period.
- (4) If the prescribed activity is the holding of a public place activity prescribed under a subordinate local law, the conditions of the approval may also require that the approval holder—
- (a) provide specified facilities and amenities; and

- (b) provide specified illumination for the purposes of the undertaking of the prescribed activity and take specified measures to reduce light spillage from the undertaking of the prescribed activity; and
- (c) take specified measures to reduce noise emission from the undertaking of the prescribed activity; and
- (d) provide specified equipment, or take specified measures, to reduce adverse effects of the undertaking of the prescribed activity on the surrounding neighbourhood to acceptable levels; and
- (e) not discharge trade waste generated by the undertaking of the prescribed activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
- (f) for waste generated by the undertaking of the prescribed activity—
 - (i) only dispose of the waste—
 - (A) in a safe and sanitary manner; and
 - (B) in a manner which maintains the site of the prescribed activity and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (ii) not dispose of the waste—
 - (A) so as to attract pests; or
 - (B) into a water course; or
 - (C) at another location other than a location properly intended for the receipt of the waste; and
- (g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and
- (h) not place or display any sign or device advertising the undertaking of the prescribed activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the area for that purpose.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 State-controlled roads to which the local law applies

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 4 Dictionary

Section 4

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

fundraising includes the collection of donations for—

- (a) charitable or community purposes; or
- (b) an incorporated association; but
- (c) does not include, the public place activity identified in schedule 1, section 1(2)(c)(vi).

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever and also includes an animal.

premises means the premises used in the undertaking of the prescribed activity.

road has the meaning given in the authorising local law.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

structure has the meaning given in the *Local Government Act 2009*.

trade waste has the meaning given in the *Water Supply (Safety and Reliability) Act 2008*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste has the meaning given in the *Environmental Protection Act 1994*.

This and the preceding 13 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

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Chief Executive Officer

686051_1

Subordinate Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2011*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
 - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
 - (c) the control of animals in public places; and
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
 - (e) the conditions to be complied with by persons who supply animals, or a particular species of animal; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 13 defines particular words used in this subordinate local law.

Part 2 Keeping of animals

5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

7 Animals that must be desexed—Authorising local law, s 7

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

8 Minimum standards for keeping animals—Authorising local law, s 8(1)

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9

For section 9 of the authorising local law, the identification required for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog is the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008*.

Part 3 Control of animals

10 Public places where animals are prohibited—Authorising local law, s 10(1)

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

11 Control of animals in public places — Authorising local law, s12(4)

For section 12(4) of the authorising local law, schedule 7 identifies public places which are designated as a public place of environmental significance.

12 Animal faeces in public places—Authorising local law, s 13

For section 13 of the authorising local law, no other species of animal is prescribed as an animal whose faeces must be removed from a public place and disposed of in

a sanitary way.

13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

14 Koala conservation—Authorising local law, s 15

- (1) For section 15(1) of the authorising local law, schedule 9 sets out the requirements for keeping a dog on land that is within a koala area.
- (2) For section 15(4) of the authorising local law, each area described in schedule 10 is designated as a koala area.

15 Criteria for declared dangerous animals—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 11.

Part 4 Seizure, impounding or destruction of animals

16 Place of care for impounded animals—Authorising local law, s 24

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be operated by, or with the agreement of, the local government.

17 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)

For section 32(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following—

- (a) dogs; and
- (b) cats; and
- (c) other small domestic animals; and
- (d) cattle; and
- (e) poultry; and
- (f) horses; and
- (g) goats, sheep and other animals of a similar size.

18 Register of impounded animals—Authorising local law, s 33(3)

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

Part 5 Appeals against destruction orders

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 6 Miscellaneous

19 Conditions regarding supply of animals—Authorising local law, s 42(1)

For the purposes of section 42(1) of the authorising local law, persons who supply an animal of a species or breed mentioned in column 1 of schedule 12 must comply with the conditions set out in column 2 of schedule 12.

20 Animals excluded from application of the local law—Authorising local law, schedule

For the purposes of the definition of “*animal*” in the schedule to the authorising local law, animals of the fish species are excluded from the application of the authorising local law.

21 Species that are declared dangerous animals—Authorising local law, schedule

For the purposes of the definition of “*declared dangerous animal*” in the schedule to the authorising local law, no species of animal is declared to be a declared dangerous animal.

22 Prescribed period for reclaiming animals—Authorising local law, schedule

For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed is—

- (a) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal—5 days; and
- (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal—3 days.

Schedule 1 Prohibition on keeping animals

Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<p>(a) More than 3 dogs over the age of 3 months on an allotment with an area less than 40,000m².</p> <p>(b) More than 1 dog on premises which are multi-residential premises.</p> <p>(c) Any of the following breeds, and a crossbreed of any of the following breeds, anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario.</p> <p>(d) For the avoidance of doubt, the prohibition in paragraph (a) does not apply to the keeping of working dogs on an allotment.</p>
2	Cat	<p>(a) More than 3 cats over the age of 3 months on an allotment.</p> <p>(b) More than 1 cat over the age of 3 months on premises which are multi-residential premises.</p>
3	Not Used	
4	Horse, donkey, camel, cow, bull, ox, or other animal of a similar size and sheep, goat, alpaca, llama, deer or other animal of a similar size'.	<p>(a) An animal to which this item 4 applies on an allotment with an area less than 4,000m².</p> <p>(b) More than 2 animals to which this item 4 applies on an allotment with an area between 4,000m² and 8,000m².</p> <p>(c) More than 4 animals to which this item 4 applies on an allotment with an area between 8,001m² and 12,000m².</p> <p>(d) More than 6 animals to which this item 4 applies on an allotment with an area between 12,001m² and 16,000m².</p> <p>(e) More than 8 animals to which this item 4 applies on an allotment with an area between 16,001m² and 20,000m².</p>
5	Poultry	<p>(a) A rooster on an allotment with an area less than 4,000m².</p> <p>(b) A density of roosters that is greater than 1 rooster per 4,000m².</p>

		(c) 20 or more poultry (other than a rooster) on an allotment with an area less than 4,000m ² .
6	Pig	A pig on an allotment with an area less than 20,000m ² .
7	Duck, goose or turkey	3 or more birds to which this item 7 applies on an allotment with an area less than 4,000m ² .
8	Ostrich, emu or peacock	A bird to which this item 8 applies on an allotment with an area less than 4,000m ² .
9	Bees	(a) A hive on an allotment with an area less than 400m ² . (b) More than 2 hives on an allotment with an area of 400m ² or more, but less than 1,000m ² .
10	Cockatoo, galah or other bird of a similar size	A bird to which this item 10 applies on an allotment with an area less than 4,000m ² .

A prohibition described in this schedule does not apply to the keeping of an animal or animals on premises if—

- (a) the animal or animals were kept on the premises before the commencement of the authorising local law; and
- (b) the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law.

Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹²⁵
1	Dog	(a) 3 dogs over the age of 3 months on an allotment with an area less than 40,000m ² . (b) For the avoidance of doubt, the approval requirement in paragraph (a) does not apply to the keeping of working dogs on an allotment.
2	Cat	3 cats over the age of 3 months on an allotment.
3	Horse, donkey or camel	No approval requirement described
4	Cow, bull or ox	No approval requirement described
5	Sheep, goat, alpaca, or llama	No approval requirement described
6	Poultry	No approval requirement described
7	Deer	No approval requirement described
8	Pig	No approval requirement described
9	Duck, goose or turkey	No approval requirement described
10	Ostrich, emu or peacock	No approval requirement described
11	Bees	No approval requirement described
12	Cockatoo, galah or other bird of a similar size	No approval requirement described
13	Budgerigar, canary or other bird of a similar size	No approval requirement described
14	Racing pigeons	No approval requirement described

¹²⁵ See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1.5 (Administration) 2011* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
	No species or breed of animal mentioned		

Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

1. A person who keeps an animal on premises must —
 - (a) ensure that the animal is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and
 - (b) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining premises or as otherwise directed by an authorised person; and
 - (c) ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a waste container of a kind approved by an authorised person; and
 - (d) ensure that any enclosure in which the animal is kept is properly maintained in—
 - (i) a clean and sanitary condition; and
 - (ii) an aesthetically acceptable condition; and
 - (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
 - (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
 - (g) ensure that the keeping of the animal on the premises does not cause an animal noise nuisance.
2. For the purposes of section 1(g), an animal causes an animal noise nuisance if it makes a noise which —
 - (a) occurs more than once; and
 - (b) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises.

Example for section 2(b) —

A noise made by an animal which disrupts a person—

- (a) holding a conversation; or
- (b) watching television; or
- (c) listening to a radio or recorded material; or
- (d) sleeping.

In order for an animal noise nuisance under this section 2 to occur, it is not necessary that the

degree of interference from the noise is such as to be continuous, or to make it practicably impossible to—

- (a) hold a conversation; or
- (b) watch television; or
- (c) listen to a radio or recorded material at ordinary volumes; or
- (d) fall or stay asleep.

Any occurrence by which a person is woken from sleep, or by which a person is distracted or annoyed during the course of carrying out some other ordinary activity, in a way which would not occur in the absence of the animal noise, is a disruption to or an inhibition of an activity ordinarily carried out on residential premises. It is not necessary that the animal noise totally drowns out the sound of the conversation, television, radio or recorded material. It is sufficient if attention is merely diverted from this sound by the noise which is being made by the animal. It is not necessary that the animal noise be a repeated or ongoing interruption of sleep or that the animal noise results in the total shattering of sleep.

Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Greyhound	<p>Each owner of, and responsible person for, a greyhound must—</p> <ul style="list-style-type: none"> (a) ensure that the dog is kept— <ul style="list-style-type: none"> (i) without nuisance; and (ii) if a code of practice for the keeping of greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice; and (b) not bring into, or permit a greyhound utilised for racing purposes to be in, a public place unless the greyhound is muzzled so as to prevent the greyhound from biting.
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, pig and other animals of a similar size	<p>Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of—</p> <ul style="list-style-type: none"> (a) a residence on adjoining premises; or (b) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
3	Budgerigar, canary and other birds of a similar size and cockatiel and other birds of a similar size and cockatoo, galah and other birds of a similar size	<p>Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin proof container; and

		<p>(d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and</p> <p>(e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government—the bird is kept in accordance with the requirements of the code of practice.</p>
4	Pigeons	<p>Each owner of, and responsible person for, pigeons which are kept on premises must ensure that—</p> <p>(a) the pigeons are kept without nuisance; and</p> <p>(b) the pigeons contained within an enclosed cage or aviary; and</p> <p>(c) the pigeon's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the pigeons are kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) if a code of practice for the keeping of pigeons has been approved by the local government—the pigeons are kept in accordance with the requirements of the code of practice.</p>
5	Bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <p>(a) the bees are kept without nuisance; and</p> <p>(b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bees; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and</p> <p>(d) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept</p>

		in accordance with the requirements of the code of practice.
6	Duck, drake, goose, turkey, rooster, chicken, peacock, peahen, ostrich and emu	<p>Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosure; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (e) the enclosure in which the bird is kept is not located within a radius of 10m of— <ul style="list-style-type: none"> (i) a residence on adjoining premises; or (ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (f) the enclosure in which the bird is kept is not located less than 1 m from the side or rear boundaries of the premises.
7	Dogs, if the dogs are kept on premises at a kennel and cats, if the cats are kept on premises at a cattery	<p>Each owner of, and responsible person for, an animal kept on premises in the circumstances specified in column 1, item 7 must ensure that—</p> <ul style="list-style-type: none"> (a) the keeping of the animals on the premises— <ul style="list-style-type: none"> (i) does not detrimentally affect the amenity of neighbouring premises; and (ii) does not involve the storage in the open of goods, materials or activities associated with the keeping of the animals; and (iii) does not attract fly breeding or vermin infestation; and (b) the premises are suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions; and

		<ul style="list-style-type: none"> (c) only rain water from uncontaminated areas may drain directly into the storm water system; and (d) all spillages of wastes, contaminants and other materials are cleaned up immediately and are not cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials to any storm water system or waters; and (e) the premises are kept free of vermin and conditions offering harbourage for vermin; and (f) all fixtures, fittings, equipment and facilities at the premises are maintained in a clean, tidy, sanitary and hygienic condition; and (g) waste waters from the washing down of floors, surfaces, enclosures and other areas is collected, and drained to, an approved pre-treatment device before discharge to the sewerage system; and (h) waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are provided; and (i) all waste containers are regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and (j) the premises, including all buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to the keeping of the animals is maintained at all times— <ul style="list-style-type: none"> (i) in good working order and condition; and (ii) in a clean and sanitary condition; and (k) all enclosures which form part of the operation of the premises are provided and maintained in a manner so as to— <ul style="list-style-type: none"> (i) be clean and in a sanitary condition; and (ii) prevent the escape of any animal kept in the enclosure; and (iii) protect the safety of staff and the public; and (iv) be in a state of good order and repair; and (v) avoid injury to any animal kept in the enclosure; and (vi) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; and
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		<p>(vii) be impervious and able to be effectively cleaned and sanitised; and</p> <p>(viii) ensure the comfort of any animal kept in the enclosure and prevent the spread of disease; and</p> <p>(l) animal feed is stored in insect and vermin proof containers; and</p> <p>(m) if a code of practice for the operation of a cattery or a kennel has been approved by the local government—the cattery or kennel is operated in accordance with the requirements of the code of practice.</p>
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Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	<p>All bathing reserves placed under the control of the local government other than—</p> <ul style="list-style-type: none"> (a) each off-leash exercise area; and (b) each foreshore placed under the control of the local government. <p>For the avoidance of doubt, a dog is permitted on a foreshore under the control of the local government—</p> <ul style="list-style-type: none"> (a) provided the dog is under effective control (see section 12(3) of the authorising local law); or (b) off-leash, if the foreshore is identified as a dog off-leash area. 	Dogs.
2	All bathing reserves placed under the control of the local government other than foreshore placed under the control of the local government.	Horses.

Schedule 7 Public places of environmental significance

Section 11

Schedule 8 Requirements for proper enclosures for animals

Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals regardless of species or breed	<p>(1) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(2) The area must be suitably fenced—</p> <ul style="list-style-type: none"> (a) appropriate to the species and breed of the animal to be enclosed; and (b) so as to effectively enclose the animal on the land on which it is kept at all times. <p>(3) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <ul style="list-style-type: none"> (a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and (b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and (c) where the animal has the ability to dig — which includes a barrier installed directly below the fence to prevent the animal digging its way out; and (d) where the animal has the ability to climb — designed and constructed in such a way as to prevent the animal from climbing over the fence; and (e) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.
2	Horse	<p>(1) A proper enclosure for the keeping of a horse must, in addition to the requirements specified in item 1 —</p> <ul style="list-style-type: none"> (a) effectively enclose the horse so that the horse can not reach over or through the fence to adjoining land or any public place; and (b) where the animal is a stallion—the enclosure must be constructed within an additional or second suitable and adequate fence or enclosure that is

		provided at the land on which the stallion is kept to a standard approved by an authorised person.
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Schedule 9 Requirements for keeping a dog in a koala area

Section 14(1)

No requirements prescribed.

Schedule 10 Koala areas¹²⁶

Section 14(2)

No area designated.

¹²⁶ “Koala areas” under section 15(4) of the authorising local law comprise the areas designated in this schedule plus “koala habitat areas” designated by a State planning instrument or a conservation plan made under the *Nature Conservation Act 1992*.

Schedule 11 Criteria for declared dangerous animals

Section 15

There is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—

- (a) its prior history of attacking or causing fear to persons or animals or damaging property; and
- (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.

Schedule 12 Conditions for supply of animals

Section 19

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1	No species or breed of animal mentioned	No conditions specified

Schedule 13 Dictionary

Section 4

allotment means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in —

- (a) the same ownership; or
- (b) the same occupation.

Animal Management Act see *Animal Management (Cats and Dogs) Act 2008*.

bathing reserve means a part of the seashore and adjacent land and sea placed under the control of the local government as a bathing reserve under section 26 of the *Local Government (Operations) Regulation 2011*.

building has the meaning given in the *Building Act 1975*.

cat—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a kitten regardless of age.

cattery has the meaning given in the planning scheme of the local government.

destroy, an animal, includes causing it to be destroyed.

dog—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a puppy regardless of age.

domestic purposes means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

foreshore means foreshore placed under the control of the local government under section 25 of the *Local Government (Operations) Regulation 2011*.

horse includes a pony and a miniature horse.

identifiable animal means an animal—

- (a) wearing an identifying tag issued by the local government; or
- (b) otherwise identified so that the local government is able to ascertain the owner of the animal.

keep (an animal)—

- (a) includes board, breed and train; and
- (b) in the absence of evidence to the contrary, a person is presumed to keep an animal on land if the person —
 - (i) feeds and cares for the animal on the land; and
 - (ii) the animal is observed by a person on the land on more than 1 occasion during a

month.

kennel has the meaning given in the planning scheme of the local government.

land has the meaning given in the *Sustainable Planning Act 2009*.

local government public health risk has the meaning given in the *Public Health Act 2005*.

multi-residential premises means —

- (a) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share—
 - (i) a common wall; or
 - (ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and
- (b) a residence situated on a lot which forms part of a community titles scheme as defined in the *Body Corporate and Community Management Act 1997*.

Examples of multi-residential premises —

Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

occupier, of premises—

- (a) means the person who has the control or management of the premises; and
- (b) includes the owner of the premises where there is no person in apparent occupation of the premises.

pig includes a micro pig and a mini pig.

planning scheme has the meaning given in the *Sustainable Planning Act 2009*.

premises means any land, building or structure and includes any part thereof.

registered has the meaning given in the Animal Management Act.

residence means a building, or part of a building, that is—

- (a) fixed to land; and
- (b) a self-contained unit used by, or intended for the exclusive residential use of, one household.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

stallion means an uncastrated adult male horse.

structure has the meaning given in the *Local Government Act 2009*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

vermin means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
 - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or

(ii) a local government public health risk.

waste has the meaning given in the *Environmental Protection Act 1994*.

working dog has the meaning given in the Animal Management Act.

This and the preceding 27 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

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Chief Executive Officer

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Subordinate Local Law No. 3 (Community and Environmental Management) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 3 (Community and Environmental Management) 2011*, which provides for protecting the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) declaration of local pests; and
 - (b) prohibition of lighting or maintaining certain fires; and
 - (c) declaration of fire hazards; and
 - (d) declaration of community annoyance and safety hazards; and
 - (e) prescribed requirements for owners of land containing a community annoyance or a safety hazard; and
 - (f) declaration of noise standards.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environmental Management) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 6 defines particular words used in this subordinate local law.

Part 2 Declared local pests

5 Declaration of local pests—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, the animal or plant prescribed in column 2 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 1 of schedule 1.

6 Persons exempted from introducing etc a declared local pest—

Authorising local law, s 12(2)

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

Part 3 Overgrown and unsightly allotments

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 4 Fires and fire hazards

7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2)

- (1) This section applies to the following fires¹²⁷—
 - (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres;
 - (b) a fire lit for the purpose of burning the carcass of a beast;
 - (c) a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;
 - (d) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
- (2) For section 15(2) of the authorising local law, subject to subsection (3), in the whole of the local government area—
 - (a) the lighting or maintaining of a fire in the open is only permitted on an allotment with an area of 4,000m² or less subject to the following conditions—
 - (i) the fire must be contained in a properly prepared barbecue or similar cooking apparatus using clean and dry combustible material for the purpose of cooking food for human consumption; or
 - (ii) the fire must be contained in a heater or fireplace which is—
 - (A) properly prepared and enclosed; and
 - (B) constructed so as to prevent the escape of fire or any burning material from the heater or fireplace; and
 - (b) the lighting or maintaining of a fire in the open is only permitted on an allotment with an area of 4,001m² or more subject to the following

¹²⁷ Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Rescue Service Act 2004*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire confirms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

conditions—

- (i) the fire must be contained in a properly prepared barbecue or similar cooking apparatus using clean and dry combustible material for the purpose of cooking food for human consumption; or
- (ii) the fire must be contained in a heater or fireplace which is —
 - (A) properly prepared and enclosed; and
 - (B) constructed so as to prevent the escape of fire or any burning material from the heater or fireplace; or
- (iii) the fire is lit or maintained in a fireplace in the open which does not comply with the conditions specified in subsection (2)(b)(i) or (ii) but—
 - (A) only clean and dry non-toxic combustible material is burned in the fire; and
 - (B) only 1 fire may be lit and maintained on the allotment at any time; and
 - (C) appropriate firefighting equipment, which may include water, hoses and pumps, is kept on the allotment and available at all times when the fire is lit or maintained; and
 - (D) the fire is not lit before 7.00 a.m. and is extinguished no later than dusk on the day on which the fire was lit; and
 - (E) ashes must be thoroughly wetted down when the fire is extinguished; and
 - (F) the person proposing to light the fire must advise all neighbours of the intention of the person to light the fire and the date on which the fire is to be lit; and
 - (G) the place at which the fire is lit must be set back at least 6m from every boundary of the allotment and any building on the allotment; and
 - (H) a responsible person must be in attendance at the fire at all times from when the fire is lit until the extinguishment of the fire; and
- (c) the lighting or maintaining of a fire in the open in a local government controlled area in the local government area is prohibited unless the fire is lit and maintained in a fireplace, barbecue or incinerator constructed by the local government.

8 Fire hazards—Authorising local law, s 16(3)(b)

For section 16(3)(b) of the authorising local law, the following are declared to be fire hazards—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to

- prevent the escape of cinders or ash; and
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (c) dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community annoyance and safety hazards

9 Community annoyance and safety hazards—Authorising local law, s17(c)

For section 17(c) of the authorising local law, each of the following is declared to be a community annoyance or a safety hazard—

- (a) barbed wire fencing;
- (b) electric fencing;
- (c) a shopping trolley left in a public place;
- (d) the slaughtering of an animal on an allotment;
- (e) roof sheeting, guttering, sheet metal or other similar materials kept on land;
- (f) a plant on an allotment which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area;
- (g) an act or omission on an allotment which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area;
- (h) a dead animal on an allotment which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area.

10 Prescribed requirements for community annoyance and safety hazards—Authorising local law, s 20(1)

- (1) For section 20(1) of the authorising local law, this section prescribes requirements that must be met by responsible persons relating to specified types of community

annoyance or safety hazard.

- (2) If the community annoyance or safety hazard is barbed wire fencing on land, the responsible person for the barbed wire fencing must meet the following requirements—
 - (a) the barbed wire fencing must not be installed along a boundary of the land which adjoins a public place which is a park; and
 - (b) barbed wire fencing may only be used in a security fence in an urban area if the barbed wire is more than 2m above ground level.
- (3) If the community annoyance or safety hazard is electric fencing on land, the responsible person for the electric fencing must meet the following requirements—
 - (a) if the electric fencing is installed on land in an urban area that adjoins a road or a public place, the responsible person for the electric fencing must install warning signs on the electric fencing—
 - (i) of a size that can be read from a distance of 5m; and
 - (ii) at 5m intervals along the fence; and
 - (b) electric fencing installed on land in an urban area must be situated—
 - (i) at least 1.5m from a fence located on or within the boundary of the land; or
 - (ii) such that the electric fencing is installed on the boundary of the land, but the lowest point of the electric fencing which is capable of imparting an electric shock when touched is at least 2m above ground level; and
 - (c) the electric fencing must be installed, operated and maintained in accordance with AS/NZS3014:2003; and
 - (d) electric fencing which is installed for security purposes must be installed, operated and maintained in accordance with AS/NZS3016:2002.
- (4) If the community annoyance or safety hazard is a shopping trolley left in a public place, each of the following requirements are prescribed—
 - (a) a person must not, without reasonable excuse—
 - (i) take a shopping trolley of a retailer from the retailer's premises; and
 - (ii) leave unattended, or abandoned, a shopping trolley at a prescribed place outside the retailer's premises; and
 - (b) if a retailer—
 - (i) makes a shopping trolley available for use by customers of the retailer at the retailer's premises; or
 - (ii) permits or allows customers of the retailer to use a shopping trolley at the retailer's premises,the retailer must—
 - (iii) within 60 days of the commencement of this section, ensure that the shopping trolley of the retailer is clearly identified with the name or brand of the retailer and the address of the retailer's premises; and

- (iv) take all reasonable precautions to ensure that the shopping trolley remains on the retailer's premises.

Example—fitting the shopping trolley with a wheel lock or a coin operated release.

- (5) If the community annoyance or safety hazard is the slaughtering of an animal on an allotment, the responsible person for the slaughtering of the animal must meet the following requirements—
 - (a) an animal must not be slaughtered on an allotment unless—
 - (i) the area of the allotment is not less than 4,000m²; or
 - (ii) the animal is a fish, chicken or another animal of a similar size; and
 - (b) an animal may be slaughtered on an allotment with an area of 4,001m² or more; and
 - (c) only an animal which has been kept on an allotment in compliance with the requirements of *Local Law No. 2 (Animal Management) 2011* may be slaughtered on the allotment; and
 - (d) if the slaughtering of an animal constitutes development under the Planning Act—the slaughtering may not be undertaken unless a development approval has been granted; and
 - (e) the slaughtering of the animal must be suitably screened so as not to be visible from any land adjoining the allotment or a public place; and
 - (f) the slaughtering must not cause, or be likely to cause, a nuisance on land adjoining the allotment or a public place from odour, vermin, or fly breeding; and
 - (g) waste and by-products from the slaughtering of the animal must be disposed of in accordance with the requirements of the *Environmental Protection Act 1994*; and
 - (h) the area used in the slaughtering of the animal must be treated to maintain it in a clean and sanitary condition.
- (6) If the community annoyance or safety hazard is roof sheeting, guttering, sheet metal or other similar materials kept on land and the materials are not fixed to a structure, the responsible person must ensure that the materials are weighted down, tied down or otherwise secured to prevent the materials—
 - (a) becoming airborne during high winds; or
 - (b) being carried from the land by the overland flow of water or stormwater.

Part 6 Noise standards

11 Prescribed noise standards—Authorising local law, s 21(2)

- (1) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.
- (2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area

mentioned in column 3 of schedule 5.

Part 7 Miscellaneous

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Schedule 1 Declared local pests

- Section 5

Column 1 Applicable part of local government's area	Column 2 Declared local pest
The whole of the local government area of the local government.	Brazilian cherry <i>Eugenia uniflora</i> Cocos palm <i>Syagrus romanzoffiana</i> Easter cassia <i>Senna pendula</i> var. <i>glabrate</i> Leucaena <i>Leucaena leucocephala</i>

Schedule 2 Persons exempted from offence of introducing etc declared local pest

- Section 6(2)

Column 1 Exempt person	Column 2 Declared local pest
No exempt person prescribed.	

Schedule 5 Prescribed noise standards

- Section 11

Column 1 Section of the <i>Environmental</i> <i>Protection Act 1994,</i> chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
No noise standard is prescribed.		

Schedule 6 Dictionary

- Section 4

local government public health risk has the meaning given in the *Public Health Act 2005*.

non-toxic, for a material, means the material is not composed of poisonous materials that could harm the environment or human health.

park has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

prescribed place includes—

- (a) a local government controlled area; and
- (b) a road.

retailer means a vendor of goods, or goods and services, to be sold direct to its customers within the local government area who makes shopping trolleys available for use by its customers.

retailer's premises, for a retailer, means premises—

- (a) which are owned or occupied by the retailer; and
- (b) from which the retailer sells goods, or goods and services, direct to its customers.

shopping trolley—

- (a) means a wheeled basket or frame used for transporting goods purchased from a retailer; and
- (b) of a retailer, means a shopping trolley which is owned by, or under the control of, the retailer.

slaughtering, of an animal on an allotment, means the killing of the animal for consumption by the person occupying the allotment, other than in compliance with the requirements of the *Food Production (Safety) Act 2000*, for example, under, and in accordance with, an accreditation.

urban area, for land, means the land is identified in the planning scheme of the local government in a zone other than any of the following—

- (a) the rural zone;
- (b) the rural residential zone;
- (c) the environmental management and conservation zone.

vermin means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
 - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or

- (ii) a local government public health risk.

This and the preceding 11 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 3 (Community and Environmental Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

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Chief Executive Officer

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Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

Note— This subordinate local law does not contain a section 8 or a schedule 4.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* (the *authorising local law*).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

Part 2 Use of local government controlled areas, facilities and roads

5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

8 Omitted intentionally

9 Permanent closure of local government controlled area—Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads

10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be constructed of materials which are of sufficient strength to—
 - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
 - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and
- (d) if the fence includes a gate — the gate must be kept closed and latched except when in immediate use by a person entering or leaving the area adjacent to the fence.

Schedule 1 Prohibited activities for local government controlled areas or roads

(a) Section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas within the local government area	<p>(a) Taking part in a protest or other riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</p> <p>(b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image;</p> <p>(c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure in a local government controlled area;</p> <p>(d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system, or sewerage system or communications system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer;</p> <p>(e) Camping, sleeping, occupying or remaining overnight unless the local</p>

		<p>government controlled area is a park or reserve.</p> <p>(f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire.</p>
2	All roads within the local government area	<p>(a) Causing an offensive liquid, sediment or substance to be discharged onto a road including, for example, onto the road drainage infrastructure and facilities of a road;</p> <p>(b) Intentionally or negligently damaging a road or a structure associated with a road, for example, the road drainage infrastructure and facilities of a road;</p> <p>(c) Creating a nuisance, or increasing the impact of an existing nuisance, on a road, including, for example, the road drainage infrastructure and facilities of a road;</p> <p>(d) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter.</p> <p>(e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire.</p> <p>(f) Parking or leave standing, an unregistered vehicle on a road.</p>
3	All local government cemeteries within the local government area	<p>(a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery;</p>

		<ul style="list-style-type: none"> (b) Selling or buying any article or thing; (c) Distributing or putting up any handbill, card, circular or advertisement; (d) Interfering with any tree, shrub or plant; (e) Taking part in any meeting other than a meeting of a religious or commemorative nature; (f) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge; (g) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche; (h) Riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway or path; (i) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public; (j) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property; (k) Bringing an animal into or allowing an animal to be within a local government cemetery (other than for the purposes of a funeral
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		<p>or commemorative service;</p> <p>(l) Entering or being within a local government cemetery except for the purpose of visiting a grave, attending a funeral or maintaining or repairing a grave in accordance with a written authorisation of the chief executive officer.</p>
4	All parks and reserves within the local government area	<p>(a) Damaging or interfering with vegetation;</p> <p>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device;</p> <p>(c) Throwing a stone, projectile or other missile;</p> <p>(d) Using or carrying a trap, snare or net;</p> <p>(e) Hitting a golf ball;</p> <p>(f) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(h) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(i) Interfering with any facility or equipment located at the park or reserve;</p> <p>(j) Disposing of any waste of any kind other than in a waste container provided for that purpose;</p>

		<ul style="list-style-type: none"> (k) Depositing, storing or abandoning any goods; (l) Bathing in any ornamental pond or lake; (m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake; (n) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve; (o) Permitting or allowing a water tap in a park or reserve to run water to waste; (p) Removing any timber or wood provided by the local government for use as firewood; (q) Propagating or cultivating any plant, vegetation or vegetative matter.
5	All local government caravan parks within the local government area identified in schedule 6	<ul style="list-style-type: none"> (a) Disposing of liquid waste other than at a drainage point provided for that purpose; (b) Disposing of waste other than in a waste container provided for that purpose; (c) Using facilities in a way that makes them unclean or insanitary; (d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner;

		<p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(g) Interfering with any facility or equipment located at the local government caravan park.</p>
6	The boat ramps and landings within the local government area identified in schedule 6	<p>(a) Carrying out maintenance or repairs to a ship on a boat ramp;</p> <p>(b) The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse;</p> <p>(c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing;</p> <p>(d) Wilfully damaging any lighting upon a boat ramp or a landing;</p> <p>(e) Riding an animal on a boat ramp or a landing;</p> <p>(f) Fishing from a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing;</p>

		<p>(g) Carrying a loaded or cocked spear gun on a boat ramp or a landing;</p> <p>(h) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise;</p> <p>(i) Diving off a boat ramp or a landing;</p> <p>(j) A person causing themselves or any other person or object to fall or be projected into waters surrounding a boat ramp or a landing;</p> <p>(k) Obstructing another person's use of a boat ramp or landing;</p> <p>(l) Using a boat ramp or landing in a manner which is inconsistent with —</p> <p style="padding-left: 40px;">(i) the safe, secure and efficient operation of the boat ramp or landing; or</p> <p style="padding-left: 40px;">(ii) the protection of the environment at the boat ramp or landing; or</p> <p style="padding-left: 40px;">(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing;</p> <p>(m) Fishing from the landing at the Riverside Parklands, Quay Street, Bundaberg.</p>
7	All local government swimming pools within the local government area	<p>(a) Bringing any glass or any item made from glass onto the pool deck surrounding the swimming pool or into the swimming pool;</p>

		<ul style="list-style-type: none"> (b) Bringing any animal onto the land on which the swimming pool is situated; (c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool; (d) Causing wilful damage to the swimming pool or any facilities at the swimming pool; (e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool; (f) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance; (g) Entering the land on which the swimming pool is located whilst intoxicated or under the influence of a stupefying drug; (h) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug; (i) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste; (j) Entering the water in the swimming pool if the person has an infectious or
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		<p>contagious disease or illness or a skin complaint;</p> <p>(k) Interfering with the property of another person on the land on which the swimming pool is located other than with the consent of the other person;</p> <p>(l) Entering the land on which the swimming pool is located unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;</p> <p>(m) Using a season ticket for the swimming pool otherwise than in accordance with the rules of the local government for the use of a season ticket for the swimming pool;</p> <p>(n) Behaving in a threatening, abusive or insulting manner to another person at the swimming pool;</p> <p>(o) Leaving a child or children under the age of 10 at the land on which the swimming pool is located otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 16.</p>
8	All local government camping grounds within the local government area	<p>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p>

		<p>(d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(g) Interfering with any facility or equipment located at the local government camping ground.</p>
9	All local government offices within the local government area, including each local government office identified in schedule 6	<p>(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the person at the local government office;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive</p>

		<p>annoyance to another person;</p> <p>(f) Interfering with any facility or equipment located at the local government office;</p> <p>(g) Depositing, storing or abandoning any goods;</p> <p>(h) Any activity which fouls, litters, pollutes or interferes with the local government office or a facility in the local government office;</p> <p>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office or a notice erected or displayed by the local government at the local government office;</p> <p>(j) Using any part of the local government office in a manner which is inconsistent with—</p> <p>(i) the safe, secure and efficient operation of the local government office; or</p> <p>(ii) the maintenance or improvement of the convenience of users of the local government office.</p>
10	<p>Footpaths on the following roads—</p> <p>(a) Bourbong Street, Bundaberg, but only between Maryborough Street and Tantitha Street;</p> <p>(b) Bauer Street, Bargara, but only between the</p>	<p>Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i></p>

	<p>Esplanade and See Street;</p> <p>(c) See Street, Bargara but only from the intersection with Bauer Street north for 100m and south for 100m.</p>	
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Schedule 2 Restricted activities for local government controlled areas or roads

(b) Section 5(2)

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas within the local government area	(a) Busking.	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(b) Fundraising.	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.
2	All roads within the local government area	(a) The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the Transport Operations (Road Use Management) Act 1995, which permits local laws to regulate these activities on roads).	(a) Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
		(b) Installing a gate or a grid, or a gate and a grid, across a road.	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(c) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.

		(d) Busking	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(e) Fundraising.	(e) Permitted only if authorised under the conditions of an approval for a prescribed activity.
3	All local government cemeteries within the local government area	(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.	(a) Permitted only— (i) between the hours of 9am and 4pm; or (ii) with the written authorisation of the chief executive officer.
		(b) A disposing of human remains in a local government cemetery.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.
		(c) Digging or preparing a grave in a local government cemetery.	(c) Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the sexton.
		(d) After a burial — reopening a grave for a further burial.	(d) Permitted only with the written authorisation of the sexton.
		(e) Bringing human remains into a local government cemetery.	(e) Permitted only— (i) with the written authorisation of the chief executive officer of the local government; and (ii) if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal.

		(f) Erecting or installing a memorial to a deceased person in a local government cemetery.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
		(g) Reserving a niche or site in a local government cemetery.	(g) Permitted only under the conditions of a written authorisation of the chief executive officer of the local government.
		(h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.	(h) Permitted only— (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the deceased person; and (ii) with the written approval of the sexton; and (iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton.
4	All parks and reserves within the local government area	(a) Lighting or maintaining a fire.	(a) Permitted only if the fire is— (i) lit and maintained in a fireplace established by the local government for the purpose; or (ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government.

	(b) Sleeping, occupying or remaining overnight in a park or reserve.	(b) Permitted only— (i) with the written authorisation of the chief executive officer of the local government; or (ii) if authorised by a notice displayed by the local government at the park or reserve..
	(c) Conducting a social gathering or meeting of more than 50 people.	(c) Permitted only if authorised under the conditions of an approval for prescribed activity.
	(d) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.
	(e) Conducting or taking part in an organised sporting activity of regional, State or national significance.	(e) Permitted only if authorised under the conditions of an approval for a prescribed activity.
	(f) Operating a model aircraft propelled by a motor.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
	(g) Using, storing or possessing fireworks.	(g) Permitted only with the written authorisation of the chief executive officer of the local government.
	(h) Operating a device which amplifies noise.	(h) Permitted only with the written authorisation of the chief executive officer of the local government.

		(i) Displaying a sign or advertisement.	(i) Permitted only if authorised under the conditions of an approval for a prescribed activity.
5	All local government caravan parks within the local government area identified in schedule 6	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at a caravan site at a local government caravan park	(b) Permitted only if— (i) the person undertaking the activity maintains the caravan site and any caravan or complementary accommodation on the caravan site in a clean and sanitary condition; and (ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and (iii) the person does not use facilities at the local government caravan park in a way that makes them unclean or unsanitary; and (iv) the person who occupies the caravan site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government caravan park; and

			<ul style="list-style-type: none"> (v) the person pays all fees for use of the caravan site in advance to the local government; and (vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government caravan park; and (vii) at the end of the period of occupation of the caravan site — the person vacates and leaves the caravan site in a clean and tidy condition; and (viii) the person ensures that the caravan or complementary accommodation is not let or hired to another person; and (ix) the person ensures that the caravan site is kept and maintained in good repair and clean, tidy and sanitary condition; and (x) the person ensures that the caravan site is not left unoccupied for more than 2 days; and (xi) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government caravan park.
6	The boat ramps and landings within the local government area identified in schedule 6	(a) Driving or standing a vehicle on a boat ramp.	(a) Permitted only to launch or retrieve a ship from the boat ramp.

		(b) Launching or retrieving a ship at a boat ramp.	(b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible.
		(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.	(c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing.
		(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.	(d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.
		(e) Taking or driving a vehicle onto a boat ramp.	<p>(e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than—</p> <ul style="list-style-type: none"> (i) 5 tonnes; or (ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.

		(f) Taking or driving a vehicle onto a landing.	(f) Permitted only if— (i) the local government erects on or near the landing a notice that— (A) is approved by the local government; and (B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii); and (C) states the maximum mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any) that may be taken or driven on the landing; and (ii) the vehicle is taken or driven on the landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing.
		(g) Taking or driving a vehicle onto a boat ramp or landing.	(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.
7	All local government swimming pools within the local government area	(a) Conducting— (i) a swimming club competition or carnival; or (ii) an inter-school or intra-school swimming competition or carnival; or	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.

		<p>(iii) learn to swim training, lifesaving training or competitive swimming training by a swimming club or school; or</p> <p>(iv) a private function.</p>	
		<p>(b) Bringing an object (including water sports equipment) into a swimming pool if the object is dangerous or may be used in a dangerous way.</p>	<p>(b) Permitted only with the written authorisation of an authorised person.</p>
8	All local government camping grounds within the local government area	<p>(a) Lighting or maintaining a fire in the open.</p>	<p>(a) Permitted only —</p> <p>(i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or</p> <p>(ii) with the written authorisation of an authorised person.</p>
		<p>(b) Camping, sleeping, occupying or remaining overnight at a camping site at a local government camping ground.</p>	<p>(b) Permitted only if—</p> <p>(i) the person undertaking the activity maintains the camping site, and any tent or other accommodation on the camping site, in a clean and sanitary condition; and</p> <p>(ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and</p> <p>(iii) the person does not use</p>

			<p>facilities at the local government camping ground in a way that makes them unclean or unsanitary; and</p> <p>(iv) the person who occupies the camping site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government camping ground; and</p> <p>(v) the person pays all fees for use of the camping site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government camping ground; and</p> <p>(vii) at the end of the period of occupation of the camping site — the person vacates and leaves the camping site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the camping site, tent or other accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the camping site is kept and maintained in good repair and clean,</p>
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			<p>tidy and sanitary condition; and</p> <p>(x) the person ensures that the camping site is not left unoccupied for more than 2 days; and</p> <p>(xi) the person ensures that not more than 1 tent or other accommodation occupies a camping site at the camping ground; and</p> <p>(xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government camping ground.</p>
9	All local government offices within the local government area, including each local government office identified in schedule 6	(a) The activity of a person bringing an animal onto, or permitting or allowing an animal to remain on, the local government office.	(a) Permitted only if—
		(b) Entering or remaining at a local government office or a part of a local government office	<p>(i) the animal is an assistance dog, a guide dog or a hearing dog; and</p> <p>(ii) the person is the handler of the dog.</p> <p>(b) Permitted if—</p> <p>(i) the local government office or relevant part of the local government office is a public place; and</p> <p>(ii) if the local government erects on or near the local government office or the relevant part of the local government office, a notice that is approved by the local government which authorises entry to the local government office or the relevant</p>

			part of the local government office—the person complies with the requirements of the notice.
10	Each area of bathing reserve and foreshore identified by cross-hatching on a map in schedule 6	Bringing a motor vehicle onto, or driving a motor vehicle on, the area of the bathing reserve or foreshore.	<p>Permitted only if—</p> <p>(a) the motor vehicle is—</p> <ul style="list-style-type: none"> (i) an essential services vehicle being used to provide the service for which it is designed or ordinarily used; or (ii) a life saving patrol vehicle being used to provide the service for which it is designed or ordinarily used; or (iii) a local government vehicle being used to provide the service for which it is designed or ordinarily used; and <p>(b) the driver of the motor vehicle enters and exits the area at a ramp which is designated by the local government for motor vehicle access purposes.</p>
11	The area of foreshore identified by cross-hatching on the map in schedule 6 titled “Woodgate Vehicle Restriction Zone”.	Bringing a motor vehicle onto, or driving a motor vehicle on, the area of the foreshore.	<p>Permitted only if—</p> <p>(a) the motor vehicle is—</p> <ul style="list-style-type: none"> (i) an essential services vehicle being used to provide the service for which it is designed or ordinarily used; or (ii) a life saving patrol vehicle being used to provide the service for which it is designed or ordinarily used; or (iii) a local government vehicle being used to provide the service for which it is designed or ordinarily used; or

			<p>(iv) a type of motor vehicle which is designated by the local government, by the display of a notice, which is—</p> <p>(A) attached to a trailer; and</p> <p>(B) being used by the driver of the motor vehicle for the purpose of launching or retrieving a trailable vessel from or to the trailer at an area of the foreshore which is designated by the local government, by the display of a notice, as an area which is suitable for the launch and retrieval of a trailable vessel from or to a trailer; and</p> <p>(b) the driver of the motor vehicle enters and exists the area of the foreshore at—</p> <p>(i) a ramp which is designated by the local government for motor vehicle access purposes; or</p> <p>(ii) another area which is designated by the local government, by the display of a notice, as suitable for motor vehicle access purposes.</p>
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Schedule 3 Motor vehicle access areas in local government controlled areas

(c) Sections 6 and 7

Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
No motor vehicle access area prescribed	

Schedule 5 Permanent closure of local government controlled areas

(d) Section 9

The local government controlled area shown hatched in red on the plan which forms part of this schedule 5 titled 'Plan of Closure Area' is permanently closed to public access for each month of the year other than May to August inclusive.



Schedule 6 Identification of local government controlled areas

(e) Section 5

Local government caravan parks

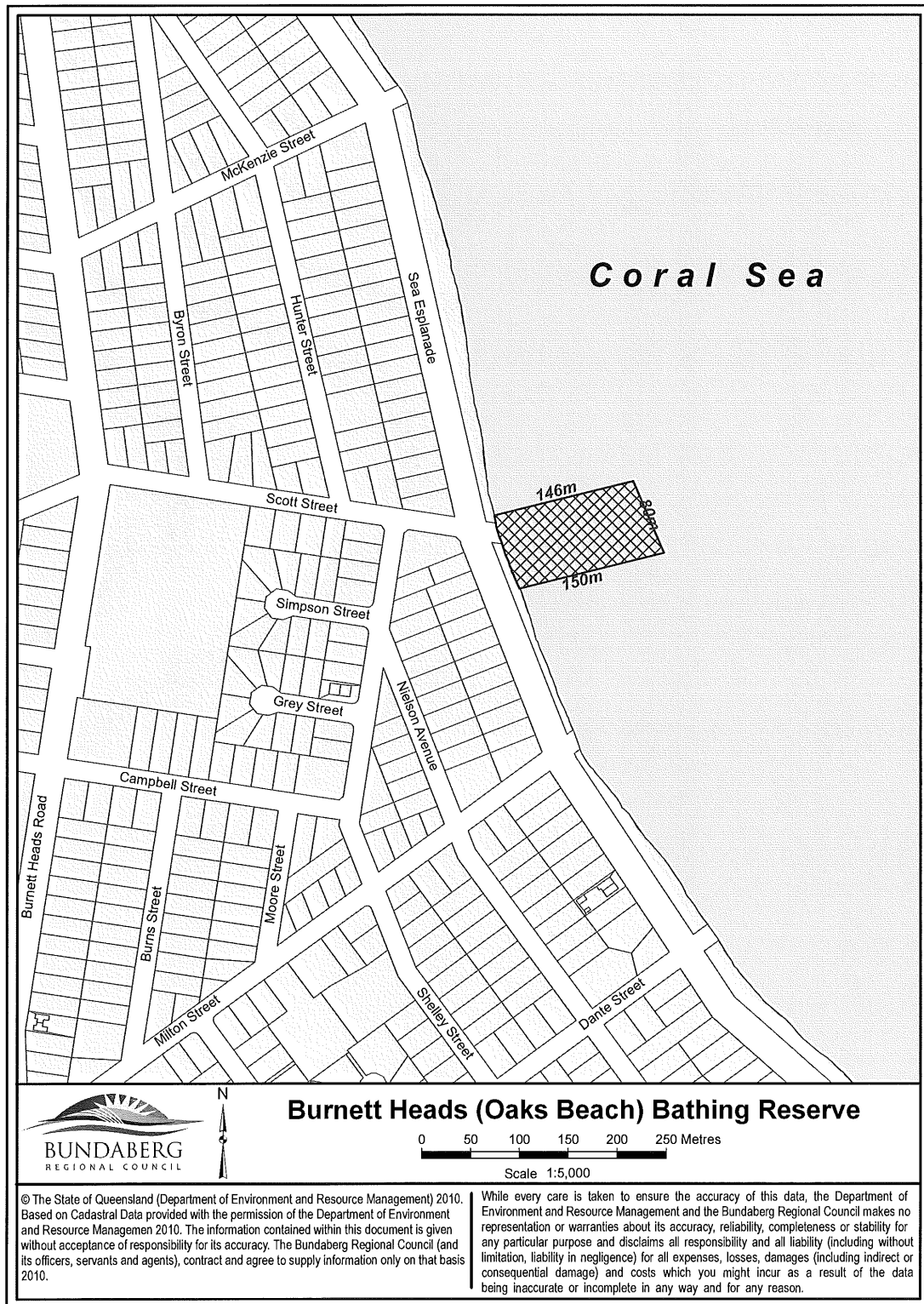
Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Burnett Heads 'Lighthouse' Holiday Park		2 Paul Mittelheuser Street, Burnett Heads	213	CK2738
Elliott Heads Holiday Park		1 Lihs Street, Elliott Heads	242	CK2903
Miara Holiday Park		1200 Miara Road, Miara	192	CK2847

Boat ramps and landings

1. The jetty at the end of Burrum Street, Bundaberg, adjacent to Alexandra Park.
2. The landing at the Riverside Parklands, Quay Street, Bundaberg.
3. Buxton boat ramp, Wharf Street, off Powers Street, Buxton.
4. Theodolite Creek boat ramp, Theodolite Creek Drive, Woodgate.
5. Walkers Point boat ramp, Manley Smith Drive, Woodgate.
6. Woodgate Beach boat ramp, Theodolite Creek Road, off First Avenue, Woodgate Beach.
7. Booyan boat ramp, Baillies Road, Kolan River, Moore Park.
8. Lake Monduran boat ramp, Lake Monduran Dam, CA Wharton Drive, Monduran.
9. Miara boat ramp, Miara Road, Miara.
10. Rocky Point boat ramp, Rocky Point Road, Winfield.
11. Sharon boat ramp, Rustic Road, Sharon.
12. Winfield boat ramp, Winfield Road, Winfield.
13. Bargara boat ramp, Burkitt Street, Bargara.
14. Innes Park boat ramp, The Esplanade, Innes Park Beach.
15. Riverview boat ramp and pontoon, Peagam Street, Riverview.
16. Bundaberg North Lions Park boat ramp, Queen Street (Edina Street) Bundaberg.
17. Kalkie boat ramp, McGills Road, Bundaberg.
18. Sandy Hook boat ramp, Sandy Hook Road, off Branyan Drive, Branyan.

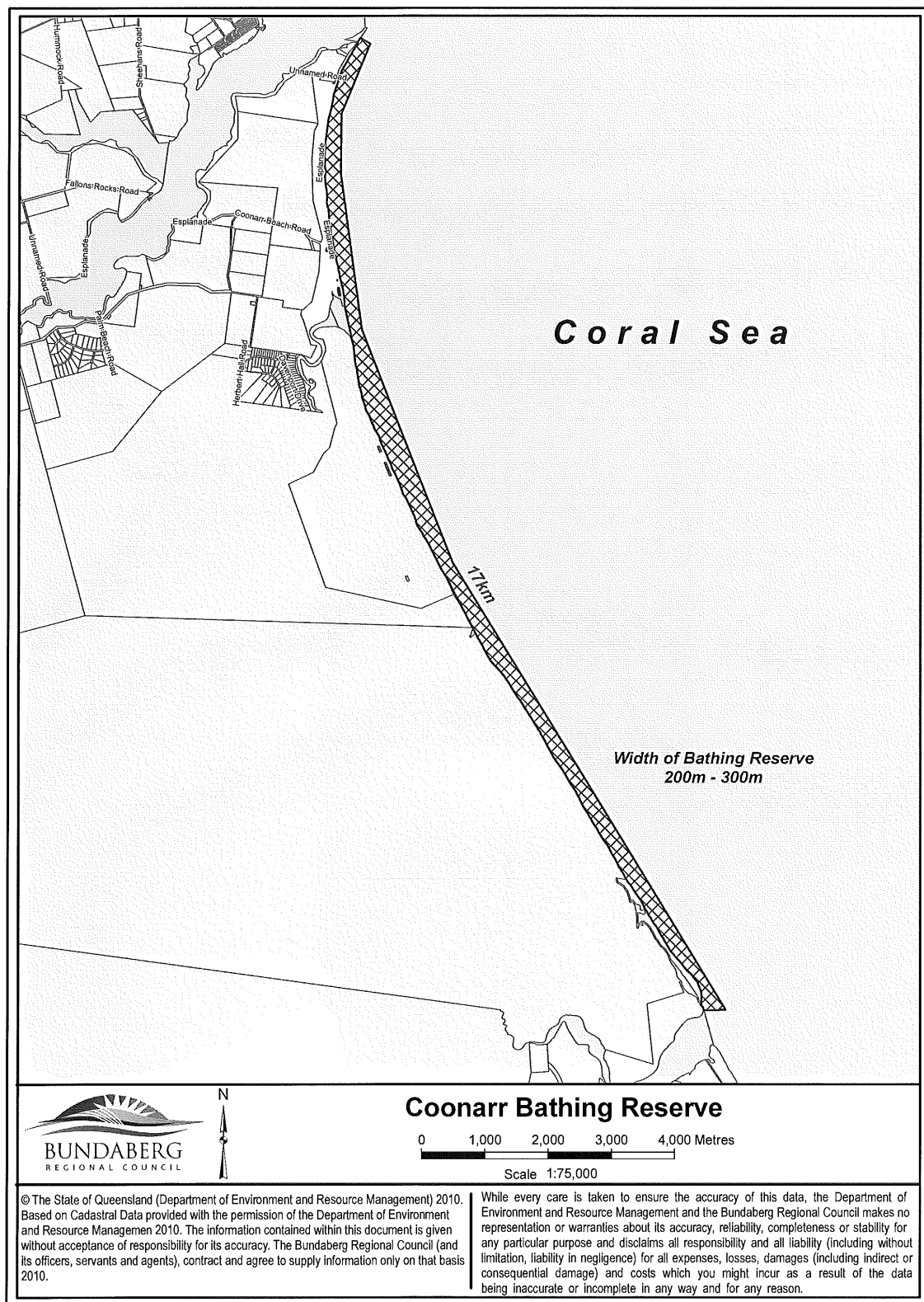
Local government offices

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Bargara Service Centre	Administration Centre	160 Hughes Road, Bargara	11	RP7268
Bundaberg Administration Building		190 Bourbong Street, Bundaberg		
	Visitors Centre	186 Bourbong Street, Bundaberg	2	RP43754
	Civic Centre	188 Bourbong Street, Bundaberg	1	RP43754
	Designated Fire Service	190 Bourbong Street, Bundaberg	24	B1582
	Civic Centre	190 Bourbong Street, Bundaberg	1	RP251
	Buss Park	192 Bourbong Street, Bundaberg	22	B15881
Bundaberg Civic Arcade	Civic Arcade	157 Bourbong Street, Bundaberg	7	B15863
Childers Service Centre		45 Churchill Street, Childers	2	RP14482
			8 /10 /11 /12 /13	RP14483
			2	RP87747
			1	RP101922
Councillors Office	Burnett Shire	42 Quay Street, Bundaberg	2	RP868842
Gin Gin Service Centre		4 Dear Street, Gin Gin	502 /523 /524	G2311
Governance Building		55 Woongarra Street, Bundaberg	2	RP116698
School of Arts Building	School of Arts	184 Bourbong Street, Bundaberg	2	CK3463



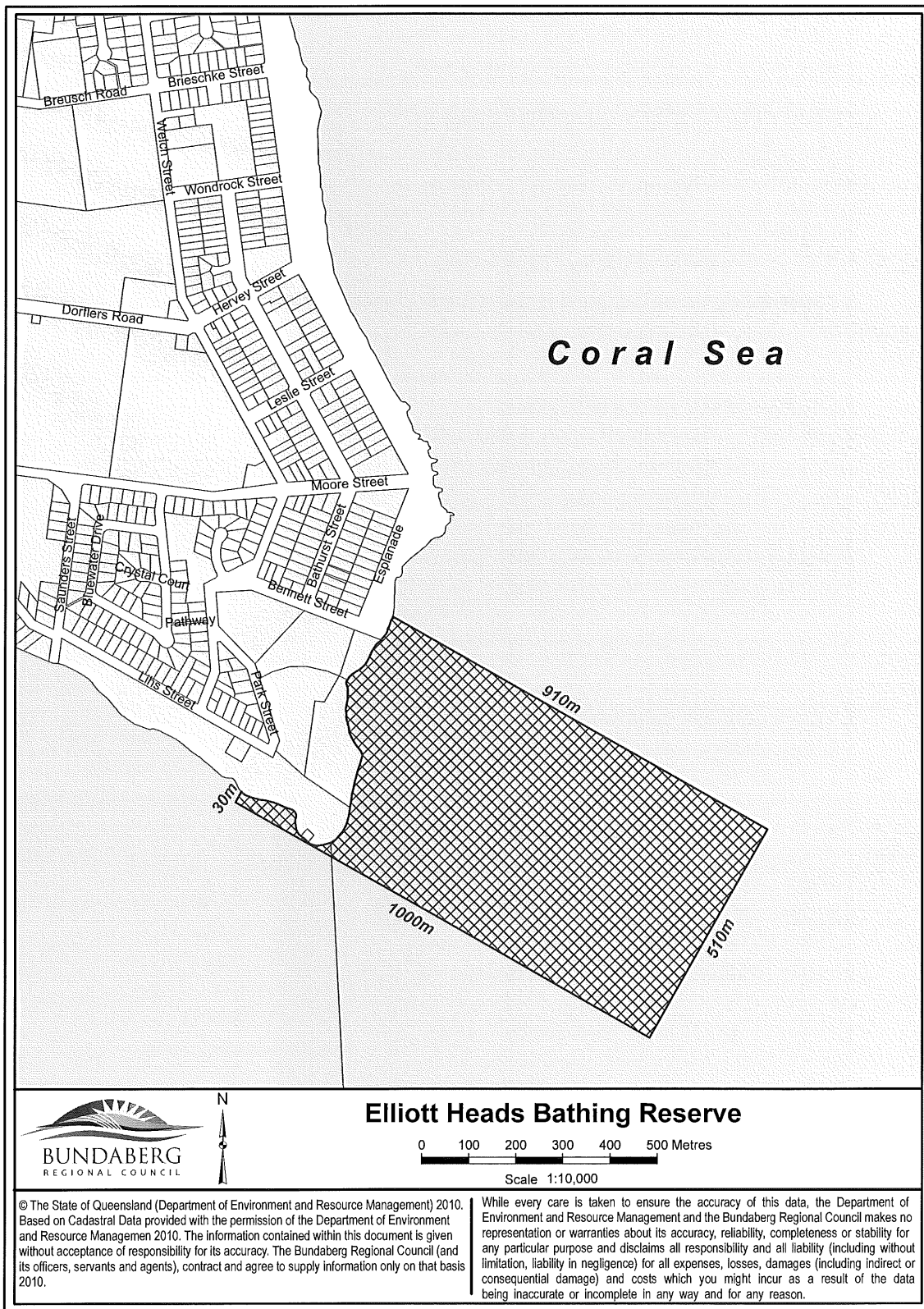
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BRC Dwg No 38462



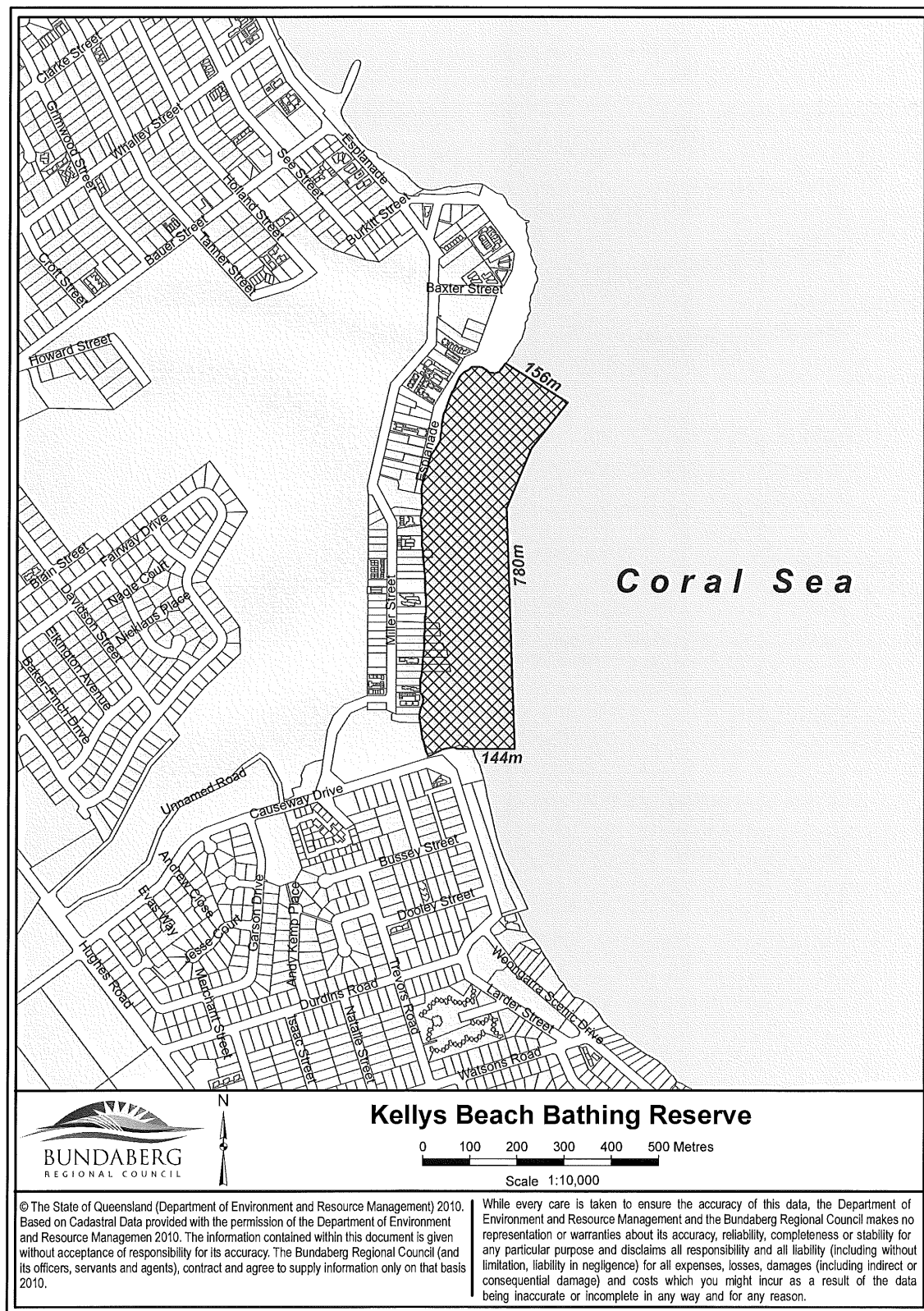
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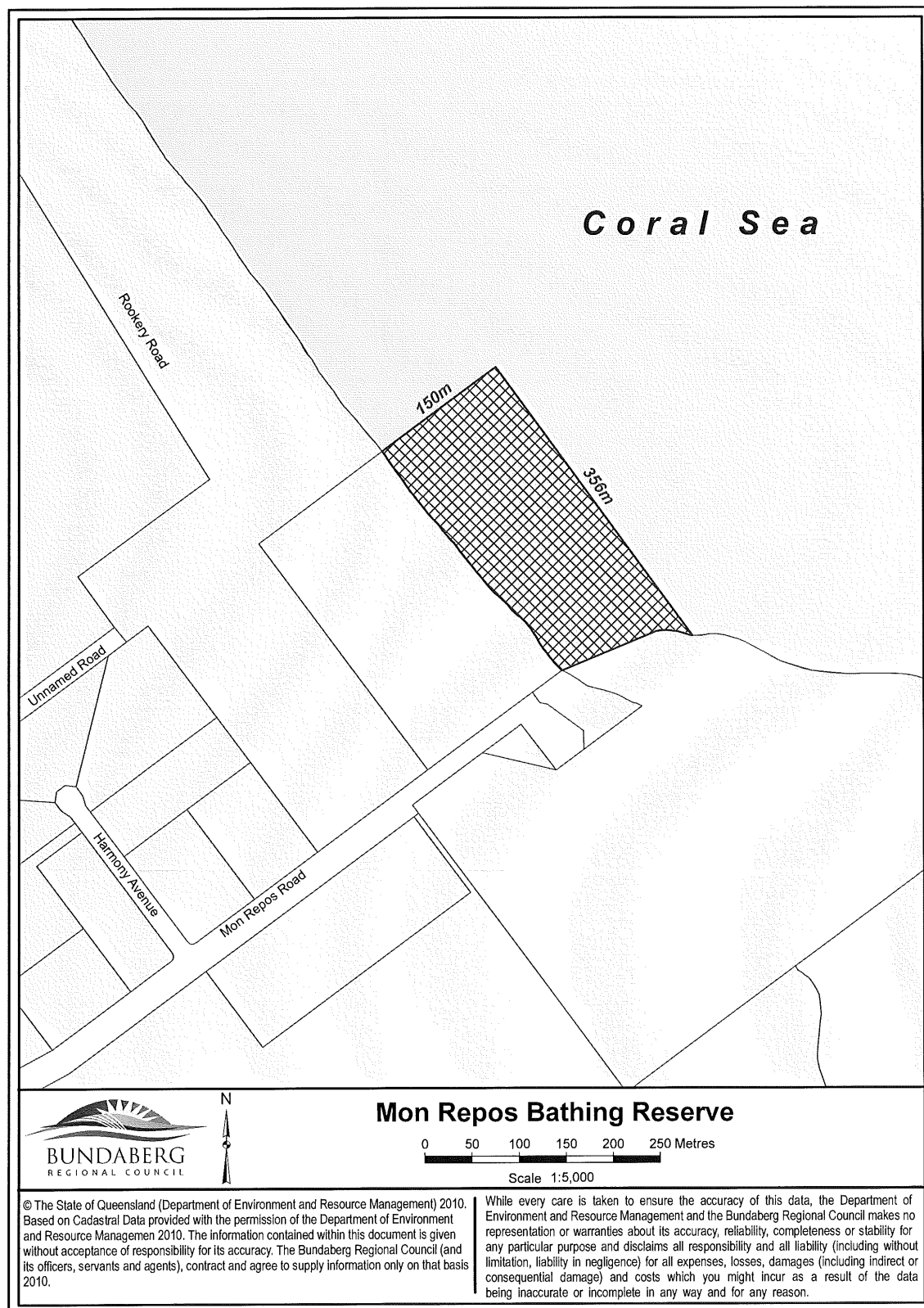
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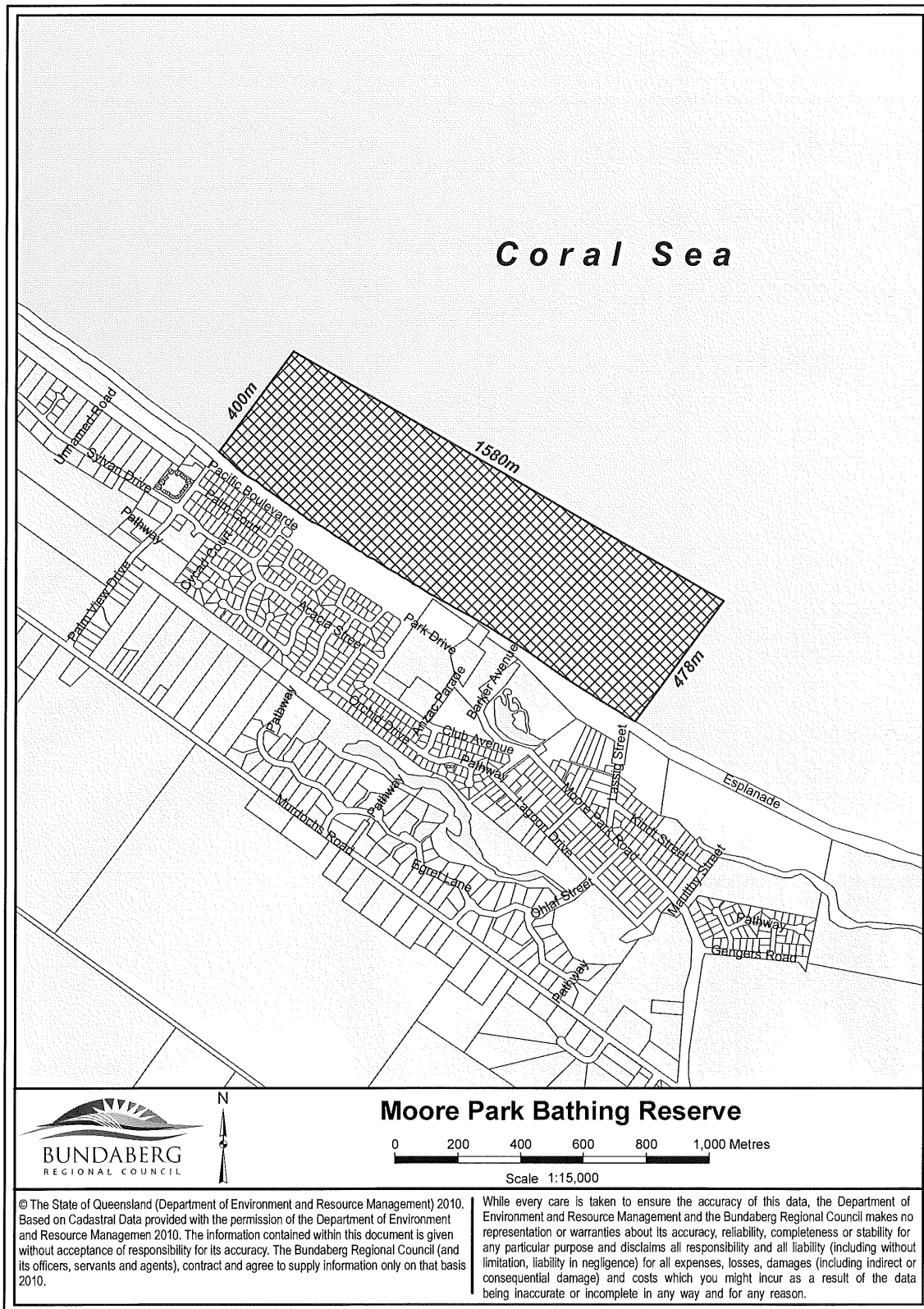
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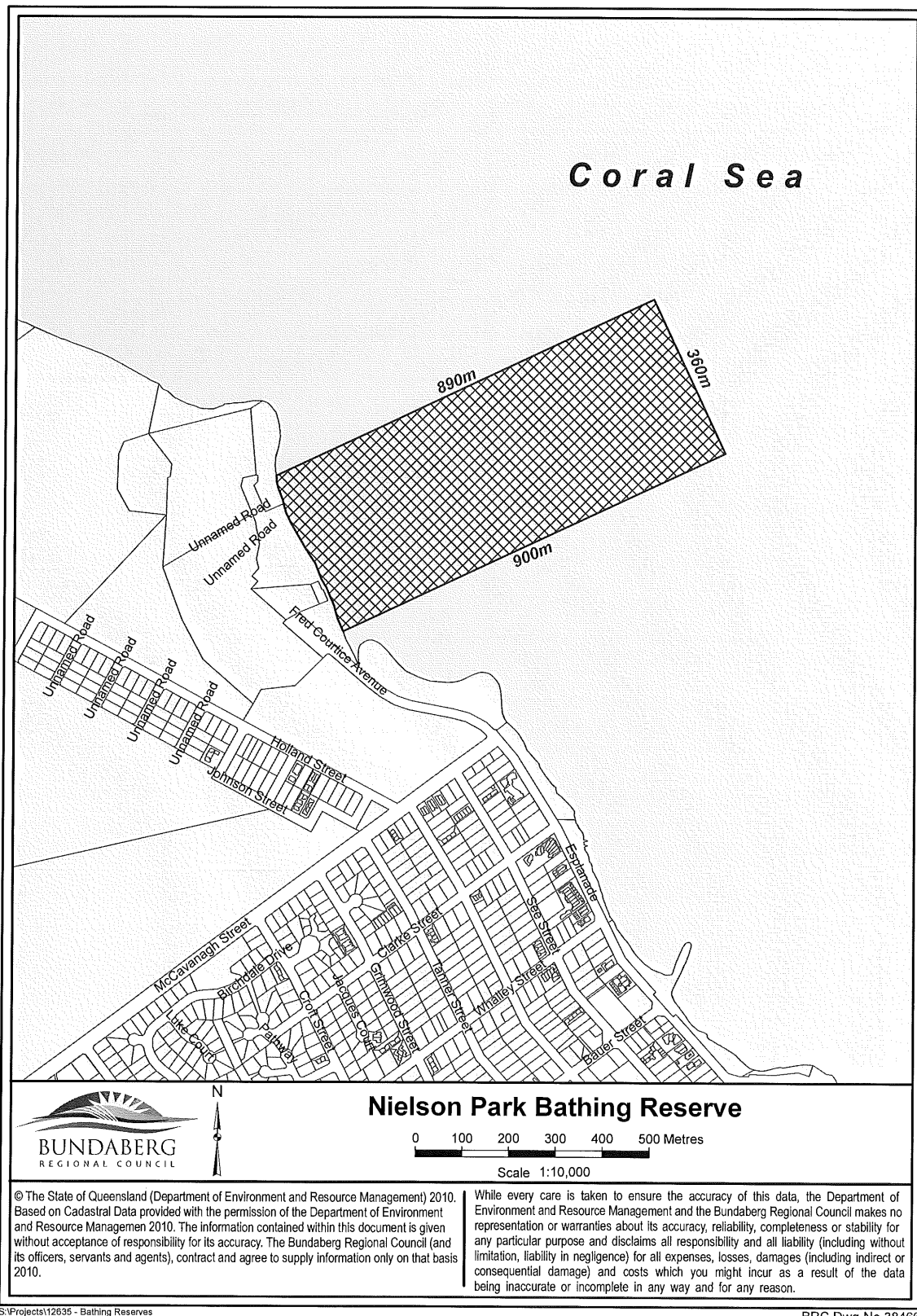
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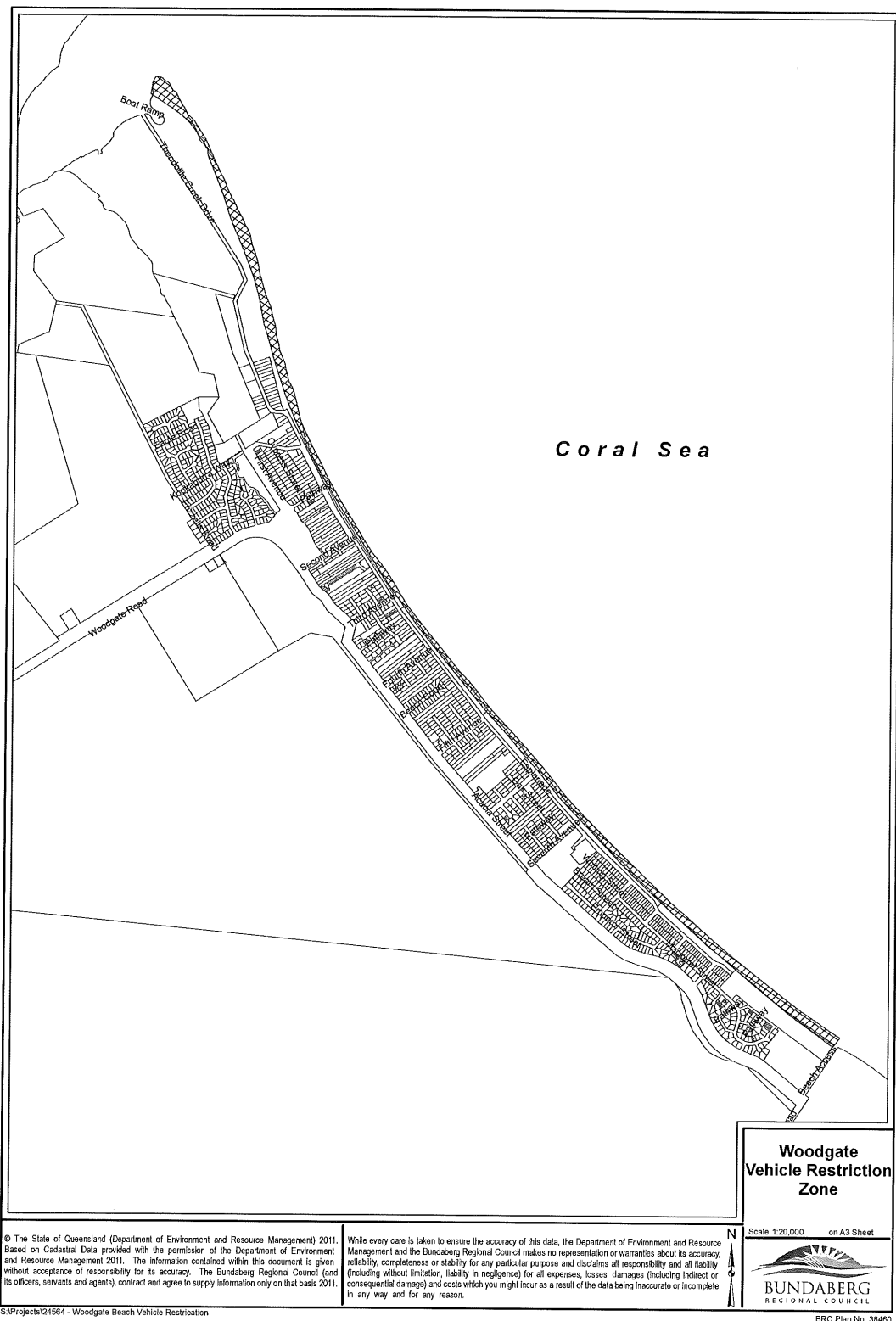
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Schedule 7 Dictionary

(f) Section 4

accommodation, at a local government caravan park, means—

- (a) a caravan; or
- (b) a complementary accommodation.

animal has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

authorised person has the meaning given in *Local Law No. 1 (Administration) 2011*.

bathing reserve has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

building has the meaning given in the *Building Act 1975*.

busking means a musical or theatrical performance undertaken by a person—

- (a) to entertain the public; and
- (b) seeking voluntary reward for the performance.

camping, at a place, includes sleeping, occupying or remaining overnight at the place.

camping ground means land that is approved by the local government for camping but does not include a caravan park.

camping site means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

caravan has the meaning given in *Local Law No. 1 (Administration) 2011*.

caravan park means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

caravan site, at a local government caravan park, means a part of the local government caravan park which is designated for a single accommodation of a particular type.

complementary accommodation has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

driver has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

emergency services officer means—

- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State; or
- (b) an officer of the Queensland Fire and Rescue Service or a Fire and Rescue Service of another State; or
- (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a State Emergency Service of another State; or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

essential services vehicle means a motor vehicle that is in the care and control of—

- (a) an emergency services officer; or
- (b) another person specified by subordinate local law.

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

foreshore has the meaning given in the *Local Government (Operations) Regulation 2010*.

fundraising has the meaning given in *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011*.

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

grid means a structure designed to —

- (a) permit the movement of pedestrian or vehicular traffic along a road; but
- (b) prevent the passage of livestock.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

interfere means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

landing includes jetty, pontoon and wharf.

life-saving club has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

life-saving patrol vehicle means a motor vehicle that is in the care or control of a member of a recognised life-saving club assigned by the club or SLSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time.

local government camping ground means a camping ground under the control of the local government, including a camping ground located on land owned by the local government or on land for which the local government is the trustee.

local government caravan park means a caravan park under the control of the local government, including a caravan park located on land owned by the local government or on land for which the local government is the trustee.

local government cemetery has the meaning given in *Local Law No. 1 (Administration) 2011*.

local government employee has the meaning given in the *Local Government Act 2009*.

local government office includes—

- (a) the public office of the local government; and
- (b) each place used by the local government for local government administration or management purposes.

local government swimming pool means a swimming pool under the control of the local government, including a swimming pool located on land owned by the local government or on land for which the local government is the trustee.

local government vehicle means a motor vehicle that is in the care and control of a local government employee or a local government worker.

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

motor vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

non-public place means—

- (a) the whole or any part of a local government office that is not a public place; and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
 - (i) an authorised person; or

- (ii) a notice displayed at a prominent place at—
 - (A) if the whole of the local government office is a non-public place—the local government office; or
 - (B) if a part of the local government office is a non-public place—the part of the local government office.

park means a public place which the local government has, by resolution, set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

public office has the meaning given in the *Local Government Act 2009*.

public place —

- (a) has the meaning given in the *Local Government Act 2009*; but
- (b) does not include a non-public place.

recognised life-saving club has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

reserve means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has, by resolution, set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

responsible person, for a gate or grid installed across a road, means—

- (a) the person who installed the gate or grid, or the gate and the grid; and
- (b) the person for whose use or benefit the gate or grid, or the gate and the grid, were installed; and
- (c) the person who has the benefit of the gate or grid, or the gate and the grid installed across the road.

road has the meaning given in the *Local Law No. 1 (Administration) 2011*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

sexton means a person appointed by the local government to act as the sexton of a local government cemetery

ship has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

SLSQ has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

stormwater drain has the meaning given in the *Local Government Act 2009*.

structure has the meaning given in the *Local Government Act 2009*.

swimming pool has the meaning given in the *Building Act 1975*.

unregistered, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 1999*, means that the vehicle is not a registered vehicle.

utility installation means—

- (a) the supply of water, hydraulic power, electricity or gas; or
- (b) the provision of sewerage or drainage services; or
- (c) the provision of telecommunications services.

utility maintenance means the maintenance of—

- (a) water, hydraulic power, electricity or gas services; or
- (b) sewerage or drainage services; or
- (c) telecommunications services.

vegetation means trees, plants and all other organisms of vegetable origin (whether living or dead).

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste has the meaning given in the *Environmental Protection Act 1994*.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 41 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

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Chief Executive Officer

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Subordinate Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011*, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons that may be issued with a parking permit; and
 - (c) the vehicles that may be issued with a commercial vehicle identification label; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas—Authorising local law, s 5

- (1) For section 5(1) of the authorising local law, each part of the local government area indicated by hatching in the map in schedule 1 is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law, the boundaries of each traffic area are indicated by bold lines circumscribing the hatched areas on the map in schedule 1.

6 Declaration of off-street regulated parking areas—Authorising local law, s 6

- (1) For section 6(1) of the authorising local law, each area of land indicated by hatching

in a map in schedule 2 is declared to be an off-street regulated parking area.

- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by a bold line circumscribing the hatched area on the map in schedule 2.

Part 3 **Parking contrary to parking restriction**

7 **Parking permits issued by local government—Authorising local law, s 7(2)**

- (1) This section prescribes—
 - (a) the persons that may be issued with a parking permit mentioned in section 7(1) of the authorising local law; and
 - (b) the circumstances in which the parking permits may be issued.
- (2) A parking permit (a ***resident parking permit***) may be issued to a person whose circumstances are as follows—
 - (a) the person resides in a residence¹²⁸ situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (b) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (c) the residence does not have, and cannot reasonably be provided with, adequate off-street parking; and
 - (d) if the parking permit is granted — there would not be in force more than 1 resident parking permit for the residence.
- (3) A parking permit (a ***community service organisation parking permit***) may be issued to a person whose circumstances are as follows—
 - (a) the person is a community service organisation¹²⁹; and
 - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
 - (c) the activity is undertaken on a section of road where —
 - (i) parking is regulated by time; and
 - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area.
- (4) A parking permit (a ***temporary parking permit***) may be issued to allow the holder of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.
- (5) A temporary parking permit may only be granted if the local government is satisfied that—

¹²⁸ See definition of ***residence*** in the dictionary.

¹²⁹ See definition of ***community service organisation*** in the dictionary.

- (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
 - (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (6) A parking permit (a ***works zone parking permit***) may be issued to a person if the local government is satisfied that—
 - (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and
 - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (7) A parking permit (a ***local government works parking permit***) may be issued to allow a person to park 1 or more vehicles in a designated parking space or spaces, and for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces if the person is—
 - (a) an employee, contractor or agent of the local government; and
 - (b) parking the vehicle or vehicles in the space or spaces—
 - (i) for the purpose of carrying out work for or on behalf of the local government; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the local government.
- (8) A parking permit (a ***visitor parking permit***) may be issued to a person whose circumstances are as follows—
 - (a) the person (the ***resident***) resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (b) the parking permit is to be made available by the resident for use by another person who —
 - (i) is visiting or attending at the residence identified in the parking permit; and
 - (ii) intends parking on the section of road immediately adjacent to the residence; and
 - (c) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (d) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
 - (e) if the parking permit is granted — there would not be in force more than 2

visitor parking permits for the same residence.

8 Commercial vehicle identification labels—Authorising local law, s 8(2)

- (1) For section 8(2) of the authorising local law, this section prescribes the vehicles that may be issued with a commercial vehicle identification label.
- (2) A vehicle may be issued with a commercial vehicle identification label if the vehicle—
 - (a) is used for carrying on a business that requires the regular use of loading zones; and
 - (b) is—
 - (i) a horse drawn vehicle constructed, fitted or equipped for the carriage of goods; or
 - (ii) a motor vehicle (excluding any car or motorbike) constructed, fitted or equipped for the carriage of goods; or
 - (iii) a motor vehicle constructed, fitted or equipped for the carriage of persons.
- (3) Also, a vehicle may be issued with a commercial vehicle identification label if a commercial vehicle identification label is displayed on the vehicle and—
 - (a) the vehicle on which the label is displayed is the vehicle specified on the label; and
 - (b) the date specified on the label has not passed.

Part 4 Minor traffic offence infringement notice penalties

9 Infringement notice penalty amounts—Authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty amount¹³⁰ for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

¹³⁰ See section 5 of the *Penalties and Sentences Act 1992*. The value of a penalty unit is, for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law—the amount, not more than \$100.00, prescribed under a regulation. See section 2A of the *Penalties and Sentences Regulation 2005*. The value of the penalty unit for a local law made by a local government mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government mentioned in schedule 2 of the Regulation is \$75.00. The value of a penalty unit for a local law made by a local government not mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 2 of the Regulation, is \$100.00.

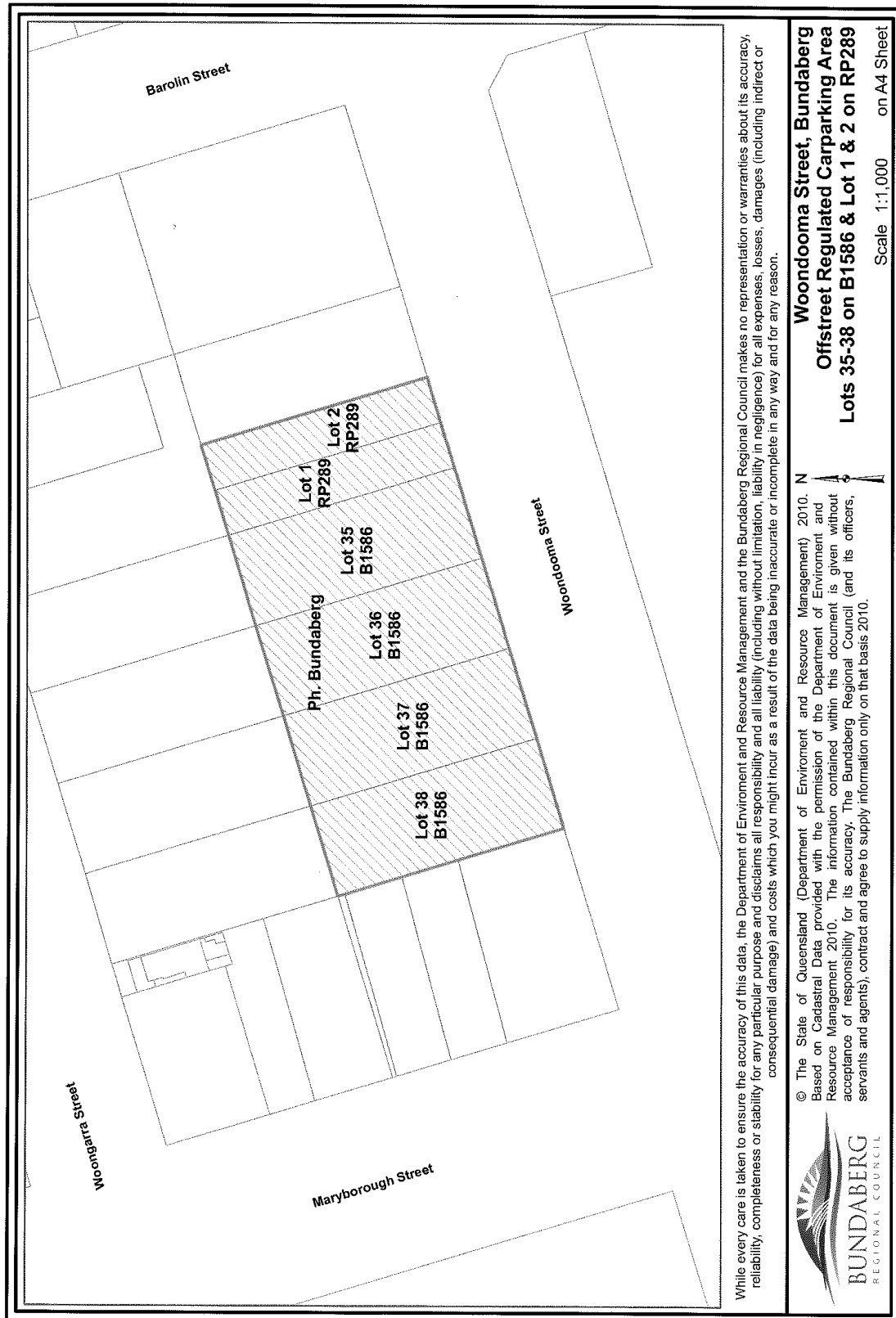
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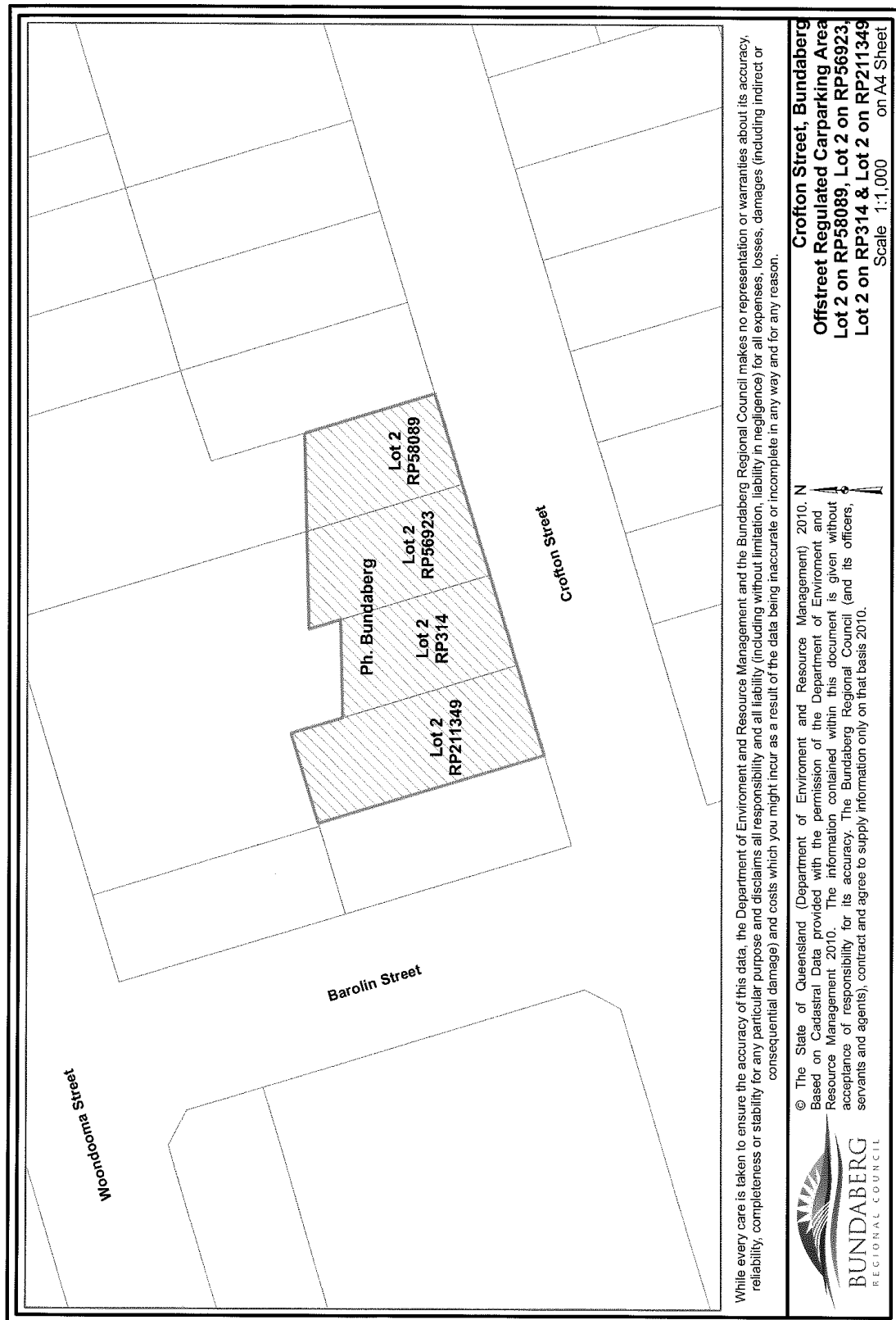
Section 5

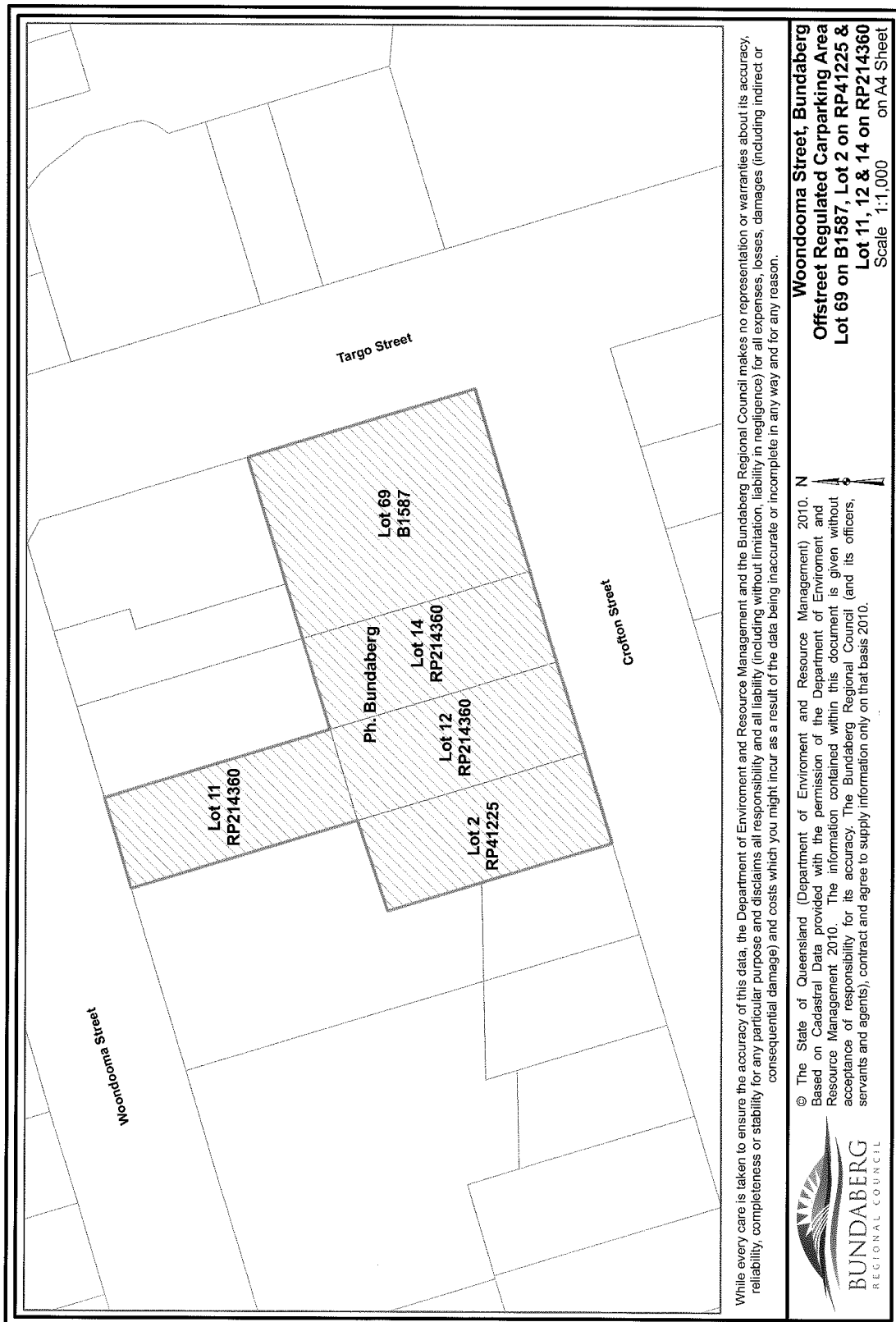
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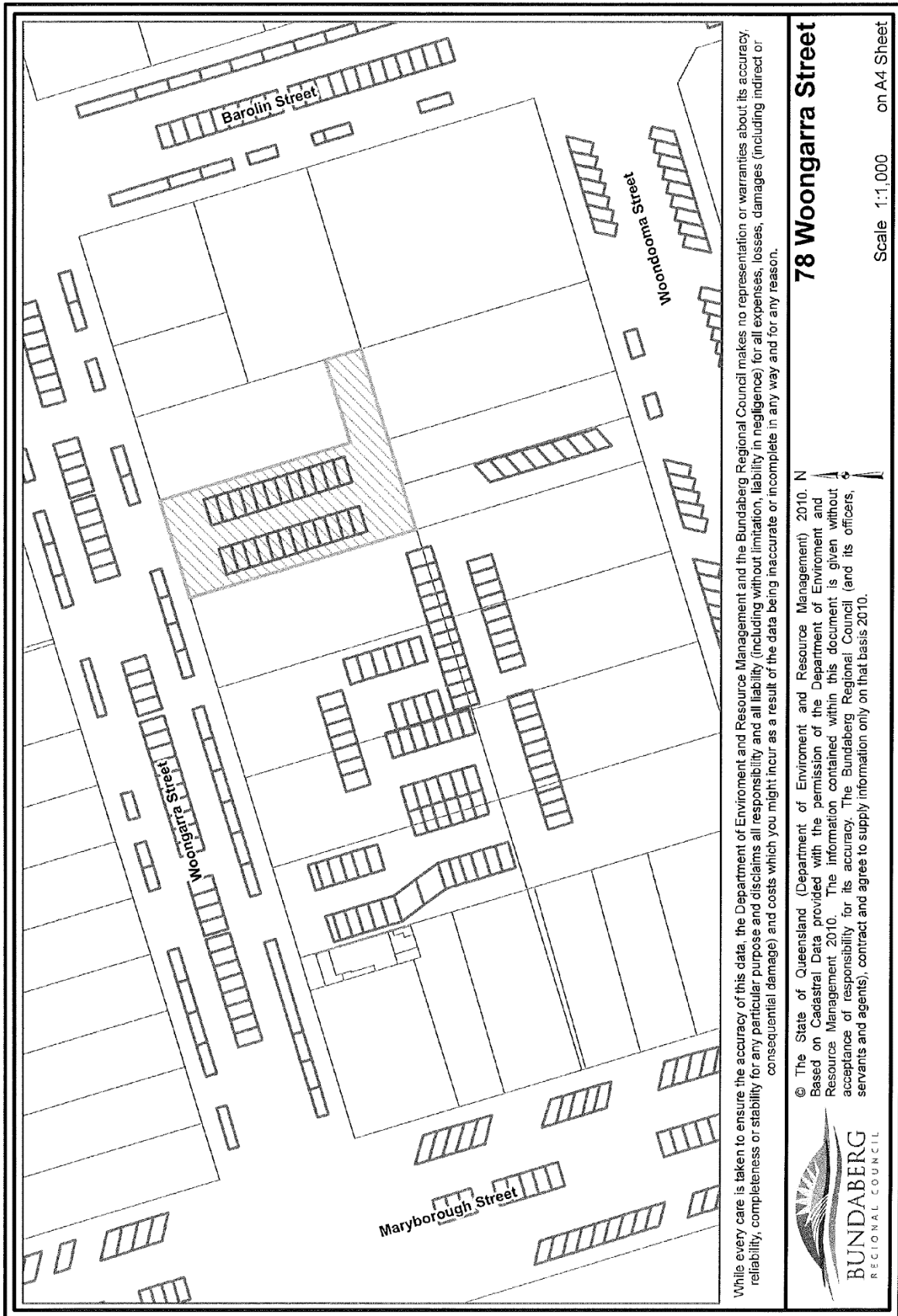
Schedule 2 Declaration of off-street regulated parking areas

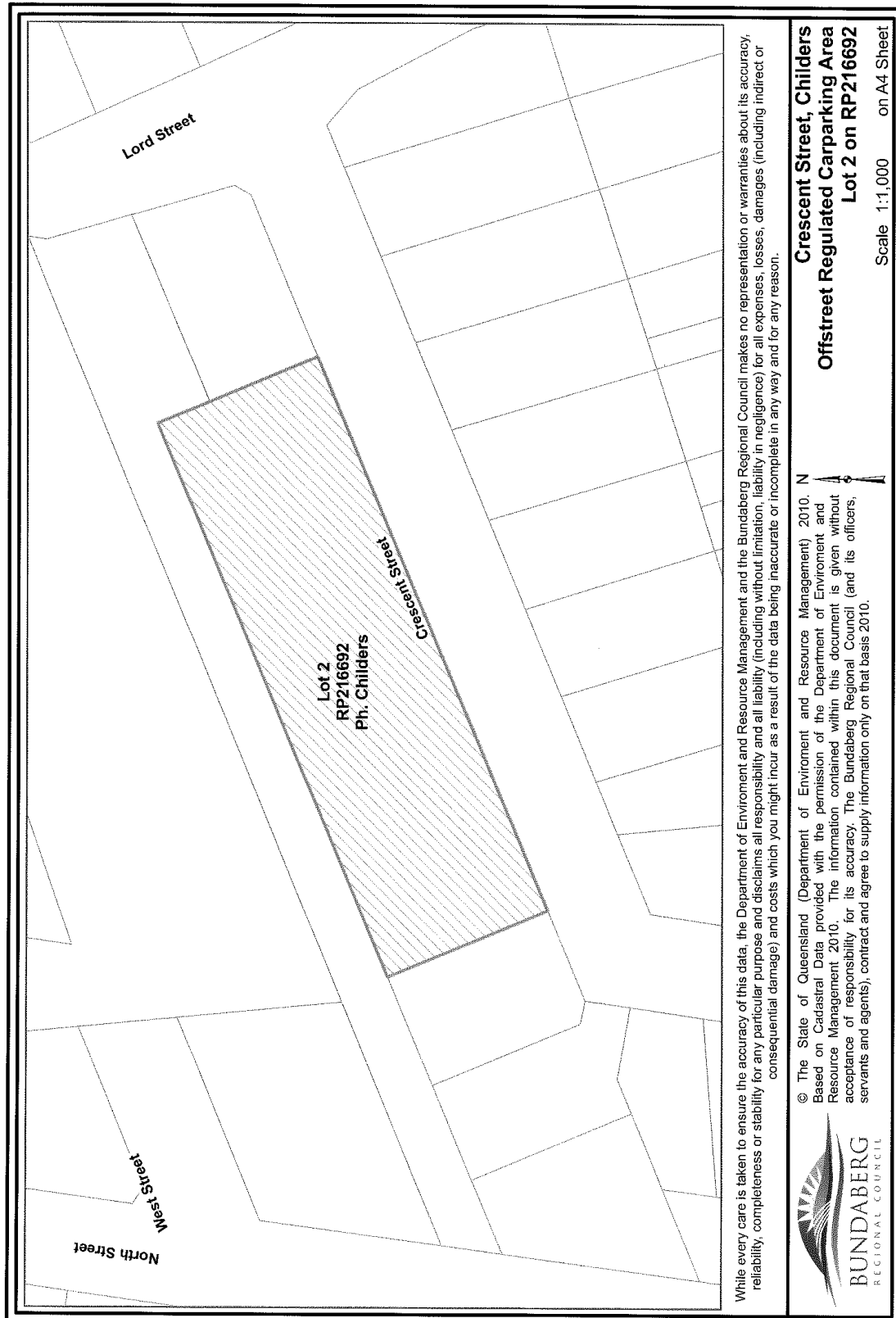
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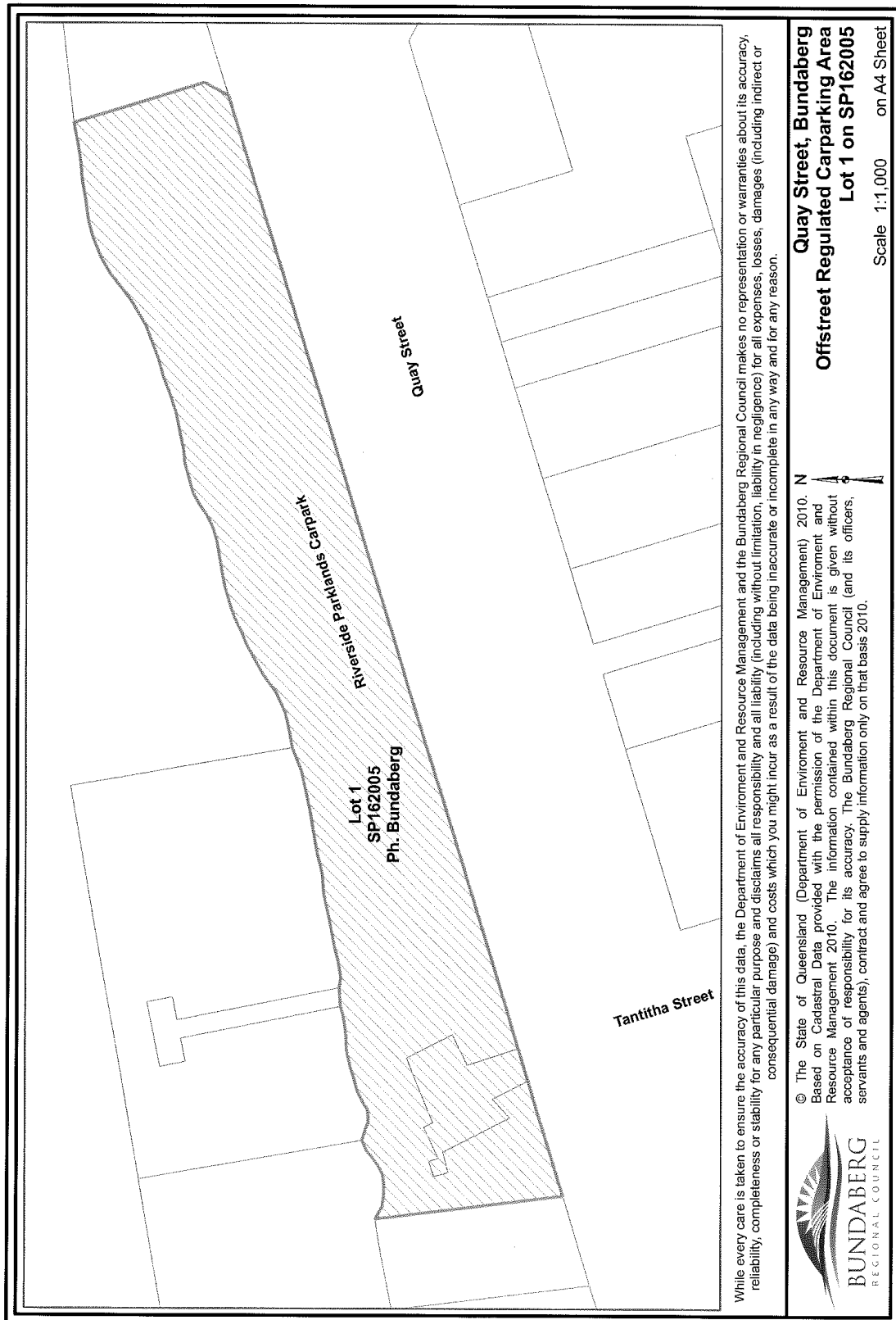


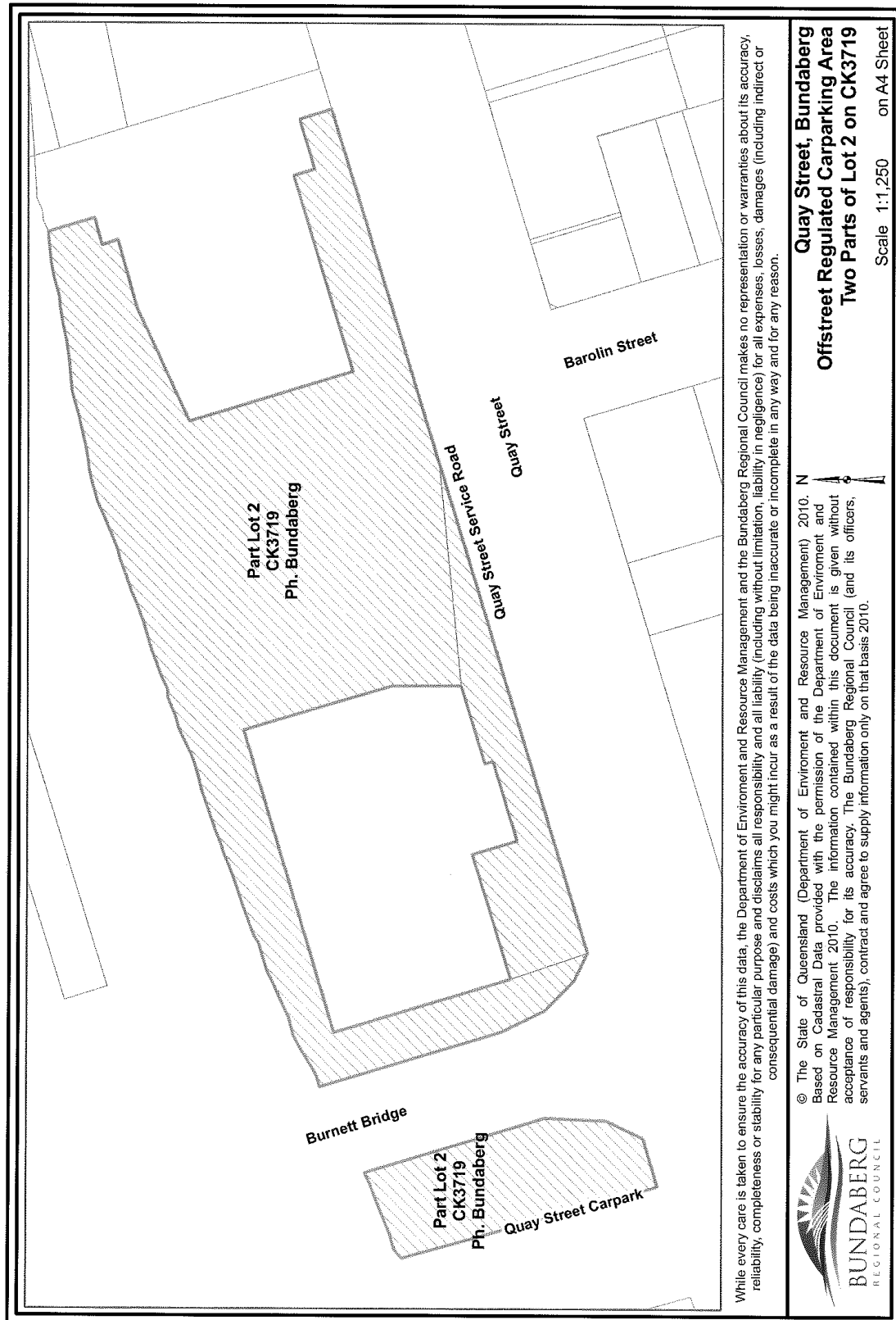


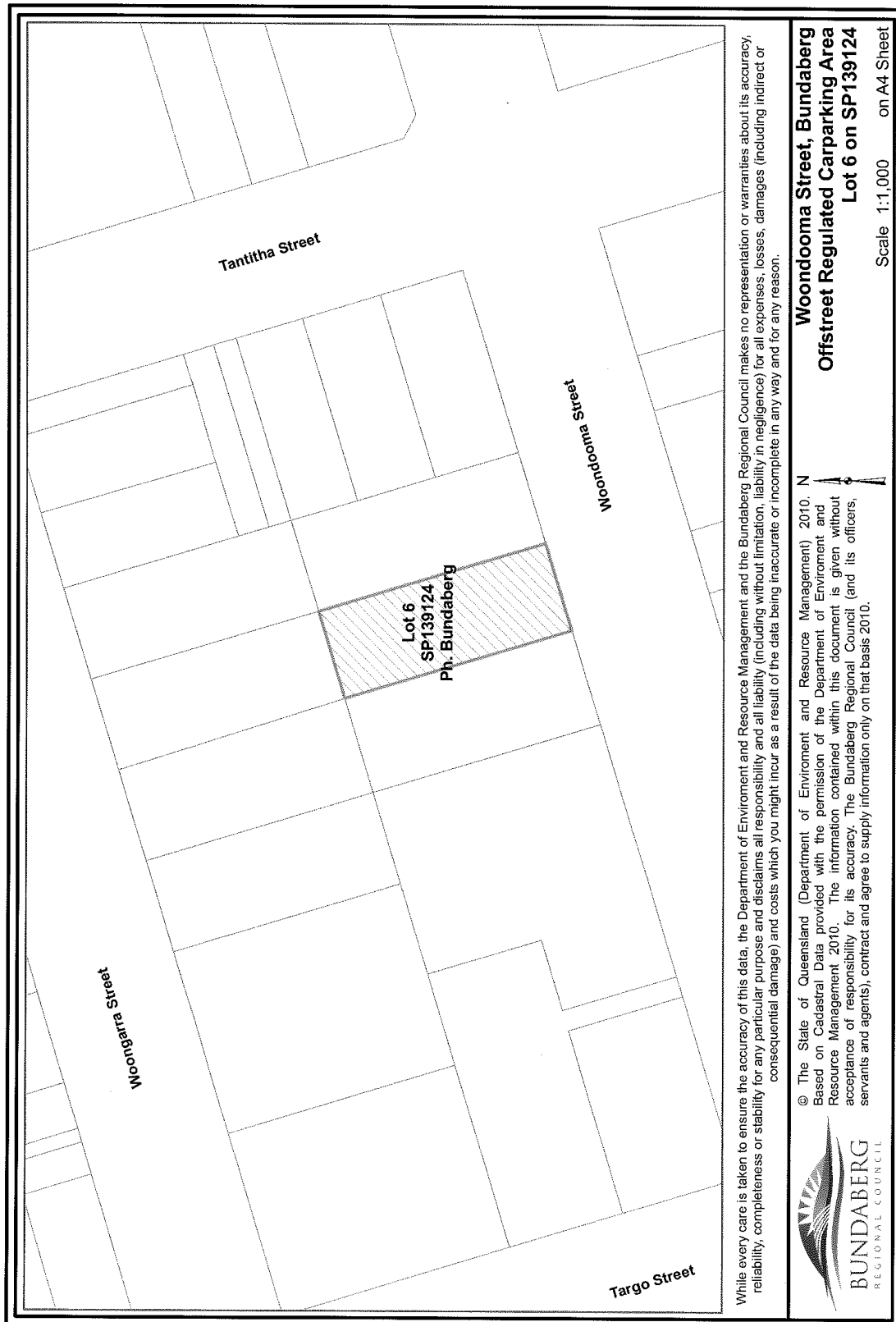


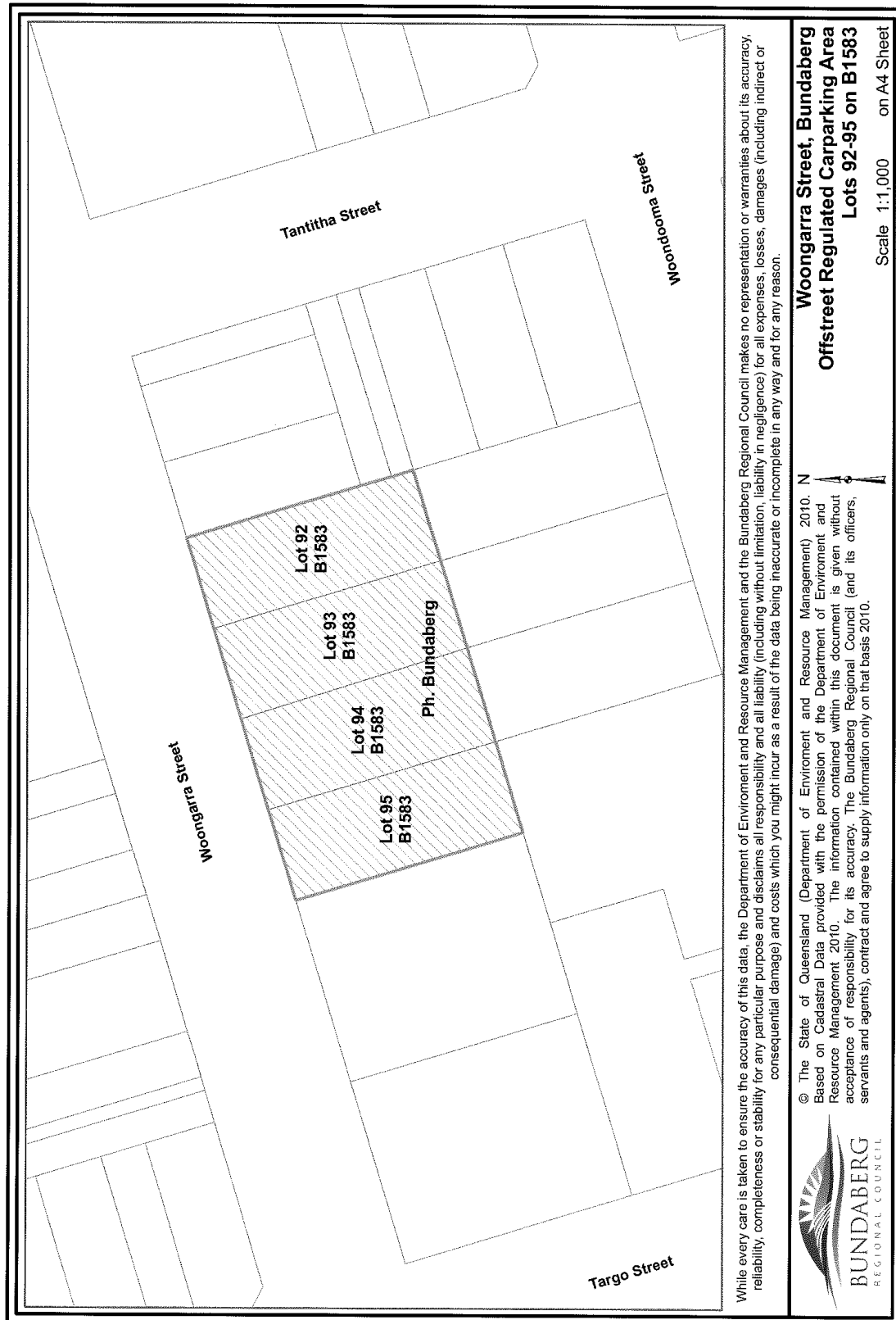


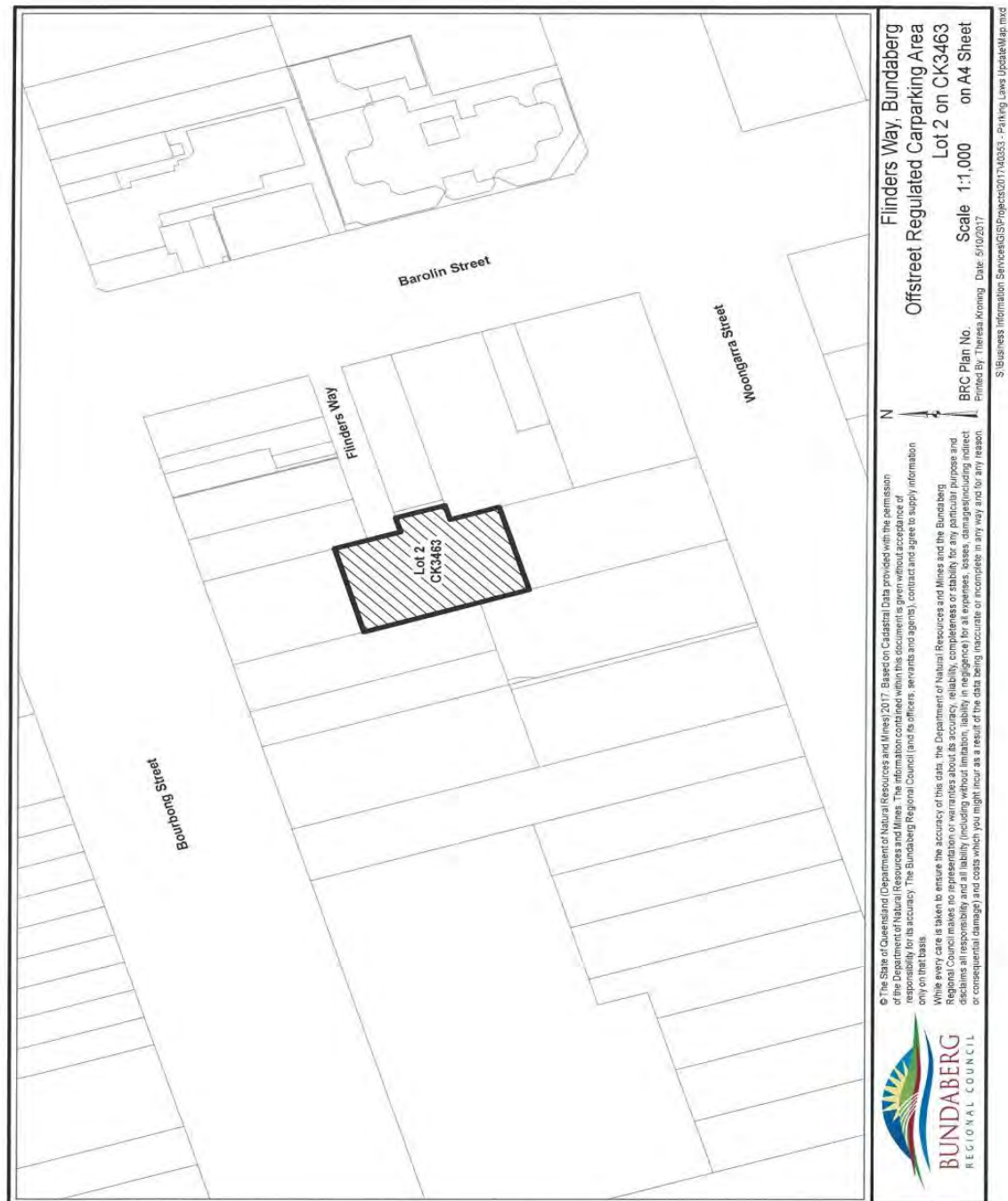












Schedule 3 Infringement notice penalty amounts for certain minor traffic offences

Section 9

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
74(1)	Contravening an indication given by an official traffic sign	0.3 penalty units
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	0.3 penalty units
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	0.3 penalty units
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	0.3 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	0.3 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.3 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	0.6 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
168(1)	Stopping on a length of road or in an area to which a no parking sign applies	0.3 penalty units
169	Stopping at the side of a road marked with a continuous yellow edge line	0.6 penalty units
170(1)	Stopping in an intersection	0.6 penalty units
170(2)	Stopping within 20m of an intersection with traffic lights unless permitted by a sign	0.6 penalty units
170(4)(a)	Stopping within 10m of an intersection without traffic lights unless permitted by a sign	0.6 penalty units
171(1)	Stopping on or near a children's crossing	0.6 penalty units
172(1)	Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.6 penalty units
172(1)	Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.6 penalty units
173(1)	Stopping on or near a marked foot crossing	0.6 penalty units
174(1)	Stopping on or near bicycle crossing lights	0.6 penalty units
175(1)	Stopping on or near a level crossing	0.6 penalty units
176(1)	Stopping on a road contrary to a clearway sign	0.6 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	0.6 penalty units
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	0.6 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	0.6 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	0.6 penalty units
183(1)	Stopping an unauthorised vehicle in a bus zone	0.6 penalty units
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	0.6 penalty units
185(1)	Stopping an unauthorised vehicle in a permit zone	0.6 penalty units
202	Stopping contrary to a motorbike parking sign	0.3 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	1.5 penalty units
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.3 penalty units
211(2)	Parking otherwise than completely within the confines of a parking bay	0.3 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.6 penalty units

Schedule 4 Dictionary

Section 4

community service organisation means an association incorporated under the *Associations Incorporation Act 1981* which has as the main purpose of its objects, making financial gain for community service, charitable or similar purposes.

community service organisation parking permit see section 7(3).

local government works parking permit see section 7(7).

residence means a building, or part of a building, that is —

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

resident see section 7(8)(a).

resident parking permit see section 7(2).

temporary parking permit see section 7(4).

visitor parking permit see section 7(8).

works zone parking permit see section 7(6).

This and the preceding 20 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 5 (Parking) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the day of 2018.

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Chief Executive Officer

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PUBLIC INTEREST TEST REPORT**ADMINISTRATION (AMENDMENT) LOCAL LAW (NO. 1) 2017 AND VARIOUS
SUBORDINATE LOCAL LAWS**

A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in the local law and subordinate local laws identified in schedule 1. The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement which were outlined in the public interest test plan.

The public interest test report has been prepared in accordance with guidelines issued by the Department of Local Government and called up by regulation under the *Local Government Act 2009*.

RESULTS OF CONSULTATION PROCESS

Consultation with the public and key stakeholders occurred over a three week period. An advertisement was placed in the local paper at the commencement of the consultation period advising of the review and calling for submissions. Notices were posted on notice boards within the local government area during the consultation period. Direct notification of the review was sent to all key stakeholders.

Submissions received and arguments presented (if any) are annexed to this Public Interest Test Report.

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVES

Positive and negative impacts on stakeholders from moving to alternatives are particularised in the schedules to this report as follows:-

Commercial Use of Local Government Controlled Areas and Roads — See Schedule 2

Operation of Public Swimming Pools — See Schedule 3

Operation of Shared Facility Accommodation — See Schedule 4

Operation of Temporary Entertainment Events — See Schedule 5

SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVES

An analysis of the costs and benefits of moving to an identified alternative is detailed in the following schedules.

Commercial Use of Local Government Controlled Areas and Roads — See Schedule 2

Operation of Public Swimming Pools — See Schedule 3

Operation of Shared Facility Accommodation — See Schedule 4

Operation of Temporary Entertainment Events — See Schedule 5

PUBLIC INTEREST TEST REPORT RECOMMENDATION

For each prescribed activity, each possible anti-competitive provision reviewed is an anti-competitive provision and should be retained in its current form in the public interest.

SCHEDULE 1 — LOCAL LAW AND SUBORDINATE LOCAL LAWS IN WHICH POSSIBLE ANTI-COMPETITIVE PROVISIONS IDENTIFIED**Administration (Amendment) Local Law (No. 1) 2017**

Local law section 3 (Amendment of schedule 1)

Local law section 4 (Amendment of schedule 2)

Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017

Subordinate local law section 3 (Amendment of schedule 1)

Operation of Public Swimming Pools (Amendment) Subordinate Local Law (No. 1) 2017

Subordinate local law section 5 (Amendment of schedule 1)

Operation of Shared Facility Accommodation (Amendment) Subordinate Local Law (No. 1) 2017

Subordinate local law section 3 (Amendment of schedule 1)

Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2017

Subordinate local law section 3 (Amendment of schedule 1)

SCHEDULE 2 — COMMERCIAL USE OF LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS

_Positive and negative impacts on stakeholders from moving to alternatives

Local Government	Existing and Potential Business	Consumers	Community Groups
Establishment costs of changing from a licence based system to a negative licensing based system such as Council time, redrafting costs, cost of community/business education programs. This is a one-off expense and therefore impact is considered to be low - low negative impact (-1) .	Increased potential of non-compliance costs under a negative licensing regime eg. fines. There is a potential that minimum standards under the negative licensing regime will be misinterpreted and result in non-compliance penalties. The level of non-compliance is expected to be minimal and the impact is therefore considered to be low - low negative impact (-1) .	Increase in market competition between existing and potential business creating innovation, efficiencies and types of product service. Consumers will receive the benefits from increased competition through price, product availability and product/business choice. The expected level of competition in the long term is expected to stabilise and any benefits received by the change is expected to be low - low positive impact (+1) .	Risk of unsafe vending too high if not controlled by local government in some way. Under a negative licensing regime, as opposed to a licence based system (conventional regime) the risk of non-compliance is greater. However, local government can still take enforcement action and therefore impact is considered to be low - low negative impact (-1) .
Increase in level of monitoring required to enforce local law from one temporary employee to one permanent full-time employee. The cost borne by this change is minimal and therefore the impact is considered to be low - low negative impact (-1) .	Increase in market competition between existing and potential business creating a reduction in profit margin and removal of price padding. In the short term, it is expected that significant change will occur in market distribution, power and price. However, in the long term, it is expected that the market will stabilise and therefore the impact is considered to be low - low negative impact (-1) .		Increase in cost borne for environmental damage by community. Due to the increased risk in non-compliance some of the costs from environmental damage (including public nuisance) may be borne by the community. Minimum standards under a negative licensing regime will ensure that this transfer of costs will be negligible and therefore the change will be a low negative impact (-1) .

Local Government	Existing and Potential Business	Consumers	Community Groups
Potential for non-compliance by outside vendors at the risk of road users and community. The potential for non-compliance is higher under a negative licensing regime and local government is likely to receive more complaints. The impact is considered to be moderate - moderate negative impact (-3) .	Removal of licence regime means savings for existing and potential businesses in not having to prepare and submit licence applications. There is also a saving from removal of licence fees. However, these cost represent a small portion of overall operating expenses and therefore the impact is considered to be low - low positive impact (1) .		
Unable to regulate the impact on the environment by regulating the number of vendors. Regulation of vendors will be restricted to minimum standards outlined under the negative licensing regime. The level of control available will be reduced marginally. The impact is considered to be low impact - low negative impact (-1) .	Removal of restrictions on business ownership, that is, level and number of operations. Business is no longer restricted to the level and type of operations under the licence system. Standards will still need to be met under a negative licensing regime and therefore the change is considered to be low - low positive impact (+1) .		
The specific conditions required for each type of roadside vendor creates complexity under a negative licensing regime. The level and type of business including the various products sold require different minimum standards which will ultimately create a complex local law. This will be a moderate negative impact (-3) .			

Local Government	Existing and Potential Business	Consumers	Community Groups
Loss of fees paid for licences and renewals. Fee structure was in place to cover administrative costs of the local law. This is considered to be a low negative impact (-1) .			
Application and processing for licences will no longer apply. Staff will be required to maintain the negative licensing regime which is a more efficient framework to operate. This will be a low positive impact (+1) .			
Higher fines apply under a negative licensing regime. Local government will recover some costs from higher fines but as court action is usually a last resort in terms of enforcement, the impact is considered to be low - low positive impact (+1) .			
-8	+1	+1	-2

Summary of net impact associated with alternatives

In summary, analysis of the costs and benefits of moving to the alternative provides the following information:

Alternative	Local Government	Business - both existing and potential	Consumers	Community/ Conservation Groups
<p>Negative licensing</p> <p>Current existing local law is a licence based system. The alternative is to convert the licence process to a negative licensing regime.</p>	<p>Moderate/High Negative Impact</p> <p>The increased risk of non-compliance and potential for the maintenance of a complex local law under a negative license regime far outweighs any benefit received from reducing application processing .</p>	<p>Low Positive Impact</p> <p>Removal of the restriction on commercial use of local government controlled areas and roads results in an increase in competition, reduction in costs and removal of restrictions on business ownership.</p>	<p>Low Positive Impact</p> <p>Consumers will receive the benefits from increased competition through price, product availability and product/business choice. However, the higher enforcement costs of Council may be paid for by the general community.</p>	<p>Low Negative Impact</p> <p>Increase in the risk associated with environmental damage, aesthetic quality of the region and public health and safety.</p>

Overall, the analysis of costs and benefits has determined there would be a net cost to the community as a whole in moving to a negative licensing regime.

There are benefits which would accrue to both business and consumers under a negative licensing regime. Potential business would benefit from removal of the barrier to entry to the market and both existing and potential business would benefit from a reduction in operating costs. Consumers would benefit from increased competition in the market.

However, these positive impacts are offset by increased costs for Council in enforcing compliance under the negative licensing regime. These costs are substantial and could be passed on to the community. Because there is the potential for non-compliance to be greater under a negative licensing regime there may be negative impacts on the environment, amenity and public health and safety.

SCHEDULE 3 —OPERATION OF PUBLIC SWIMMING POOLS**_REASSESSMENT OF ALTERNATIVES**

Following assessment of the results of the consultation process it is considered that no grounds were advanced to support the introduction of another regulatory or non-regulatory alternative. It is considered that the introduction of an alternative control mechanism would have a negative impact on the community in general.

SCHEDULE 4 — OPERATION OF SHARED FACILITY ACCOMMODATION**POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVE*****Co-regulation***

Stakeholder	Impact	Weighting
Local government	<p>Developing new local law - consulting with stakeholders, negotiating standards for new local law.</p> <p>Implementing/establishing new local law - ie. amending or replacing existing local law, training staff, advising industry etc.</p> <p>A reduction in administrative and/or enforcement requirements is likely to result from agreement between Council and industry. Compliance is more likely because those affected by the local law are involved in its development - Council is likely to receive less complaints.</p>	<p>Low negative -1</p> <p>Low negative -1</p> <p>Moderate positive +2</p> <p><u>Overall</u> - Neutral</p>
Existing operators	<p>Better relations with Council through local law development process ie. Council will have a better understanding and appreciation of problems the business sector faces.</p> <p>More appropriate standards in new local law.</p>	<p>Low positive +1</p> <p>Low positive +1</p> <p><u>Overall</u> - Low positive</p>
Potential operators	<p>Better relations with Council through local law development process ie. Council will have a better understanding and appreciation of problems the business sector faces.</p> <p>More appropriate standards in new local law.</p>	<p>Low positive +1</p> <p>Low positive +1</p> <p><u>Overall</u> - Low positive</p>
Residents/tenants	<p>Better outcomes for residents through being able to input into the development of a new local law.</p>	<p>Low positive +1</p> <p><u>Overall</u> - Low positive</p>
Immediate neighbours	<p>Better outcomes for residents through being able to input into the development of a new local law.</p>	<p>Low positive +1</p> <p><u>Overall</u> - Low positive</p>

Stakeholder	Impact	Weighting
Tourist operators	There is potential for an increase in business as a result of agreement between stakeholders. That is, less complaints/problems in the business sector, a good reputation for the business sector should result and be a boost to tourism in the local government area.	Low positive +1 <u>Overall</u> - Low positive
Pensioner' representative bodies	Establishment of links with operators and Council.	Low positive +1 <u>Overall</u> - Low positive
Backpackers' Association	Establishment of links with operators and Council.	Low positive +1 <u>Overall</u> - Low positive

Negative licensing

Stakeholder	Impact	Weighting
Local government	Development and implementation of new regulatory regime.	Low negative -1
	Loss of fees to cover administrative costs.	Low negative -1
	Reduction in administrative processes, ie. no permit applications.	Low positive +1
	Possibility of lack of knowledge of when new operators enter the market.	Low negative -1
	Loss of ability to set site specific conditions - may result in lowering of standards and as a result increase complaints. Also, to change the standards, the local law will need to be amended, whereas under the permit system Council could simply change the conditions in a permit.	Low negative -1
	Higher fines.	Low positive +1
		<u>Overall</u> - Low negative
Existing operators	Reduction in operating costs ie. no permit renewal applications required and no fees.	Low positive +1
	Increase in competition through removal of barrier to entry.	Low negative -1
	Higher fines for non-compliance.	Low negative -1
	Standards apply to all operators equally.	Low positive +1
	Greater onus on operators to ensure compliance with standards in local law.	Low negative -1
		<u>Overall</u> - Low negative
Potential operators	Removal of barrier to entry.	Low positive +1
	Rules are know prior to entry.	Low positive +1
	Higher fines for non-compliance.	Low negative -1
	Greater onus on operators to ensure compliance with standards in local law.	Low negative -1

Stakeholder	Impact	Weighting
		Overall - Neutral
Residents/tenants	<p>Possibility of decrease in standards due to loss of Council power to assess operators prior to entering the market and loss of power to set site specific conditions.</p> <p>Potential for improved service, lower prices and greater differentiation between service providers as a result of greater competition from removal of the barrier to entry to the market.</p>	<p>Low negative -1</p> <p>Low positive +1</p> <p>Overall - Neutral</p>
Immediate neighbours	Possibility of decrease in amenity due to loss of Council power to set site specific conditions.	<p>Low negative -1</p> <p>Overall - Low negative</p>
Tourist operators	Removal of barrier to entry should be a boost to competition in the market and impact in a positive way on tourist operators.	<p>Low positive +1</p> <p>Overall - Low positive</p>
Pensioners' representative bodies	As Council approval is removed (ie. no permit required) the representative bodies may become the focus of any complaints from residents/tenants.	<p>Low negative -1</p> <p>Overall - Low negative</p>
Backpackers' Association	As Council approval is removed (ie. no permit required) the Association may become the focus of any complaints from residents/tenants.	<p>Low negative -1</p> <p>Overall - Low negative</p>

SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVES

In summary, analysis of the alternatives provides the following information:

Co-regulation

Local government	Existing operators	Potential operators	Residents/ tenants	Immediate neighbours	Tourist operators	Pensioners' representative bodies	Backpackers' Association
Neutral Overall the impact is neutral. While there are costs involved in establishing a new system, the long term benefits may outweigh these costs.	Low positive impact Overall the impact on existing operators would be positive. Benefits should flow from the opportunity to develop a new local law in consultation with other stakeholders.	Low positive impact Overall the impact on existing operators would be positive. Benefits should flow from the opportunity to develop a new local law in consultation with other stakeholders.	Low positive impact Residents may benefit from the opportunity to input into development of new local law.	Low positive impact Residents may benefit from the opportunity to input into development of new local law.	Low positive impact There is potential for local tourism industry to gain a benefit from better relations between stakeholders.	Low positive impact Benefits may result from involvement in process of developing new local law.	Low positive impact Benefits may result from involvement in process of developing new local law.

Overall, the analysis of costs and benefits has determined there would be a negligible net benefit in moving to a co-regulation regime. There would be some costs initially in developing and implementing a new local law. Long term benefits may accrue from the process of bringing stakeholders together to develop the new local law such as, establishment of links between stakeholders and fostering better relations between stakeholders, greater compliance by operators and reduced administration for Council.

Negative licensing

Local government	Existing operators	Potential operators	Residents/tenants	Immediate neighbours	Tourist operators	Pensioners' representative bodies	Backpackers' Association
<p>Low negative impact</p> <p>Some benefits accrue from reduction in administrative burden but these are offset by the potential for increased complaints and loss of fees.</p>	<p>Low negative impact</p> <p>A small reduction in operating costs would result from removal of fees but this is offset by higher fines for non-compliance and a greater onus on operators to ensure compliance.</p>	<p>Neutral</p> <p>Potential operators benefit from removal of barrier to entry and knowledge of "rules" prior to entry. However, higher fines apply for non-compliance and there is a greater onus on operators to ensure compliance.</p>	<p>Neutral</p> <p>Two scenarios are possible. On one hand standards could decline through removal of Council in assessing new operators prior to entering the market and loss of power to set site specific conditions. On the other hand, residents could benefit from increased competition in the market with improved product/service, greater choice and differentiation between providers</p>	<p>Low negative impact</p> <p>Potential for a decrease in amenity through loss of Council power to set site specific conditions.</p>	<p>Low positive impact</p> <p>Tourism industry should benefit through greater competition in the market.</p>	<p>Low negative impact</p> <p>Potential for an increase in complaints from residents.</p>	<p>Low negative impact</p> <p>Potential for an increase in complaints from residents.</p>

Overall, the analysis of costs and benefits has determined there would be a net cost in moving to a negative licensing regime. While some benefits would accrue to operators, these are offset by higher fines for non-compliance. Other stakeholder groups would be negatively impacted as a result of loss of Council power to set site specific conditions.

Summary and conclusions

The analysis has showed that there would be a net cost to the community in moving to a negative licensing regime. This alternative is not viable and should be set aside.

The analysis has also determined there would be only a limited benefit to the community as a whole in moving to a co-regulation regime.

SCHEDULE 5 — OPERATION OF TEMPORARY ENTERTAINMENT EVENTS

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVES

Planning scheme

Stakeholders	Impacts	Weighting
Local government	Costs of moving to new regime, ie. repealing local law, amending planning scheme, educating staff, existing operators, community etc. - but once off cost so low impact.	Low negative (-1)
	Loss of fees from removal of permit regime but as fees not substantial impact low.	Low negative (-1)
	Streamlining of administration procedures ie. rationalisation of regulatory instruments.	Low positive (+1)
	Harder to enforce conditions through planning scheme: - loss of ability to suspend or cancel a permit; - higher costs with Planning and Environment Court; - minimal flexibility for changing operating conditions	High negative (-5)
		Overall - Low/moderate negative
Existing operators	No permit renewal fees.	Low positive (+1)
	Some uncertainty exists as to the position of existing operators under a move to regulation by the planning scheme - that is, there may be an absence of regulatory control over existing operators from removal of the permit regime - they become non-conforming uses under the planning scheme.	Low positive (+1)
		Overall - Low positive

Stakeholders	Impacts	Weighting
Potential operators	<p>No permit required.</p> <p>Establishment costs are likely to be higher and time delays may result through requirement to advertise consent application.</p> <p>Appeal rights if application rejected.</p>	<p>Low positive (+1)</p> <p>Moderate negative (-3)</p> <p>Low positive (+1)</p> <p>Overall - Low negative</p>
Entertainment venue users/consumers	Reduction in operating costs (ie no permit application/renewal fees) should be passed on to consumers by way of lower prices for product/service but rated low as price reductions not likely to be large.	<p>Low positive (+1)</p> <p>Overall - Low positive</p>
Residents in close proximity to existing entertainment venues	Through the removal of the permit regime there may be some nuisance impacts from existing operators - ie. local government loses the ability to cancel or suspend a permit - removal of permit regime could mean operators no longer have to comply with conditions of permit.	<p>Moderate negative (-3)</p> <p>Overall - Moderate negative</p>
General community	Under the planning scheme residents will be informed of any new proposed entertainment venue and will be able to object to the applications but considered low impact as market not likely to support many new operators.	<p>Low positive (+1)</p> <p>Overall - Low positive</p>
Progress Association	<p>Under the planning scheme the Progress Association will be informed of any new proposed entertainment venue and will be able to object to applications.</p> <p>As a body representative of the community, the PA may be negatively impacted through the loss of local government control over existing operations ie. it will not be able to press the local government to enforce permit conditions or change permit conditions when the need arises.</p>	<p>Low positive (+1)</p> <p>Moderate negative (-3)</p> <p>Overall - Low negative</p>

Negative licensing

Stakeholders	Impacts	Weighting
Local government	Costs of moving to new regime, ie amending local law, educating staff, existing operators, community etc.	Moderate negative (-2)
	Loss of fees from removal of permit regime but as fees not substantial impact low.	Low negative (-1)
	Reduction in administrative burden ie. no processing of permit applications and renewals.	Low positive (+1)
	Higher fines.	Low positive (+1)
	Higher enforcement costs through necessity to take legal action, ie. not able to suspend or cancel permits.	Moderate negative (-2)
	Loss of flexibility/control ie. not able to set site specific conditions and no control over entry to market.	Moderate negative (-2)
	Standards can only be changed by changing local law.	Neutral
	Better relations with business - equally applied conditions (ie. generic standards).	Overall – Moderate negative
Existing operators	No permit renewal fees.	Low positive (+1)
	Higher fines for non-compliance. However, legal action is usually only taken as a last resort and therefore the impact is likely to be low.	Low negative (-1)
	Potential to improve business performance and innovation to meet output standards.	Low positive (+1)
	Standards applied equally to all in business sector.	Low positive (+1)
	More competition.	Low negative (-1)
		Overall - Low positive

Stakeholders	Impacts	Weighting
Potential operators	<p>No permit required.</p> <p>Higher fines for non-compliance.</p> <p>Potential for improved business performance and innovation to meet output standards.</p> <p>Standards known before entering business and applied equally to all in business sector.</p>	<p>Low positive (+1)</p> <p>Low negative (-1)</p> <p>Low positive (+1)</p> <p>Low positive (+1)</p> <p><u>Overall</u> - Low/moderate positive</p>
Entertainment venue users/customers	<p>Greater choice of service/product provider and greater service/product differentiation.</p> <p>Lower prices through more competition but not likely to be large price reductions.</p> <p>Possible reduction in standards at some venues through loss of local government power to apply site specific conditions.</p>	<p>Low positive (+1)</p> <p>Low positive (+1)</p> <p>Low negative (-1)</p> <p><u>Overall</u> - Low positive</p>
Residents in close proximity to existing entertainment venues	<p>Existing venues likely to maintain operations at standard of permit conditions so not likely to be any impacts.</p>	<p>Neutral</p> <p><u>Overall</u> - Neutral</p>
General community	<p>Not likely to be any impacts on general community.</p>	<p>Neutral</p> <p><u>Overall</u> - Neutral</p>
Progress Association	<p>Removal of local government power to apply site specific conditions may result in lower standards in relation to new venues and therefore require increased activism. Rated low as impact in relation to new venues only.</p>	<p>Low negative</p> <p><u>Overall</u> - Low negative</p>

SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVES

In summary, analysis of the costs and benefits of moving to the alternatives provides the following information:

Planning scheme

Local government	Existing operators	Potential operators	Entertainment venue users/consumers	Residents in close proximity to existing venues	General community	Progress Association
<p>Low/ moderate negative impact</p> <p>Overall the impact on local government from moving to reliance on the planning scheme would be negative.</p> <p>The local law provides a less costly method of meeting the objectives of the local law.</p>	<p>Low positive impact</p> <p>Existing operators would save on not having to pay permit renewal fees.</p> <p>Although some uncertainty exists, savings are likely to accrue from no longer having to comply with permit conditions.</p>	<p>Low negative impact</p> <p>Overall the impact on potential operators would be negative. While small savings would result from the removal of permit application and renewal fees, establishment costs would be greater.</p>	<p>Low positive impact</p> <p>Price reductions for service/product but not likely to be large.</p>	<p>Moderate negative impact</p> <p>The impacts on residents could be substantial if local government does not have control over existing venues.</p>	<p>Low positive impact</p> <p>The general community would be impacted positively through the knowledge of proposed new business ventures and the opportunity to object or input.</p>	<p>Low negative impact</p> <p>On the one hand the Progress Association loses some ability to ensure interests of close residents are protected but on the other would have knowledge of any new proposals and have the opportunity to object or input.</p>

Overall, the analysis of costs and benefits has determined there would a net cost in moving to the alternative of reliance on the planning scheme. While some positive impacts would result, there are potentially substantial risks to public health and safety, the environment and amenity through loss of local government control over operators. Enforcement costs for local government would also be substantially higher than under the current regime.

Negative licensing

Local government	Existing operators	Potential operators	Entertainment venue users/consumers	Residents in close proximity to existing venues	General community	Progress Association
<p>Moderate negative impact</p> <p>While the administrative burden is reduced local government receives no fees and has less control over operations.</p>	<p>Low positive impact</p> <p>Reduction in “red tape” and operating costs and more freedom to meet standards in innovative ways.</p>	<p>Low/moderate positive impact</p> <p>No barrier to entry to market and freedom to meet standards in innovative ways.</p>	<p>Low positive impact</p> <p>Greater choice of service/product provider and lower prices through competition.</p>	<p>Neutral</p> <p>Not likely to be any impacts.</p>	<p>Neutral</p> <p>Not likely to be any impacts.</p>	<p>Low negative impact</p> <p>Removal of local government power to apply site specific conditions may result in lower standards at some venues resulting in need for increased activism.</p>

Overall, the analysis of costs and benefits has determined there would be a negligible benefit in moving to a negative licensing regime. Loss of local government power to set site specific conditions is offset by a range of positive impacts accruing to business and consumers from freeing up restrictions on business.

PUBLIC INTEREST TEST REPORT**ANIMAL MANAGEMENT (AMENDMENT) LOCAL LAW (NO. 1) 2017 AND
ANIMAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1)
2017**

A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in proposed Animal Management (Amendment) Local Law (No. 1) 2017 and Animal Management (Amendment) Subordinate Local Law (No. 1) 2017. The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement which were outlined in the public interest test plan. A copy of the public interest test plan is attached.

The public interest test report has been prepared in accordance with guidelines issued by the Department of Local Government called up by regulation under the *Local Government Act 2009*.

RESULTS OF CONSULTATION PROCESS

Consultation with the public and key stakeholders occurred over a three week period. An advertisement was placed in the local paper at the commencement of the consultation period advising of the review and calling for submissions. Notices were posted on notice boards within the local government area during the consultation period. Direct notification of the review was sent to all key stakeholders.

Submissions received and arguments presented (if any) are annexed to this Public Interest Test Report.

REASSESSMENT OF ALTERNATIVES

The consultation process results show that both alternatives, negative licensing and town planning scheme, are still considered to be realistic alternatives to the current permit regime.

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVE

Negative licensing:

Stakeholder	Impact	Weighting
Local government	Cost to local government to establish new regime (modifying local law). This is a once off cost.	Low negative (-1)
	Increased risk of exposure to public liability claims. Possible claims of neglect in duty of care to public.	Low negative (-1)
	Increased enforcement costs.	Low negative (-1)
		<u>Overall</u> - Low negative
Business	Existing business Increased penalties for non-compliance with standards of local law.	Low negative (-1)
	Standards would be known.	Low positive (+1)
	Increase in competition but not assessed as being substantial as population is stable in the area and market not likely to support further operators.	Low negative (-1)
	Potential new business Reduced barrier to entry to market but as population stable not large potential for increased operators.	Low positive (+1)
	Standards would be known.	Low positive (+1)
		<u>Overall</u> - Low positive
Consumers	Price reduction through greater competition and reduced operating costs passed on from operators. However, saving not likely to be substantial.	Low positive (+1)
	Increase in choice of operator. But not huge potential for growth so impact low.	Low positive (+1)
	Increase in health risks. The local government would not be able to move quickly to stop an operator found to be not complying with standards set under the local law.	Moderate negative (-3)
		<u>Overall</u> - Low/moderate negative
Animal Interest Groups (if any)	Potentially an increase in monitoring role but some uncertainty as to degree of impact.	Low negative (-1)
		<u>Overall</u> - Low negative
Neighbours	Greater responsibility to take complaints to Council	Low negative (-1)
	Increased risk to health, amenity and occurrence of nuisances	Moderate negative (-3)
		<u>Overall</u> - Moderate negative

Town planning:

Stakeholder	Impact	Weighting
Local government	Increased enforcement costs: Would have to go to the Planning and Environment Court	Low negative (-1)
	Decrease in red tape - no duplication in local laws and planning scheme	Low positive (+1)
		<u>Overall</u> - Neutral
Business	Existing business Potential for increased penalties for non-compliance with standards of local law.	Low negative (-1)
	Potential new business Reduced barrier to entry to market but as population stable not large potential for increased operators.	<u>Overall</u> - Neutral Low positive (+1)
		<u>Overall</u> - Low positive
Consumers	Price reduction through greater competition and reduced operating costs passed on from operators. However, saving not likely to be substantial.	Low positive (+1)
	Increase in choice of operator. But not huge potential for growth so impact low.	Low positive (+1)
	Increase in health risks. The local government's power to enforce standards will be via court action only.	Moderate negative (-3) <u>Overall</u> - Low negative
Animal Interest Groups (if any)	Potentially an increase in monitoring role but some uncertainty as to degree of impact.	Low negative (-1) <u>Overall</u> - Low negative
Neighbours	Opportunity to provide submissions when a new business is seeking approval.	Low positive (+1) <u>Overall</u> - Low positive

_SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVE

In summary, comparison of the alternatives provides the following information:

Alternative	Local Government	Business	Consumers	Animal Interest Groups	Neighbours
Negative licensing	Low negative impact Reduced local government ability to control the businesses and hence may expose public to health risks and decreases in amenity.	Low positive impact Positive impacts of reduced operating costs and reduction in entry to market are offset by increased penalties for	Low/moderate negative impact Decrease in price for services is likely to be nominal while the increase in health risks is potentially substantial due to numbers of consumers.	Low negative impact Potential for an increased monitoring role.	Moderate negative impact Greater responsibility to take complaints to council and if standards aren't met there is a greater risk of decrease in health and amenity.

Alternative	Local Government	Business	Consumers	Animal Interest Groups	Neighbours
		non-compliance.			
Town planning	Neutral impact It would be necessary for Council to repeal the local law and make amendments, if necessary, to the Planning Scheme.	Low positive impact Reduced barrier to entry - however this is not seen as being a large benefit.	Low negative impact There is the potential for lower costs but this may be offset by operators not meeting standards.	Low negative impact Potential for a greater monitoring role.	Low positive There will be opportunity to provide submissions about any new proposal subject to the amendment of the planning scheme.

Overall, the analysis of costs and benefits has determined there would a net cost in moving to a negative licensing regime. The only stakeholder group to obtain any benefits from the change to negative licensing would seem to be the operators and this benefit to them is quite low. Therefore, the current regime should not be changed to a negative licensing regime.

With respect to repealing the anti-competitive provisions from the local law and relying on the town planning scheme, the analysis of costs and benefits has determined that there may be a negligible benefit to the community as a whole. Costs to both the Council and the operators may be reduced. If standards are enforced by the Council there should be no decrease in amenity nor increase in health and safety risks.

RECOMMENDATIONS

Each possible anti-competitive provision reviewed is an anti-competitive provision and should be retained in its current form in the public interest.

PUBLIC INTEREST TEST REPORT**COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) LOCAL LAW (NO. 1) 2017 AND COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2017**

A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in proposed Community and Environmental Management (Amendment) Local Law (No. 1) 2017 and Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2017. The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement which were outlined in the public interest test plan. A copy of the public interest test plan is attached.

The public interest test report has been prepared in accordance with guidelines issued by the Department of Local Government. The guidelines have been applied by regulation under the *Local Government Act 2009*.

RESULTS OF CONSULTATION PROCESS

Consultation with the public and key stakeholders occurred over a three week period. An advertisement was placed in the local paper at the commencement of the consultation period advising of the review and calling for submissions. Notices were posted on notice boards within the local government area during the consultation period. Direct notification of the review was sent to all key stakeholders.

Submissions received and arguments presented (if any) are annexed to this Public Interest Test Report.

REASSESSMENT OF ALTERNATIVES

Following assessment of the results of the consultation process it is considered that no grounds were advanced to support the introduction of another regulatory or non-regulatory alternative. It is considered that the introduction of an alternative control mechanism would have moderate negative impacts on the community in general.

No submission contained any supporting grounds which identified a benefit to the community by establishing an alternative control.

RECOMMENDATIONS

Each possible anti-competitive provision reviewed is an anti-competitive provision and should be retained in its current form in the public interest.

Public Interest Test Plan

Local Law No. 8 (Waste Management) 2017

1. Introduction

In accordance with its obligations under section 38 of the *Local Government Act 2009* (Qld), Bundaberg Regional Council (Council) is conducting a public interest test on possible anti-competitive provisions identified in proposed *Local Law No 8 (Waste Management) 2017*.

The public interest test process was instituted as a result of the National Competition Policy reforms which commenced in the mid-1990s. The test will be conducted against the principles and objectives set by the Competition Principles Agreement (CPA) which was entered into between the States and Territories and the Commonwealth of Australia as part of those reforms.

Under clause 5(1) of the CPA, Commonwealth and State governments agreed to the principle that legislation should not restrict competition unless it can be demonstrated that:

- the benefits of restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

Under clause 5(9) of the CPA, a public interest test of legislation (including local laws) that restricts competition is required to:

- clarify the objectives of the legislation;
- identify the nature of the restriction on competition;
- analyse the likely effect of the restriction on competition and on the economy generally;
- assess and balance the costs and benefits of the restriction; and
- consider alternative means of achieving the same result including non-legislative approaches.

Without limiting the matters to be taken into account in a review, clause 1(3) of the CPA sets out matters which should be taken into account as follows:

- government legislation and policies relating to ecologically sustainable development;
- social welfare and equity considerations, including community service obligations;
- government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- economic and regional development, including employment and investment growth;
- the interests of consumers generally or of a class of consumers;
- the competitiveness of Australian businesses; and
- the efficient allocation of resources.

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2017

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This public interest test plan has been prepared in accordance with the *National Competition Policy Guidelines for conducting reviews on anti-competitive provisions in local laws*, version 1 (the Guidelines), issued by the Queensland Department of Infrastructure, Local Government and Planning, (as it was at the time the Guidelines were issued) and called-up under the *Local Government Regulation 2012*. The Guidelines set out the criteria for identifying possible anti-competitive provisions and the process for conducting reviews of those provisions.

In preparing this public interest test plan, Council has also had regard to the *Public Benefit Test Guidelines* dated October 1999 issued by Queensland Treasury.

This public interest test plan details the activities to be conducted during the test and identifies the depth of analysis to be carried out on the possible anti-competitive provisions.

2. Definitions

The following expressions used in this plan have the following meanings:

- **Council** means the Bundaberg Regional Council.
- **Proposed Local Law** means the proposed *Local Law No. 8 (Waste Management) 2017*.

3. Objective of Proposed Local Law

The object of the Proposed Local Law is to protect the public health, safety and amenity related to waste management by—

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

Specifically, the Proposed Local Law is aimed at replacing the expiring provisions in Chapter 5A of the *Environmental Protection Regulation 2008* (EP Regs) and section 7 in Part 2A of the *Waste Reduction and Recycling Regulation 2011* (WRR Regs).

Chapter 5A of the EP Regs provides Council with the ability to take action for matters relating to:

- supply of waste containers
- storage of general waste
- storage/keeping of waste containers
- removal of general waste
- storage and treatment of industrial waste

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2017

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The provisions also address the following matters at waste facilities:

- unlawful disposal
- burning waste
- restrictions at the waste facility
- ability to give direction to a waste transporter.

Section 7 of the WRR Regs enables Council to designate waste collection areas.

4. Details of anti-competitive provisions

The possible anti-competitive provisions which have been identified in the Proposed Local Law are identified in the **Attachment 'A'** to this plan.

5. Current environment

The Proposed Local Law deals with waste management issues which impact on lifestyle. Its object in doing this is to protect the environment and public health, safety and amenity within the local government area. This purpose or object is achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity.

Without the Proposed Local Law in place, on the expiry of Chapter 5A of the *Environmental Protection Regulation 2008*, waste management may not be regulated or controlled to an extent necessary to protect the environment and public health, safety and amenity within the local government area. There is, potentially, an environmental, public health, safety and amenity risk which the Proposed Local Law addresses. Without the Proposed Local Law, risks associated with the regulation and control of waste management may be transferred to the general community with a resultant increase in risk to the environment, public health, safety and amenity within the local government area.

As noted above, the Proposed Local Law is aimed at replacing the expiring section 7 of part 2A of the *Waste Reduction and Recycling Regulation 2011*. In particular, section 5 of the Proposed Local Law gives Council the power to:-

- designate areas within the local government area of Council in which Council may conduct general waste or green waste collection; and
- decide the frequency of general waste or green waste collection in the designated areas.

A substantive part of Council's local government area is currently designated as an area in which Council will conduct general waste collection.

Section 5 of the Proposed Local Law is an integral, and crucial, part of how Council regulates waste management in Council's local government area.

In respect of the area which is designated as an area in which Council will conduct general waste collection, Council may, at a practical level, achieve better protection of the environment, public health and amenity. Absent the power to designate an area as an area in which Council will conduct general waste collection:

- the owners and occupiers of premises at which general waste (including commercial waste) is generated are left to make ad hoc arrangements about the collection of general waste (including commercial waste); and
- ad hoc arrangements may result in an increase in noise nuisance, a loss of amenity and an increase in public health and safety problems; and

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Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2017

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- issues such as those identified above will arise in circumstances where the premises at which general waste collection activities are undertaken are situated in close proximity to each other, and in circumstance where, for example, commercial waste is collected from premises used for commercial purposes and the premises are situated in close proximity to premises which are used for domestic purposes.

The control that the Proposed Local Law gives the Council is, potentially, a barrier to entry to a market and a restriction on the conduct of commercial operations as follows:-

- Owners and occupiers of premises, including domestic premises and commercial premises are obliged to supply waste containers for the premises, however, Council, or its contractor, may supply the waste containers and the reasonable cost of supplying the waste containers is a debt payable by the owner or occupier of the premises to Council.
- Council prescribes requirements for storing general waste in containers at premises, including domestic premises and commercial premises.
- Council prescribes requirements for keeping waste containers at serviced premises, including domestic premises and commercial premises.
- Council prescribes other requirements for storing general waste at particular serviced premises, including domestic premises and commercial premises.
- Council may give the occupier of premises notice about the removal of general waste, including the removal of general waste from domestic premises and commercial premises.
- Council may prescribe requirements for the storage of industrial waste at premises.
- Council prescribes requirements about the treatment of industrial waste generated at commercial premises which is to be disposed of at a waste facility.
- Council prescribes requirements about the disposal of waste at waste facilities and requirements about the use of waste facilities.

In the context of waste management, it is unlikely that the Proposed Local Law will:

- impact on the business environment in terms of size, distribution and participation in the market; or
- place restrictions on business ownership, structural form, business behaviour or product/service quality.

In the context of waste management, the extent to which the Proposed Local Law impacts on Council's local government area will be dictated by the extent to which Council, under section 5 of the Proposed Local Law:

- designates areas within its local government area in which Council may conduct general waste or green waste collection; and
- decides the frequency of general waste or green waste collection in the designated areas.

The Proposed Local Law makes no distinction between commercial and non-commercial activities. The Proposed Local Law is anti-competitive to the extent that the provisions identified as possible anti-competitive provisions may have the effect of regulating some business activity. The business activity may be a business activity undertaken at premises by the owner or the occupier of the premises which results in the production of general waste. The business activity may also consist of the collection of general waste by, for example, a contractor of Council pursuant to a contractual arrangement entered into between Council and the contractor.

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2017

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The Proposed Local Law may also have an impact on the undertaking of the business activity of the collection of general waste from premises used for commercial activities or non-commercial activities by, for example, a contractor other than a contractor which has entered into a contractual arrangement with Council about the collection of general waste. Such a waste contractor would have limited opportunities to compete with Council services in the waste collection market within a designated collection area.

However, where Council contracts with a waste collection contractor, there are opportunities to enter a competitive tender process to win the Council waste collection contract.

The Proposed Local Law is in addition to, and does not derogate from, State laws about environmental management and protection. This reduces the application of the Proposed Local Law in respect of commercial activities.

Without the Proposed Local Law in place, Council would be required to rely upon other mechanisms: other local laws, State legislation, common law action etc to control nuisances arising from the unregulated collection and storage of waste. Without an effective method of controlling the storage and collection of waste, environmental, health and safety risks would be imposed on the community in the local government area.

The Proposed Local Law prescribes requirements about the disposal of waste at waste facilities and requirements about the use of waste facilities. Compliance with these requirements may have the effect of regulating some business activity. In particular, contractors who are engaged in the business of the collection of waste and the delivery of waste for disposal at waste facilities may be impacted by the imposition of an obligation to comply with requirements about the disposal of waste at waste facilities and requirements about the use of waste facilities.

6. Confirm sections are anti-competitive

At this stage, the possible anti-competitive provisions that have been identified are still considered to be anti-competitive. The provisions will be reviewed again at the conclusion of the public consultation process.

7. Determination of exclusions

The Proposed Local Law is not excluded from the review of anti-competitive provisions under the Guidelines.

8. Preliminary assessment

A preliminary assessment has been conducted in accordance with the Guidelines. Council is not presently satisfied that there will not be any significant impacts from the possible anti-competitive provisions. Accordingly, the review process will be conducted in accordance with the principles set out in the Guidelines.

9. Realistic regulatory and non-regulatory alternatives

The objects of the Proposed Local Law are specified above.

Regulation is considered to be an effective and appropriate means of achieving the objectives of the Proposed Local Law. The utility of the proposed regulation is limited, absent the inclusion in the Proposed Local Law of section 5, which gives Council the power to designate areas in which Council will conduct general waste collection and decide the frequency of general waste or green waste collection in the designated areas.

Regulatory and non-regulatory alternatives available to Council which may achieve the objectives of the Proposed Local Law are listed in the Guidelines. The following alternatives were considered to be "realistic" alternatives and given further consideration:

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- regulation — public vs private action;
- public information and education programs.

Council identified a further alternative of relying on the planning scheme to control storage and collection of waste issues relating to the undertaking of commercial activities.

After giving careful consideration to these alternatives all were considered to be not viable for the following reasons:

- **Regulation - public vs. private action** - This regime would involve a change to the Proposed Local Law to provide that where more than three complaints were received, Council would take action. Up to and including the third complaint, Council would not take action but it would be open to individuals to take action in respect of a nuisance caused by unsatisfactory storage and collection of waste practices. In this way, Council would only be acting in genuine situations of nuisance rather than having to respond to what are, for example, vexatious complaints.

While the alternative may provide some benefit to Council, it was considered to be only nominally less anti-competitive than the proposed regime. There was also concern that some genuine complaints would not be acted upon under this regime thereby limiting the rights of individuals and the community in respect of public health and safety and amenity. It may also be conceived by the community as an abrogation of local government responsibility and duty of care.

- **Public information and education program** - Consideration was given to this alternative but it was felt that Council does not have the necessary resources available to undertake an appropriate education program. It was also considered that some form of regulatory control was necessary in order for Council to act immediately in situations posing an unacceptable risk to public health and safety or causing a nuisance.
- **Planning scheme** - This alternative would require the local law to be amended to specify that its application relates to non-commercial activities only. Regulation of storage and collection of waste and nuisance issues with respect to commercial activities would be by way of planning instruments.

There are several impacts which would arise from this alternative. The main difficulty with moving to use of the planning scheme relates to the question of whether Council would have adequate control over existing businesses. Under the planning scheme, where new developments require some kind of approval, Council could place conditions on the approval dealing with issues such as storage and collection of waste. However, in relation to existing businesses, unless an approval under the planning scheme was required and unless that original approval made provision for the activities covered by the Proposed Local Law, Council would have no power under the planning scheme to control the activities covered by the Proposed Local Law. Council may have recourse to a variety of powers under State legislation, for example, the Environment Protection Act 1994 but it would depend on the individual situation as to whether these or other Acts could be invoked and the degree of their effectiveness is uncertain.

Also, the planning scheme cannot provide for a once-off occasion of significant intensity where the undertaking of a business activity may result in increased, or exceptional, storage and collection of waste issues, which could be the subject of Council regulation under the Proposed Local Law.

10. Key stakeholders affected by the current situation and by a move to alternative arrangements

While no alternative has been identified as being viable at this stage, the stakeholders involved in this review are considered to be the following:

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- Local government
- State
- Owners and occupiers of premises used for domestic purposes at which general waste is generated
- Owners and occupiers of commercial premises at which general waste is generated
- Potential owners and occupiers of premises used for domestic purposes at which general waste is generated
- Potential owners and occupiers of commercial premises at which general waste is generated
- Waste collection contractors (other than Council's contracted waste collection contractor) responsible for the collection of general waste from premises, and in particular commercial premises, which generate general waste in Council's local government area
- Council's contracted waste collection contractor which is responsible for the collection of general waste from premises (including commercial premises) which generate general waste in Council's local government area
- Residents in close proximity to premises used for domestic purposes
- Residents in close proximity to premises used for the undertaking of commercial activities
- Conservation/environment groups

11. Type of assessment and level of resources required

The assessment will comply with the following principles set out in the Guidelines:

1. Consultation with relevant businesses about the anti-competitive provisions;
2. Examination of the reasonable alternatives to the anti-competitive provisions;
3. A cost benefit analysis that involves calculating the value of the impacts, both positive and negative, of the anti-competitive provisions.
4. Determining whether on balance the anti-competitive provisions should be retained in the Proposed Local Law in the overall public interest.

In conducting the assessment Council will also have regard to the Public Benefit Test Guidelines dated October 1999 of Queensland Treasury. The assessment will be conducted by Council as a minor assessment. The emphasis will be on qualitative analysis with key impacts expressed in monetary terms where data is available.

The review will be conducted in-house by a team of Council officers.

12. Extent of consultation to be conducted

Consultation will be conducted by giving public notice of the Proposed Local Law in the local newspaper and inviting submissions. Public notices will also be posted on the public notice boards in Council's Customer Contact Centres, on Council's website and letters will be sent to representative bodies advising of the Proposed Local Law and inviting submissions. The public notice will also advise that the consultation on anti-competitive provisions is being conducted with the public consultation for the Proposed Local Law.

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The public interest test plan and copies of the Proposed Local Law will also be open to inspection at Council's Customer Contact Centres.

13. Timeframe for conducting the public interest test

The time-frames for conducting the public interest test will be as follows:

Commence public interest test	<i>[Specify date]</i>
Estimate of time for completing public interest test	2 months, including consultation period.
Consultation period	Minimum of 3 weeks (21 days)
Target date for presenting report to local government	The Council meeting to be convened by Council 2 months after the commencement of the public interest test.

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14. Determine content of the public interest test report

The public interest test report will provide:-

- a summary of the consultation process including a list of affected groups consulted and the outcomes of consultation;
- a statement of alternatives which are assessed to be not viable;
- a summary of the positive and negative impacts associated with the alternatives compared to the existing environment;
- a summary of the net impacts (positive or negative) associated with the alternatives; and
- recommendations.

15. Public interest test plan approval

This decision has been delegated by Council to the Chief Executive Officer. The *Local Government Act 2009* allows this decision to be delegated by Council. Council will not delegate any decision in respect of recommendations contained in the actual public interest test report.

Approved by:



Chief Executive Officer

Dated: 09/02/2018

ATTACHMENT A

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Local Law:

Local Law No. 8 (Waste Management) 2017

Purpose:

The purpose of the local law is to protect the public health, safety and amenity related to waste management by:-

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - harm to human health or safety or personal injury; or*
 - property damage or loss of amenity; or*
 - environmental harm or environmental nuisance.*

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 6(1)	5 – prescribed standard 7 – business restriction	The local government may prescribe requirements about the supply of standard general waste containers and waste containers other than standard general waste containers. Compliance with the requirements may have an impact on the conduct of a business activity.
Local Law, section 7(1) and (2)	5 – prescribed standard 7 – business restriction	Requirements are prescribed for the storage of general waste in waste containers. Compliance with the requirements may have an impact on the conduct of a business activity.
Local Law, section 8(1) and (2)	5 – prescribed standard 7 – business restriction	Requirements are prescribed for the keeping of waste containers at serviced premises. Compliance with the requirements may have an impact on the conduct of a business activity.
Local Law, section 9(1) and (2)	5 – prescribed standard 7 – business restriction	Requirements are prescribed for the storage of general waste at particular serviced premises and compliance with the requirements may have an impact

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2017

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Anti-competitive Provisions	Relevant criteria	Explanatory Comments
		on the conduct of a business activity.
Local Law, section 11	5 – prescribed standard 7 – business restriction	Requirements may be prescribed for the depositing and disposal of general waste at premises other than serviced premises. Compliance with the requirements may have an impact on the conduct of a business activity.
Local Law, section 12(1)	5 – prescribed standard 7 – business restriction	Requirements are prescribed for the storage of industrial waste. Compliance with the requirements may have an impact on the conduct of a business activity.
Local Law, section 13	5 – prescribed standard 7 – business restriction	Requirements may be prescribed about the treatment of industrial waste for disposal. Compliance with the requirements may have an impact on the conduct of a business activity.

Public Interest Test Plan 2017 - LL# (Waste Management) 2017

Carolyn Weekes

From: Michele Watson <michele@bundabergswimacademy.com>
Sent: Tuesday, 6 March 2018 3:41 PM
To: BRC CEO Incoming
Subject: Submission of Operation of Public Swimming Pools
Attachments: Michele Watson -Submission of the operation of a pool.pdf

Attention to Governance Manager - Christopher Joosen.

RE: Submission of Operation of Public Swimming Pools (Amendment) Subordinate Local Law (No. 1) 2017

I, Michele Watson, am the only operator of both a currently private and public swimming pool in the Bundaberg region. I am very passionate about all aspects of swimming in the region. I am also on the Board of Swimming Queensland and President of Fairymead Swimming Club. I have been involved in swimming in the region for 27 years from a grassroots level to elite. I strongly believe these subordinate laws will benefit the pools in the region especially ensuring all facilities maintain high quality water and facilities. I have attached my responses to the proposed subordinate laws for your review. I do have some concerns, mainly in regards to the definitions as well as the impacts to small business operators in the region.

BSA has had a great working relationship with the council over the last several years and are happy at any time to be involved in the consultation process to assist in the implementation of this law.

--

Kind Regards,
Michele Watson
Owner and Manager
Bundaberg Swimming Academy &
Manager of Norville Park Pool
0431 254 994



Bundaberg Swimming Academy
25 Fitzgerald Street Norville 4670
(07) 41512 655
www.bundabergswimacademy.com



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**Submission on the Bundaberg Regional Council Operation of Public Swimming Pools
(Amendment) Subordinate Local Law (No. 1) 2017**

I support the adoption of the Subordinate Local laws relating to the operation of a public swimming pool. On reviewing the Amendment I would like to make notes of the following:

Part 1. Preliminary

- (1) I support this short title
- (2) I support this subordinate local law amended

Part 2. Amendment of subordinate local law

3A Definitions

I strongly believe that many definitions are missing from this list. These are listed in schedule 2.

4 Amendment of s4 (Matters regarding the prescribed activity—Authorising local law, s6(3))

- (1) We support the heading change.
- (2)
 - (3) I support Public Pools being a category 2 activity.
 - (4) Refer to schedule 1 section 3 below for comments.
 - (5) Refer to schedule 1 section 4 below for comments.
 - (6) I cannot comment on this as there is no conditions to comment on. I do agree that guidelines maybe given but no set laws can be made. For example, Guidelines for Safe Pool Operation as provided by Royal Life Saving Australia.
 - (7) Refer to schedule 1 section 6 of below for comments.
 - (8) Refer to schedule 1 section 7 of below for comments.
 - (9) Refer to schedule 1 section 8 of below for comments.

5 Amendment of sch 1 (Operation of public swimming pools)

- (1) I agree with this omission.
- (1) I agree with amendment
- (2) I would like to see a definition of an operator of the public pool. For example, with Norville Park Pool, would this be council or Bundaberg Swimming Academy (BSA). For Bundaberg Swimming Academy (25 Fitzgerald Street, Norville) would this be BSA or would it be the owners of the facilities Simms & Hamlet? Current

lease arrangements would be affected by this change. Also, any tenders for council pools would need to be reviewed to meet this.

- (a) I strongly believe this is should be upheld.
 - (b) I believe facilities provided at the public swimming pool must be maintained in a clean and sanitary condition at all times.
 - (c) As above, I believe a definition of "operator" is required. For example, the current lease on Norville Park Pool requires council to maintain the facilities, fittings and some equipment. My lease on Bundaberg Swimming Academy requires BSA to maintain these items.
 - (d)
 - (i) I support this.
 - (ii) Once again I would like to see a definition of an "operator". In most cases the owner of the facilities is required to install and maintain plant equipment. And that is certainly the case for both Bundaberg Swimming Academy and Norville Park Pool.
 - (iii) Similar to above, the owner of the facilities should be required to provide dressing rooms but the leasee maintain. A definition "Operator" would once again be helpful.
 - (iv) I support this.
 - (e) I support this. But I think that it would be beneficial to refer to the Guidelines for Safe Pool Operation as provided by Royal Life Saving Australia.
 - (f) I support this.
 - (i) I support this.
 - (ii) I support this.
 - (iii) I support this.
- (3) We support this. We currently operate until this now.

(2) Schedule 1, after section 2—***3 Documents and materials that must accompany an application for an approval**

- (1) Would this apply to all current facilities or just new facilities?
- (2) Would this apply to all current facilities or just new facilities? Would this be required for each approval? What qualifications and experience would be required to operate a public swimming pool?
- (3) I support this.
- (4) I support this.
- (5) Would this be required for each approval or just the initial one?
- (6) Would this be required for each approval or just the initial one?
- (7) I support this.
 - (a) I support this but have concerns that public swimming pools would need to have the opportunity to operate 5am to 9pm, 7 days a week. Especially to ensure that the pool could be utilised for a range of community activities as well as competitions.
 - (b) I support this
 - (c) I support this

4. Additional criteria for the granting of an approval

- (1) I support this
- (2) I support this. Guidelines are provided by Royal Life Saving Australia.
- (3) I support this but believe the required qualifications should be
 - (a) Pool Plant Operator certificate; and
 - (b) Royal Lifesaving Pool Lifeguard
- (4) I support this.
- (5) I support this.
 - (a) Is this amount specified somewhere? Is there a ratio that could be listed?
 - (b) I support this.
- (6) I support this.

5. Conditions that must be imposed on an approval

- (1) As mentioned above there is no conditions to comment on. I do agree that guidelines maybe given but no set laws can be made. For example, Guidelines for Safe Pool Operation as provided by Royal Life Saving Australia.

6. Conditions that will ordinarily be imposed on an approval

- (1) I support this.

7. Term of an approval

- (1) I support this.
- (2) I support this.
- (3) I strongly believe that a term of 3 years would be more adequate. Many public pools operate under a lease arrangement, often under a 3 or 5 year term. Only being approved for 1 year may make it challenging for owners to lease their facilities. It would also make it challenging for a leasee to enter into a lease arrangement with a short term approval. I would also like to note that many pools in the Bundaberg region are seasonal and therefore do not operate May to September.

8. Term of renewal of an approval

- (1) I support this.
- (2) As above I would like to see this changed to 3 years.
- (3) I support this.

6 Insertion of new sch 2

Schedule 2 Dictionary

Building I support this

Nuisance I support this

Public Swimming Pool

- (a) I would like to see a definition for "Public". Would this apply to members of a club or program? For example, Fairymead Swimming Club members, NDIS funded participants, or school children participating in school swimming.
- (b) Does this include learn to swim? This could affect groups such as; Masters Swimming Club, Fairymead Swimming Club, Special Olympics participants, Down Syndrome Games Participants. Why are these groups singled out when other groups such as aqua aerobics, underwater hockey, Heart Start, Hydrotherapy have been excluded but use the facilities the same. All of our pools offer so much more than just swimming and diving competitions and training. Without the definitions of "public" and a "commercial relationship" it's challenging to fully respond to this point. But I would be very happy to discuss this further with those definitions clarified.
- (c) What is a commercial relationship?

The Building Act 1975 defines a **public pool** as; "a swimming pool open to the public, whether or not on payment of money, and operated by a local government or other statutory body under the Statutory Bodies Financial Arrangements Act 1982." Are there limitations on who operates a public pool? Would this affect back yard or mobile learn to swim operators? Will this include pools that are on

State or private school land that operate these activities? Will this affect businesses that currently lease facilities from state schools?

Sanitary Convenience I support this

Structure I support this

Swimming Pool I support this

Recommendations and questions:

- 1) What would the cost of an application be?
- 2) Operating Hours. Will these be restricted?
- 3) Will there be an education process for newly established public swimming pools.
- 4) Will businesses that are affected by this be given notice and directions on how to make the application? Who applies the landlord or the leasee?
- 5) How is this process going to be managed? Who within council enforces these laws and reviews procedures?
- 6) We are aware that various school and backyard swimming pools in the community are leased by private businesses or individuals for learn to swim, aqua, and squad training. Will these subordinate laws be enforced across the board on an equal playing field as often these small business operators are not monitored and regulated? Especially in regards to water quality, qualifications and facilities. This can often cause an unfair advantage in the marketplace.
- 7) For a mobile learn to swim or squad operator, will they be required to complete this for each facility they travel to? Will they require a Pool Plant Operators qualification and test each pool before lessons commence? In my opinion to uphold this law they should be made accountable and adhere to the same regulations to ensure the safe environment for all swimmers and staff.
- 8) How will this be enforced?

Signed:

Date:



6/3/18

Michele Watson
Bundaberg Swimming Academy & Norville Park Pool
148 Enterprise Street,
Norville QLD 4670
0431 254 994

CEO Bundaberg Regional Council

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

Governance Manager

Mr Christopher Joosen

RE: *Operation of Public Swimming Pools (Amendment) Subordinate Local Law (No. 1) 2017*

Dear Mr Joosen,

Please accept this as a submission for comment on the proposed amendments to Local Law (No.1).

As a property owner and landlord of the site Lot 5 on SP298180 currently operating as Bundaberg Swim Academy, my concern relates specifically to requiring clarity on a definition.

"Part 2 Amendment of subordinate local law

6 Schedule 2 Dictionary Section 3A

(c) persons who have a commercial relationship with the owner of the pool."

It is unclear as to how a "commercial relationship" is defined and further what deems to be "the owner of the pool". We seek clarification on these definitions to ascertain liability as the land owners and whether the implications stay with the leasee/tenant of the property whom is currently operating the business and associated pools.

As a primary stakeholder we make this submission and look forward to further consultation regarding this matter.

Kind Regards

Paul & Caroline Simms



4 Marquis Crt

Avenell Heights

paulandcarolinesimms@gmail.com

0418 731 195

Scott Hamlett



38 Tanner Street

Bargara

scottdinky@bigpond.com

0407 678 643

Michel Jenner

From: Christine McJannett <christinemcjannett@gmail.com>
Sent: Thursday, 1 March 2018 12:55 PM
To: BRC CEO Incoming
Subject: Review of Animal Control Laws

Categories: Organisational Services

Dear Steve Johnston CEO and Jack Dempsey Mayor of Bundaberg Regional Council and to all of the Councillors,

Could we please have a complete review of our animal control laws within our region?

Most importantly, could animal control be delegated the task of reviewing the laws around control of cloven foot animals.

Other areas I have lived in do not allow any cloven foot animals to reside within town limits.

Also numbers of dogs are usually controlled within town limits regardless of acreage.

I saw the potential to enhance Gin Gin for community and bring tourism and money to our local area by creating a nature park in the paddock I agisted from state government.

I watched platypus breed every year for 5 years but have not seen them since the slaughter yard block bordering the new nature park on the south east was sold to Allan Cole.

Over the last 3 years we have had continual problems with pigs, goats, sheep and numerous dogs. I have witnessed the dogs pulling a turtle from the creek, scouting the creek late at night and early in the mornings and lost a new horse on its first night due to the dogs chasing it through a fence.

Aside from my particular concerns, the pigs are continually ripping up plantings and the new bush tucker garden completed by our dedicated workers through the Gidarjil agreement.

Please advise if and when these laws can be strengthened to protect the platypus and the nature reserve.

Please advise of any other action recommended.

Faithfully,

Christine McJannett
Transformation Training Clinic
Counselling Services

*B.Social.Science/Psychology;
Ass.Dip.Social Science/ Community Welfare/Counselling
Dip.Counselling; Cert IV TAE; Cert IV Business
Cert 11 Security; Cert 111 Childrens Services*

0428 220 353

ABN 20 729 088 496

Michel Jenner

From: Amanda Sapolu
Sent: Wednesday, 7 March 2018 9:47 AM
To: Carolyn Weekes
Subject: FW: Review of Animal Control Laws

Importance: High

AMANDA SAPOLU
CHIEF LEGAL OFFICER

Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670
Tel: 1300 883 699
Fax: (07) 4150 5410
<http://bundaberg.qld.gov.au/>



From: Amanda Sapolu
Sent: Friday, 2 March 2018 11:35 AM
To: 'christinemcjannett@gmail.com'
Subject: FW: Review of Animal Control Laws
Importance: High

Dear Christine

Thank you for your email and thank you for taking an interest in governance in our region.

In your email, you have requested a review of the animal control laws. Can you please confirm whether your email is intended to be a submission as part of the local law review that Council is currently undertaking?
<http://www.bundaberg.qld.gov.au/council/local-laws/pits>

Regards

AMANDA SAPOLU
CHIEF LEGAL OFFICER

Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670
Tel: 1300 883 699
Fax: (07) 4150 5410
<http://bundaberg.qld.gov.au/>



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To: BRC CEO Incoming
Subject: Review of Animal Control Laws

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Please advise of any other action recommended.

Faithfully,

Christine McLannett

Transformation Training Clinic

Counselling Services

B.Social.Science/Psychology;

Ass.Dip.Social Science/ Community Welfare/Counselling

Dip.Counselling; Cert IV TAE; Cert IV Business

Cert 11 Security; Cert 111 Childrens Services

0428 220 353

ABN 20 729 088 496



1 March 2018

Chief Executive Officer
Local Law Submission
Bundaberg Regional Council
PO Box 3130
Bundaberg QLD 4670

By email:

Dear Mr Johnston

Submission - Local Law No 8 (Waste Management) 2018 (the "proposed local law")

We refer to your letter dated 9 February 2018 inviting submissions on the proposed local law and the public interest testing of the possible anti-competitive provisions. This submission is made on behalf of the members of the Waste, Recycling Industry Association of Queensland Inc (WRIQ). WRIQ is the premier industry association in Queensland, representing Queensland-based organisations ranging from large international and multi-national organisations through to small family-operated enterprises.

Objective of Proposed Local Law

The object of the Proposed Local Law is to protect the public health, safety and amenity related to waste management by—

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

Specifically, the Proposed Local Law is aimed at replacing the expiring provisions in Chapter 5A of the *Environmental Protection Regulation 2008* (EP Regs) and section 7 in Part 2A of the *Waste Reduction and Recycling Regulation 2011* (WRR Regs).

1. Executive Summary

- (a) WRIQ strongly opposes the introduction of the proposed local law on the following basis:
 - (i) the proposed local law is anti-competitive and will result in higher prices for consumers without a commensurate increase in quality or innovation;
 - (ii) there is no public benefit in introducing the proposed local law, insofar as the proposed local law relates to general waste and regulating the disposal of 'waste' at waste facilities;

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- (iii) the introduction of the proposed local law will cause the Bundaberg Regional Council (the **Council**) to violate the competitive neutrality principle; and
- (iv) the consultation process with respect to the proposed local law is flawed and not in line with the Competition Policy Guidelines.
- (v) The proposed local law does not replace the expiring provisions in Chapter 5A as it has been designed to expand those state provisions capturing the entire market by its definitions, specifically to the words used 'waste' and 'waste facilities'.

2. The proposed local law

- (a) The proposed local law is intended to replace Chapter 5A: Waste Management by Local Governments of the *Environmental Protection Regulations 2008* (the **Chapter 5A provisions**) and section 7 in Part 2A of the *Waste Reduction and Recycling Regulation 2011* (**section 7**). The Chapter 5A and section 7 provisions were scheduled to expire on 1 July 2018.
- (b) Research finds, the regulation expiring evolved from the Health Act 1937. The Environmental Legislation Amendment Bill (no 2) 1995, repealed the Refuse Management Regulation 1983, and the Sanitary Conveniences and Nightsoil Disposal Regulation 1976. The regulation was remade to become sub ordinate legislation under the Environmental Protection Act 1994.

Numerous modifications have regularly been made to the original regulatory wording, but none has ever assessed the relevance of it in a 2018 modern world. The State Government by allowing it to expire has demonstrated its confidence the regulation is no longer relevant in the current regulated environment as the State oversees waste management.

Demonstrating the historic link is important as it should cause Council to reflect what is the intent and practical rationale for keeping the regulatory framework of an 80-year-old '1937' law in the more modern world that now operates with fundamentally different waste management and recycling systems and practices protecting the community

Significantly in its public test, Council has failed to provide any supporting evidence, statistics or studies, conducted locally to support the false and emotive claims the proposed law's objects will protect the local community from the claimed risks in terms of environment, safety or nuisance. Council is shown it has simply adopted a template that many other Councils are using and supplied to it, cut and pasted this to its own document. In doing so this demonstrates a lax governance process in designing laws that impact its local community and ignores the understanding and real implications the making of this law will deliver.

- (a) The proposed local law allows the Council to designate areas within which it may conduct general waste or green waste collection¹. General waste is defined to include both domestic and commercial waste².
- (b) This is in line with powers currently granted under the Chapter 5A Provisions and section 7, **however the objects of the proposed Local Law 8** are more broadly stated and use the singular word "waste" rather than limiting the scope to domestic, or even general, waste³.

¹ Section 5, proposed local law

² Definitions in the proposed local law

³ Section 2, Objective of local law

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- (c) The proposed Local Law objects provides no definitive link between the term used 'waste' and of its relationship to 'general waste'. Further the definition of the term Waste in the making of this law is stated as "waste" has the meaning given in the Environmental Protection Act 1994 and includes anything that is specified to be waste under a subordinate local law.
- (d) This demonstrates that **Council may expand** the scope of the proposed local law to cover all types of waste and recyclables, in addition to domestic, commercial and green waste. Councils proposed local law contains a much broader scope than the Chapter 5A provision and does not transcribe to the provisions currently in place it claims this law replaces. This broader scope cannot be justified on any environmental concerns, health, public safety or community amenity issues.
- (e) The Local Law proposed is drafted from a modified template currently being used by all Councils proposing to introduce this law. Such action demonstrates a lack of understanding by Council of the actual broader intent it is making provisions for and the implications to industry by its introduction. It falls well short of the appropriate governance necessary that should be overseen by elected representatives in the community and which should be applied when considering the design and community value proposition of any such law introduction. The flawed template's design being used fails to align with the statements Council has made in its public benefit test case that the law replaces the State Legislation.

3. Industry's concerns about the proposed local law

- (a) WRIQ's members acknowledge that domestic waste management is one of the central roles of local government. This statement was confirmed by the Associations CEO to Council at a Council meeting in 2017. Industry is not trying to usurp Council's legitimate role as the provider of domestic waste services in rejecting this local law as that system functions very well.
- (b) Industry is, however, gravely concerned that Council is seeking to further restrict competition in the commercial waste and recycling industry without proper consultation or genuine consideration of the impact of the proposed local law in its community, by expanding its control over all waste activities in its jurisdiction.
- (c) WRIQ argues the public interest and state interest tests applied by Council lacks transparency and fail to genuinely engage and inform the community on such profound commercial impacts the introduction of this local law will have on ratepayers. The law fails to demonstrate the linking of the definition 'waste' with other definitions of 'general waste' provisions.

Council provides no evidence, reports, statistics or any accompanying documents to reinforce the necessity of the making of the law on the grounds of the need to protect the public health, safety and amenity related to waste management in the region. It provided only 21 days in which interested parties should respond and thus has failed to genuinely conduct a robust and transparent public consultation process.

3.1 Anti-competitive provisions in the proposed local law

- (a) Pursuant to section 15(a) of the *Local Government Regulation 2012*, a provision is anti-competitive if it creates a barrier to:
 - (i) entry to a market; or
 - (ii) competition within a market.

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- (b) The proposed local law is anti-competitive in that it allows Council to create a monopoly over commercial waste collection services in designated areas thereby creating a barrier to competition in that market.
- (c) In addition to WRIQ's concerns about the impact on competition in the commercial waste collection industry, the objects of the law show that the proposed local law may extend further than regulating the collection, storage and disposal of domestic and commercial waste and may extend to all forms of waste collection and disposal⁴. This creates great uncertainty for business moving forward. For example, the intent to regulate the disposal of 'waste' at waste facilities undermines all existing industry assets whose owners have invested locally, employed local people and obtained the required state approvals for the operation of the facilities. It will also detrimentally impact all companies with investments and assets in the proximity to this. The ability of Council to interfere in the market as it chooses creates instability and uncertainty and will discourage future investment in the industry.

3.2 Introduction of the proposed local law will increase prices for consumers

- (a) As set out at paragraph 3.1(b) above, the introduction of the proposed local law will allow the Council to create a monopoly over waste and recycling collection services in designated areas. The fact that Council will tender for collection services in designated areas is no answer to this problem. The tender will allow one or two large waste collection companies to dominate the market for a significant period of time. This will have the effect of freezing the market for the length of the tender and it is unlikely that smaller businesses could continue to operate during this period.
- (b) By forcing businesses in designated areas to use the Council's waste collection services, Council will eliminate the ability of any business to negotiate the best rates or service levels for their rate collection services and prices will increase. As smaller operators go out of business, there will be less incentive for the remaining large operators to compete on price.
- (c) Further, the fewer operators left in the marketplace, the less incentive for operators to innovate or introduce technology and deliver higher quality services.
- (d) Ultimately, the result of the proposed local law will be higher prices for lower quality and less innovative services.

3.3 No Public Benefit

- (a) In addition to those matters set out in clause 1(3) of the Competition Principles Agreement, guidance on matters to be considered when assessing the public benefit can also be found in *Re ACI Operations Pty Ltd*.⁵ In that case the following, non-exhaustive list was considered to be relevant to constituting the public benefit:
 - (i) economic development including encouragement of research and capital investment;
 - (ii) fostering business efficiency particularly when it results in improved competitiveness;
 - (iii) industrial rationalisation resulting in more efficient allocation of resources at a lower or contained unit product cost;

⁴ See: paragraph 2(d) above.

⁵ (1991) ATPR (Com) 50-108

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- (iv) expansion of employment or prevention of unemployment through efficient industries;
 - (v) employment growth in particular regions;
 - (vi) industrial harmony;
 - (vii) assistance to make small business efficient including promoting competitiveness;
 - (viii) improvement in quality and safety services and expansion of consumer choice;
 - (ix) supplying better information to consumers and to business to permit informed choices;
 - (x) promotion of equitable dealings in the market;
 - (xi) promotion of industry cost savings resulting in a contained lower price at all levels of the food chain;
 - (xii) development of import replacements;
 - (xiii) growth of export markets;
 - (xiv) steps to protect the environment.
- (b) The effect of enacting the proposed local law would not create any public benefit and will create a long-term detriment to the public of Queensland and to the market generally across Queensland applying the criteria in *Re ACI Operations Pty Ltd* and the Competition Principles Agreement.
- (c) These detriments include the following:
- (i) The proposed local law interferes with the normal operating market environment by forcing upon all commercial ratepayers and other businesses Council controlled waste and recycling services. This will result in significant dislocation of businesses of waste and recycling service providers throughout the Bundaberg Regional Council and reduces choice for commercial premises in choosing their waste services.
 - (ii) If all commercial waste and recycling services were to be provided by Council's single contractor this will have a detrimental effect on all other local business providers already operating within the region. Many small family businesses providing commercial waste and recycling services will be restricted by this law and as result companies will collapse, and local families will be financially compromised.
 - (iii) Council having control over all general waste will likely result in one contractor having direct access to providing all waste and recycling collections in the Council area. This will result in a long-term dislocation of the existing suppliers to the market and will reduce the number of suppliers to the market during the term of that contract. This would result in a long-term disadvantage for the commercial rate payers, not to mention the significant detriment on the public throughout the region due to the loss of competitive waste services providers.
 - (iv) A Council imposed monopoly will significantly reduce the incentive for technical development, efficiencies, improvement in productivity and performance within the industry. Industry is largely self-regulated and the largest drivers for continual improvement is the competitive nature of the existing structure of the market. This would

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be significantly damaged if the waste stream is no longer available within any commercially foreseeable time.

- (v) Examples of innovation and technical development within the industry in recent times includes vehicle engine design that meet and exceed high international emission standards, vehicle design changes to accommodate Australian operating conditions, compactor design and capability, compactor paddle design, vehicle tracking and camera systems, GPS and other commercial logging instrumentation systems, as well the materials currently used in compactor and chassis manufacturer. Many of these innovations have a positive environmental impact, demonstrating that competition is positive for the environment while a lack of competition could stymie such beneficial developments.
- (vi) The proposed local law does not encourage economic development and research or capital investment. The number of waste disposal facilities trucks and staff would remain materially unchanged, as this is dependent totally upon the number of collection services, not the number of competitors operating within the Councils' territory. This would potentially make other facilities owned by competitors redundant and likely have a negative effect on economic growth.
- (vii) There would be no contribution to economic or employment growth within the Bundaberg Regional Council. In fact, if smaller operators were forced to close, this would have a detrimental impact on local employment within the Bundaberg Regional Council.
- (viii) There would be no particular incentive for the improvement of quality or safety of the services even within the Councils' areas and certainly not within the wider public. In particular there would be a reduction rather than an expansion of consumer choice of service providers.
- (ix) The State Government has announced Queensland will introduce a Container Refund Scheme (CRS) in November 2018. If the proposed local law is introduced, Council will control the recycling operations for all commercial property owners in designated precincts. Councils will, therefore, control all containers generated by all commercial premises cover by the proposed local law.
- (x) In the future, a local business owner may choose to provide its own container for recyclables covered by the CRS or alternately seek to take its bottles or cans to a local network operation, however it will still incur the full Council's rate charge regardless. Under the proposed law Council would have total control to determine what containers are approved for holding waste and recyclables and how these rules are applied.
- (xi) It is therefore very unlikely any business owner would choose to participate in the CRS and this may, in the long term, affect the success of the CRS.
- (xii) By way of example, the Sunshine Coast and Noosa Councils have declared precincts that capture the entire Council area and as result all commercial properties in the council area required to pay a mandatory fee for council waste collection services. Evidence provides even where a private contractor has offered a free or alternate recycling service to a local business or where a business owner is contracted to a national or other service arrangement and they have asked for an alternate recycling option from the private sector, Council officers have enforced these local laws upon that business

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owner and mandated they remove the private operators bin or cage from that business. Where the local business has asked Council for a refund for their recycling services as they wished to use a private company Council has denied that request advising the client they must pay for the service regardless if they use it or not via their rates notices. This supports the submission that the proposed local law is not consistent with a successful CRS.

- (d) The public benefit must be for the general public and the Queensland market as a whole. No such benefit is identified and indeed there is a significant potential public detriment in respect of reduced competition, reduced incentive to innovate, stymy technological development, no economic benefits to the wider community, and potentially long-term dislocation of the waste and recycling services industry that will be the result of the proposed local law.

3.4 Violation of the competitive neutrality principle

- (a) Under section 43 of the *Local Government Act 2009*, a local council conducting a business in competition with the private sector should not enjoy a net advantage over competitors only because the entity is the public sector. The competitive neutrality principle applies if the public benefit outweighs the costs of implementation.
- (b) For the reasons set out in section 2 above, there is no public benefit in enacting the proposed local law (insofar as it relates to commercial waste and regulating the disposal of 'waste' at waste facilities).
- (c) The imposition of a mandatory waste collection levy over businesses in designated areas, without an opt-out provision, will provide the Council with a competitive advantage because no commercial provider can charge a levy to a potential customer, even when the customer's preference is not to use the supplier's service.
- (d) In this respect, we note that in June 2012, in response to a complaint from WRIQ, the Queensland Competition Authority found that provisions similar to the proposed local law that were enacted in the Sunshine Coast Regional Council area violated the competitive neutrality principle
- (e) Notably, the Council has not considered the use of tax and subsidy mechanisms as an alternative method to achieve their stated objectives.

3.5 Concerns about the consultation process

- (a) Under section 38 of the *Local Government Act 2009*, the Council cannot make a local law that contains an anti-competitive provision unless Council complies with the procedures prescribed under a regulation for the review of an anti-competitive process. Section 15(3) states that the procedures to be complied with are set out in the *National Competition Policy – Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws (Competition Policy Guidelines)*.
- (b) Under section 4 of the Competition Policy Guidelines, the review process must include "meaningful consultation with relevant businesses about the anti-competitive provisions".
- (c) WRIQ reserves its rights to make future submissions in respect to the proposed local law and / or challenge the proposed local law on the basis that Council has failed to follow the Competition Policy Guidelines.

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4. Conclusion

WRIQ strongly objects to the enactment of the proposed local law. As set out above, such law is anti-competitive and fails to deliver any public benefit. Further, the proposed local law will put the Council in a position very likely to breach the competitive neutrality principle enshrined in the *Local Government Act 2009*.

WRIQ does not consider that Council has adequately reviewed all its alternative policy options and remains very concerned about the manner in which Council's review has been conducted, its particular lack to provide any evidence-based research, statistics or reports to support this test, the need for the law and reserves its rights to challenge the proposed local law on this basis.

Sincerely Yours

Waste Recycling Industry Queensland (inc)



Rick Ralph
Chief Executive Officer

WRIQ

	Submission details	Response and proposed actions
1.	The State Government, by allowing chapter 5A of the <i>Environmental Protection Regulation 2008</i> and section 7 of the <i>Waste Reduction and Recycling Regulation 2011</i> to expire has demonstrated its confidence that the regulation is no longer relevant.	<p>The relevant provisions were originally due to expire some years ago. However, the State has, on several occasions, delayed the expiry of the provisions to give local governments an opportunity to make a local law about waste management. The relevant provisions have always provided (and currently provide) that the provisions apply to a local government area unless:-</p> <ul style="list-style-type: none"> (a) the local government for the area makes a local law about waste management for the area; and (b) the local law states it replaces the relevant provisions. <p>As noted in the local law, section 3, the local law replaces chapter 5A of the <i>Environmental Protection Regulation 2008</i>. The provisions of chapter 5A are meaningless absent the replication of a provision in the nature of section 7 of the <i>Waste Reduction and Recycling Regulation 2011</i> in the local law.</p>
2.	General waste is defined to include both domestic and commercial waste. This is in line with powers currently granted under the chapter 5A provisions and section 7, however the objects of the proposed local law are more broadly stated and use the singular word “waste” rather than limiting the scope to domestic, or even general, waste.	<p>The expression “general waste” is defined in each of the <i>Environmental Protection Regulation 2008</i> (chapter 5A) and the proposed local law (part 2) to mean, for the purposes of the relevant provisions, any of the following:-</p> <ul style="list-style-type: none"> (a) commercial waste; (b) domestic waste; (c) recyclable waste. <p>The relevant provisions in each of the <i>Environmental Protection Regulation 2008</i> and the local law focus on the storage of general waste in standard general waste containers. Both the Regulation and the proposed local law define the expression standard general waste container to mean, relevantly, a container for storing domestic waste, commercial waste or recyclable waste.</p>

	Submission details	Response and proposed actions
		<p>The expressions “domestic waste”, “commercial waste” and “recyclable waste” are defined in each of the <i>Environmental Protection Regulation 2008</i> and the proposed local law in virtually identical terms.</p> <p>Each of section 7 of the <i>Waste Reduction and Recycling Regulation 2011</i> and section 5 of the proposed local law refer to the designation of areas within the local government area of Council in which Council may conduct general waste or green waste collection, and decide the frequency of general waste or green waste collection in the designated areas. In the proposed local law, section 5 forms part of part 2, and, for the purposes of part 2, general waste means commercial waste, domestic waste and recyclable waste.</p> <p>Accordingly, the scope of application of each of chapter 5A of the <i>Environmental Protection Regulation 2008</i> and the proposed local law, part 2, is identical. Both sets of provisions apply to commercial waste, domestic waste and recyclable waste.</p> <p>There is no scope for the application of part 2 of the proposed local law to any category of waste other than general waste.</p> <p>The use of the expression “waste” in the proposed local law, section 2 (Objects) does not expand the scope of application of the local law, part 2. The expression “general waste” is used in part 2 and that expression is specifically defined for the purposes of part 2.</p>
3.	The proposed local law potentially has a broader scope of operation than the provisions which are due to expire on 1 July 2018.	For practical purposes, the scope of application of each of the proposed local law and the provisions which are due to expire on 1 July, 2018 are identical. The local law merely replaces the provisions which are due to expire on 1 July 2018.
4.	Industry is concerned that Council is seeking to further restrict competition in the commercial waste and recycling industry by expanding its control over all waste activities in its jurisdiction.	For practical purposes, the scope of application of each of the proposed local law and the provisions which are due to expire on 1 July 2018 are identical. It is not Council’s intention to restrict competition by participation in the commercial waste or recyclable waste collection market in excess of Council’s current participation in that market. Currently, Council does not

	Submission details	Response and proposed actions
		undertake the collection of commercial waste or recyclable waste from commercial premises as those expressions are defined in either the proposed local law or chapter 5A.
5.	The public interest and State interest tests applied by Council lack transparency and fail to genuinely engage and inform the community on such profound commercial impacts the introduction of the local law will have on ratepayers.	Each of the <i>Local Government Act 2009</i> , the <i>Local Government Regulation 2012</i> and the Department of Local Government's Guidelines for conducting reviews on anti-competitive provisions in local laws prescribe requirements about the making of local laws. Council has complied with the applicable requirements.
6.	The proposed local law is anti-competitive in that it allows Council to create a monopoly over commercial waste collection services in designated areas thereby creating a barrier to competition in that market.	Council has complied with applicable local law making legislative requirements. In any event, at this time, Council does not undertake the collection of commercial waste or recyclable waste from commercial premises.
7.	The objects of the local law show that the proposed local law may extend further than regulating the collection, storage and disposal of domestic and commercial waste and may extend to all forms of waste collection and disposal.	See the response at item 2.
8.	The proposed local law will allow Council to create a monopoly over waste and recycling collection services in designated areas. The fact that Council will tender for collection services in designated areas is no answer to this problem.	<p>Council may only undertake any domestic waste, commercial waste and recyclable waste collection activities subject to compliance with the competitive neutrality principle. Council applies the competitive neutrality principle in compliance with the applicable provisions of each of the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i>. Council avails itself of the right, under the provisions which are due to expire on 1 July 2018, to:-</p> <ul style="list-style-type: none"> (a) designate areas within its local government area in which Council may conduct general waste or green waste collection; and (b) decide the frequency of general waste and green waste collection in the designated areas; and (c) supply standard general waste containers for the storage of waste.

	Submission details	Response and proposed actions
		Council also levies utility charges for waste management (in compliance with the requirements of the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i>). The replacement of the provisions which are due to expire on 1 July 2018 with the proposed local law merely preserves the status quo. The fact that Council tenders for waste collection services in designated areas is an integral part of the application of the competitive neutrality principle by Council.
9.	As smaller operators go out of business, there will be less incentive for the remaining large operators to compete on price.	The purpose of replacing the provisions which are due to expire on 1 July 2018 with the proposed local law is to preserve the status quo which has been in place for many years (notwithstanding that the provisions which are due to expire on 1 July 2018 have been relocated through various pieces of legislation over many years).
10.	The proposed local law interferes with the normal operating market environment by forcing upon all commercial ratepayers and other businesses, Council controlled waste and recycling services.	The provisions which are due to expire on 1 July 2018 have an impact on commercial ratepayers and other businesses which require waste and recycling collection services. The proposed local law will have an identical impact on commercial ratepayers and other businesses, which require waste and recycling collection services. The local law facilitates the objects of the local law, that is, the protection of public health, safety and amenity related to waste management. In any event, currently, Council does not undertake the collection of commercial waste or recyclable waste from commercial premises.
11.	A Council imposed monopoly will significantly reduce the incentive for technical development, efficiencies, improvement in productivity and performance within the industry.	The competitive tender process periodically undertaken by Council in relation to the delivery of waste collection services is an incentive for technical development, increased efficiency and improvement in productivity and performance in waste collection services provided in Council's local government area.
12.	If the proposed local law is introduced, Council will control the recycling operations for all commercial property owners in designated precincts.	To the extent that Council may impact recycling operations in its local government area, and the operation of the proposed Container Refund Scheme, the local law will facilitate the compliance by Council with its community service obligations. As Council does not undertake the

	Submission details	Response and proposed actions
		collection of commercial waste or recyclable waste from commercial premises in Council's local government area, Council has no control over the recycling operations of the owners of commercial premises in designated areas in Council's local government area.
13.	Under the proposed local law, Council would have total control to determine what containers are approved for holding waste and recyclables and how these rules are applied.	Control of these activities (what containers are approved for holding waste) by Council is consistent with the objects of the proposed local law, that is, the protection of public health, safety and amenity relating to waste management.
14.	No public benefit is identified and there is a significant potential public detriment in respect of reduced competition, reduced incentive to innovate, stymy technological development and no economic benefit to the wider community.	<p>Council may preserve competition in the waste collection market by periodically tendering for the supply of waste collection services using the competitive tender process provided for under the <i>Local Government Regulation 2012</i>. The competitive tender process will promote technological development, efficiency and improvements in productivity in the waste collection market.</p> <p>Absent Council's periodic competitive tender process, there is potential for the introduction of new fixed costs into the waste collection industry (through an uplift in the number of operators providing services) that would need to be defrayed over the same number of customers, resulting in an increase in the average cost of service provision.</p> <p>Absent the proposed local law, the number of properties serviced and waste tonnages to be collected would become less certain and a contractor tendering to undertake waste collection services in Council's local government area would need to build a greater risk component into its tendered prices in order to account for this uncertainty.</p> <p>Waste collection contractors (other than Council, or Council's contracted waste collection contractor) may only offer specific services which are more profitable which could, in turn, undermine existing waste collection practices, including recycling practices currently adopted by the owners and occupiers of premises.</p>

	Submission details	Response and proposed actions
		<p>Council's ability to fund waste management facilities and broader waste management activities, for example, street bins, land remediation, education, compliance functions, strategy development etc could be reduced.</p> <p>The owner's and occupiers of premises which generate limited general waste may not be effectively serviced for a reasonable price and may be required to pay considerably higher charges to get waste containers serviced in contrast to Council's service under which all waste generators pay the same for the same collection service, regardless of location of the premises.</p> <p>Increased whole of community waste management costs could be incurred given higher servicing costs per collection due to reduced economies of scale and utilisation and greater uncertainty surrounding the properties at which waste collection services are to be provided on an opt in basis.</p>
15.	In response to a complaint from WRIQ, the Queensland Competition Authority found that provisions similar to the proposed local law that were enacted in the Sunshine Coast Regional Council area violated the competitive neutrality principle.	At the relevant time, Sunshine Coast Regional Council conducted its waste management collection activities in reliance on chapter 5A of the <i>Environmental Protection Regulation 2008</i> . The recommendations of the Queensland Competition Authority were made against the background of the methodology adopted by that Council for the undertaking of its waste collection activities which bears little resemblance to Council's waste management collection activities. In particular, Council does not currently undertake the collection of commercial waste or recyclable waste from commercial premises in its local government area.
16.	Council has not considered the use of tax and subsidy mechanisms as an alternative method to achieve the stated objectives.	Council has the power to levy rates and utility charges, but does not have the power to impose a tax. The proposed local law is an appropriate way to achieve the objects of the proposed local law.
17.	Council has failed to comply with the provisions of the <i>Local Government Act 2009</i> about making a local law that contains an anti-competitive provision, including compliance with the relevant Guidelines.	Council undertook consultation with the public about the anti-competitive provisions included in the proposed local law contemporaneously with the undertaking of consultation with the public about the proposed local law generally. The public consultation period was 21 days and the methodology implemented by Council, for the purposes of its public consultation process,

	Submission details	Response and proposed actions
		<p>complied with all applicable requirements of the <i>Local Government Act 2009</i>, the <i>Local Government Regulation 2012</i> and the applicable Guidelines. When determining the appropriateness of the methodology proposed to be adopted by Council for public consultation about the anti-competitive provisions included in the proposed local law, Council had regard to, in addition to the applicable Guidelines referred to in the <i>Local Government Regulation 1012</i>, section 15, each of:-</p> <ul style="list-style-type: none">(a) the Competition Policy Agreements dated 11 April 1995; and(b) the Queensland Treasury Public Benefit Test Guidelines (for undertaking public benefit test assessments for legislation reviews under National Competition Policy) dated October 1999.



Department of
**Environment and
Heritage Protection**

Ref CTS 31206/17

7 DEC 2017

Mr Christopher Joosen
Governance Manager
Bundaberg Regional Council
PO BOX 3130
BUNDABERG QLD 4670

Dear Mr Joosen

Thank you for your letter of 7 November 2017 to the Department of the Premier and Cabinet concerning the state interest review of the Bundaberg Regional Council's proposed Local Laws. Your letter has been referred to the Department of Environment and Heritage Protection for a response regarding the proposed Local Law No. 8 (Waste Management) 2017.

The department appreciates the opportunity to provide comments on the proposed local law. The proposed local law No. 8 has been reviewed by the department and comments are provided for your consideration in the attachment to this letter.

Should your staff have any further enquiries, please ask them to contact Ms Kylie Hughes, Director, Waste Policy and Legislation, of the department on telephone 3330 5020.

Yours sincerely

Jim Reeves
Director-General

Att - State Interest Review Response

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Attachment - State Interest Review Response

Bundaberg Regional Council– Local Law No. 8 (Waste Management) 2017			
Comments from: Department of Environment and Heritage Protection			Local Government's Response to State Agency Feedback
LL Section	Comment	Suggested Action	
General	Part 2A of the Waste Reduction and Recycling Regulation 2011 (Waste Regulation) and chapter 5A of the Environmental Protection Regulation 2008 (EP Regulation) were amended in June 2017 so that the provisions are now due to expire on 1 July 2018.	It is suggested that council notes that Part 2A of the Waste Regulation and chapter 5A of the EP Regulation are now due to expire on 1 July 2018.	
Section 9(1)(b) – other requirements for storing general waste at particular serviced premises	Section 9(1) of the proposed local law appears to condense 81ZL(1)(b) and (c) of the EP Regulation into one subsection. It is not clear whether condensing of this subsection changes or limits the definition of who is a prescribed person.	Ensure that condensing subsections 81ZL(1)(b) and (c) of the EP Regulation in section 9(1)(b) of the proposed local law does not change or limit the definition of a prescribed person.	
Section 13(a)(ii) and (b)– Requirements to treat industrial waste for disposal	The requirement for the treatment of waste to a standard approved by the local government, “ <i>for transport to, and disposal of the waste at, a waste facility</i> ” is not a requirement under the existing chapter 5A (EP Regulation) provisions (s81ZM).	Ensure that s13(a)(ii) and (b) of the proposed local law are not inconsistent with State requirements for the treatment and transportation of waste to a facility including for example any waste tracking requirements and considerations under the environmentally relevant activity and regulated waste frameworks.	
18(a) –Subordinate local laws;	These proposed provisions will allow council to prescribe in a subordinate local law what is considered to be a waste. The state definition for waste is quite broad and it is not clear why wastes would need to be defined further.	Ensure that the ability to prescribe wastes under a subordinate local law is not inconsistent with the current state definitions of waste and takes into consideration requirements under, for example, an End of Waste Code or the regulated waste framework.	

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Section 14(1)(h) – Unlawful disposal of waste at a waste facility; sections 18(h), (i) and (j) – Subordinate local laws; section 12(1)(b)– Requirements for storing industrial waste; section 13(b) – Requirement to treat industrial waste for disposal.	The proposed provisions will allow council to prescribe requirements in a subordinate local law about the supply at premises of industrial waste containers for storing industrial waste; about the treatment of industrial waste; and about the wastes a person must not deposit at a waste facility. Methods of storage and treatment may already be prescribed for an ERA; under an existing Environmental Authority; or in a Regulation or guideline.	Ensure that anything to be prescribed in a subordinate local law is consistent with the current state law.	
Dictionary – Premises	The definition of relevant premises in the EP Regulation is only referred to as premises in the proposed local law. Premises is defined in the proposed local law to also include industrial premises and this is inconsistent with the current state provisions. This may duplicate some requirements for industrial premises and change the application of the provisions from that of the current State laws.	Ensure that the inclusion of industrial premises in the definition of premises in the proposed local law is not inconsistent with current state laws and takes into consideration any waste tracking requirements and considerations any requirements under the environmentally relevant activity and regulated waste frameworks or End of Waste Codes that may be in effect.	
Dictionary – prescribed person	See comments above regarding section 9(1).		
Dictionary – Waste	This definition will allow council to prescribe in a subordinate local law what is considered to be a waste. The state definition for waste is quite broad and it is not clear why wastes would need to be defined further.	Ensure that the ability to prescribe wastes under a subordinate local law is not inconsistent with the current state definitions of waste.	

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Compliance notice	Proposed Local Law No.8 (Waste Management) 2017 is to be read with Bundaberg Regional Council Local Law No.1 (Administration) 2011. The existing section 27 of Local Law No.1 (Administration) 2011 relating to compliance notices currently has a penalty for non-compliance that would be greater than the penalty in the current s81ZN of the EP Regulation.	Ensure that the effect of the proposed local law read with Local Law No.1 (Administration) 2011 is consistent with the current EP Regulation.	
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LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2017

RESPONSE TO STATE AGENCY FEEDBACK

No.	LOCAL LAW SECTION	LOCAL GOVERNMENT RESPONSE
1.	General	Transitional requirements associated with the expiry of Part 2A of the Waste Reduction and Recycling Regulation and Chapter 5A of the <i>Environmental Protection Regulation 2008</i> are detailed in local law section 19.
2.	Section 9(1)(b)	Section 9(1) clearly defines the expression "prescribed person".
3.	Section 13(a)(ii) & (b)	Council may not impose requirements which are inconsistent with a requirement of a law made by the State. See <i>Local Government Act 2009</i> , section 27.
4.	Section 18(a)	It is not Council's intention to make a relevant subordinate local law at this time. A future amendment of the <i>Environmental Protection Act 1994</i> may trigger a requirement for the making of a subordinate local law. In any event, Council may not impose requirements in a subordinate local law which are inconsistent with a requirement of a law made by the State. See <i>Local Government Act 2009</i> , section 27.
5.	Section 18(h), (i) & (j)	It is not Council's intention to make a relevant subordinate local law at this time. In any event, Council may not impose requirements in a subordinate local law which are inconsistent with a requirement of a law made by the State. See <i>Local Government Act 2009</i> , section 27.
6.	Dictionary – premises	Each of the <i>Environmental Protection Regulation 2008</i> and the local law:- (a) define the expressions commercial premises and domestic but (b) do not define the expressions government premises or industrial premises , and as a result, these expressions should be given their plain English meaning. In any event, Council may not impose requirements about industrial premises which are inconsistent with a requirement of a law made by the State. See <i>Local Government Act 2009</i> , section 27.
7.	Dictionary – prescribed person	Refer to the comment at item 2.
8.	Dictionary – waste	Refer to the comment at item 4.

9.	Compliance Notice	<p>Under the <i>Environmental Protection Regulation 2008</i>, section 81ZC, Council may “replace” chapter 5A of the Regulation. Council is not obliged to replicate each requirement of chapter 5A. <i>Local Law No. 1 (Administration) 2011</i>, section 27, is a model local law provision applied generally across all of the local laws of Council. The provision complies with the Guidelines for Drafting Local Laws because the penalty is proportionate to the offence. Under the <i>State Penalties Enforcement Regulation 2014</i>, section 81ZN of the Regulation is not an infringement notice offence (in respect of which an infringement notice may be given).</p>
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Dept of Energy and Water Supply
Dept of Agriculture and Fisheries
Dept of Tourism
Dept of Environment and Heritage Protection
Dept of Aboriginal and Torres Strait Islanders Partnerships
Dept of Transport and Main Roads
Dept of Premier and Cabinet
Dept of Housing and Public Works
Dept of Communities
Dept of Education and Training
Dept of Science, Information, Technology and Innovation
Dept of Energy and Water Supply
Dept of Justice and Attorney General
Dept of National Parks, Sport and Racing
Dept of Natural Resources
Dept of State Development
Public Service Commissions
Qld Fire and Emergency Services
Qld Police
Queensland Treasury

**Item****24 April 2018****Item Number:**

F3

File Number:

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Part:GOVERNANCE &
COMMUNICATIONS**Portfolio:**

Organisational Services

Subject:

2017/2018 3rd Quarter Operational Report

Report Author:

Kresha Hodges, Coordinator Corporate Planning & Performance Management

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

Our People, Our Business - 3.6 Responsible and ethical leadership and governance.

Background:

In accordance with section 174 of *Local Government Regulation 2012*, “the chief executive officer must present a written assessment of the local government’s progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months”.

Quarterly reports provide a process for monitoring and assessing Council’s progress in meeting the goals of the Corporate Plan. The attached report highlights the achievements of Council over the past 3 months with most areas achieving the targets set. Each manager has provided a comment in the report on their department’s or section’s progress. This report includes all capital projects and provides an update on the status of each project both in dollar terms and with comments on its progress.

Consultation:

Portfolio Spokesperson: Cr Helen Blackburn

All General Managers and Managers

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

There appear to be no policy implications.

Financial and Resource Implications:

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

Risk Management Implications:

This Quarterly Report provides links to operational risks identified by Department Managers in department business plans. Results, comments and status symbols additionally provide up-to date information that informs ongoing risk management and mitigation.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- ☒ Not required
- ☐ Required

Attachments:

[!\[\]\(1cba2da60f27bc4e39fd99a220d4bcc6_img.jpg\) 1](#) 2017-2018 3rd Quarter Operational Report

Recommendation:

That the 2017-2018 – 3rd Quarter Operational Report – be received and noted by Council.



3rd Quarter Operational Report

2017 - 2018

Operations & Performance Measures

The following symbols are used to indicate the progress of Objectives.

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

The following colours indicate the progress of Projects.

Project Indicator	Status	Indicator meaning
Green	On track	Project is proceeding to plan with no indication of future impediments.
Yellow	Monitor	Progress is being monitored.

Infrastructure & Planning – Major Projects

Core Programs/Services Areas				Strategic Links	Risk Id.
Strategic Project Planning Project Governance Project Delivery				CP 2.2.1 & 3.1.2	BP-IP-2:9-11
Key Performance Indicator				*Note: Major Projects KPI Target is quarterly.	
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Recoveries Work hour recovery from Capital Works	Percentage of recoveries as a proportion of operational work hours.	75%	94%	<input checked="" type="checkbox"/>	Major Projects have exceeded the target for recoveries this quarter.

Infrastructure & Planning – Roads & Drainage

Core Programs/Services Areas				Strategic Links	Risk Id.
Projects – Footpaths & Network Pathways Projects – Roads				CP 2.2.1, 2.3.1 & 3.1.2	BP-IP-3:7-8
Key Performance Indicators				*Note: Roads & Drainage KPI Targets below are annual - reported YTD.	
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Pathways Program - Maintenance	Percentage of budget expended - excluding depreciation and corporate overheads.	100%	77%	<input checked="" type="checkbox"/>	On track.
Pathways Program - Construction	Percentage of budget expended - annual capital works program.	100%	61%	<input checked="" type="checkbox"/>	W4Q R2 included contract payments to be made.
Roads Maintenance	Percentage of budget expended - excluding depreciation and corporate overheads.	100%	69%	<input checked="" type="checkbox"/>	On track.
Roads Major Projects	Percentage of budget expended - annual capital works program.	100%	67%	<input checked="" type="checkbox"/>	Budget reduced overall by \$4.5 m, \$2.8 m savings, \$2.1 m reprov'd, \$0.4 m extra.
Roads Minor Projects	Percentage of budget expended - annual capital works program.	100%	78%	<input checked="" type="checkbox"/>	W4Q R1 complete. Some W4Q R2 being done. Council to approve unallocated \$180,000.
Sealed road resurfacing	Percentage of road resurfacing annual program complete.	100%	90%	<input checked="" type="checkbox"/>	Bitumen reseal, microsurfacing and rejuvenation complete. Asphalt resurfacing 75% complete.
Unsealed re-sheeting	Percentage of gravel re-sheeting annual program complete.	100%	26%	<input type="radio"/>	Gravel Resheets well underway and are approximately 60% including committed costs.

Infrastructure & Planning – Roads & Drainage

Core Programs/Services Areas				Strategic Links		Risk Id.
Projects – Roads (continued)				CP 2.2.1 & 3.1.2		BP-IP-3:7-8
Projects – Stormwater Drainage				1.5.1, 2.2.1 & 3.1.2		
Operations Management				2.3.1 & 3.5.1		
Key Performance Indicators				*Note: Roads & Drainage Projects Targets are annual - reported YTD. Operations Targets are quarterly		
Task/ Action	Performance Measure	Target	Actuals	Status	Comment	
Roads Rehabilitation	Percentage of roads rehabilitation annual program complete.	100%	93%	☑	Package 1 complete. Package 2 approx. 88% complete.	
Bridges and Major Culverts Rehabilitation	Percentage of bridges and major culvert annual program complete.	100%	5%	○	The McCoys Creek Culvert Lining Tender has been advertised. Budget adjustments being made.	
Rehabilitation – Other	Percentage of other rehabilitation annual program complete.	100%	25%	○	Bathurst and Ruddell Streets kerb and channel rehabilitation programmed.	
Drainage Maintenance	Percentage of budget expended excluding depreciation and corporate overheads.	100%	99%	☑	Budget adjustments have been requested to deal with continuing wet weather drainage complaints.	
Stormwater Drainage Major Projects	Percentage of budget expended - annual capital works program.	100%	17%	○	Contract projects Wylie and Campbell Sts, Tara, Johnston, Sixth Ave Willis and Ocean Sts programmed.	
Stormwater Drainage Minor Projects	Percentage of budget expended - annual capital works program.	100%	71%	☑	W4Q R1 complete, some W4Q R2 being done.	
Network Pathway - Outstanding Defects	Percentage increase or decrease of the 12 month trailing trend of outstanding network pathway defects (i.e. maintenance work to be completed).	0%	1.4 %	☑	The quarterly percentage outstanding defects increased by 0.8% with 16 defects addressed. The 12 month trailing trend is 1.4% increase. Total outstanding defects = 1272.	
Roads - Outstanding Defects	Percentage increase or decrease of the 12 month trailing trend of outstanding roads defects (i.e. maintenance work to be completed).	0%	0.4%	☑	The quarterly percentage of outstanding defects decreased by 0.4% with 2787 defects addressed. The 12 month trailing trend is 0.6% increase. Total outstanding defects = 10135.	
Response to complaints and community requests for works and advice.	Percentage of Customer Requests (CRMs) completed within allocated time periods.	80%	67%	☑	3000 requests were completed within an average time of 15 days.	

Infrastructure & Planning – Roads & Drainage

Core Programs/Services Areas			Strategic Links		Risk Id.
Group Management			CP 2.1.1 & 3.2.2		BP-IP-1:6-9
Key Performance Indicators			*Note: Roads & Drainage KPI Targets below are annual.		
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
3 Year Capital Works Program	Presented for approval to Council February each year.	Feb. 18	-	-	3Y Capex prepared but not presented to Council due to new budgeting system being implemented. KPI to be reviewed.
Footpath Network - Overall condition	Percentage of footpath network within worst 20% condition rating.	Trend	T	-	This KPI will be reported in the 4 th quarter.
Road Network – Overall condition	Percentage of road network within the worst 20% condition rating.	Trend	T	-	This KPI will be reported in the 4 th quarter.
Road Asset Sustainability Ratio	Renewal expenditure vs. annual depreciation.	Trend	T	-	This KPI will be reported in the 4 th quarter.

Core Programs/Services Areas			Strategic Links		Risk Id.
Main Roads & Recoverable Works			CP 3.3.1, 3.1.2 & 2.3.1		BP-IP-1:6-9
Key Performance Indicators			*Note: RMPC KPI Targets are quarterly.		
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Road Maintenance Performance Contract (RMPC) Claims	RMPC Claims are within target expenditure for programmed expenditure, as provided by Department of Transport and Main Roads for Schedule 1: Bruce Highway	80%	142%	☒	Expenditure is well over due to the additional ordered works given by DTMR. DTMR has allocated an additional \$300,000 for this schedule for the remainder of the financial year.
RMPC Claims	Percentage of footpath network RMPC Claims are within target expenditure for programmed expenditure, as provided by Department of Transport and Main Roads for Schedule 2: State Controlled Roads	80%	128%	☒	Expenditure is well over due to the additional ordered works given by DTMR. DTMR has allocated an additional \$600,000 for this schedule for the remainder of the financial year.

Infrastructure & Planning – Support Services

Core Programs/Services Areas				Strategic Links	Risk Id.
Asset Maintenance – Maintenance Advice, Planning & Design – Maintenance Delivery Asset Management – Strategy & Support				CP 2.4.3 & 3.7.1 3.1.2 & 3.2.2	BP-IP-4:17-19
Key Performance Indicators				*Note: Asset Maintenance Targets are quarterly. Asset Management Targets are biannual.	
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Maintenance - Advice Planning and Design	Internal Client Satisfaction: Percentage of internal client survey results satisfactory or above.	75%	89.8%	☑	Overall average of 89.81% of customer satisfaction received from 69% of surveys sent.
Maintenance Delivery - Planned Maintenance	Percentage of Priority 1 & 2 work tickets raised against the total number tickets.	Trend	49.9%	T	Total scheduled tasks were 1665, an increase from 1275 from the previous quarter. 831 (49.9%) work tickets raised were Priority 1 & 2. This trend is down from 56.2% during the previous quarter.
Maintenance - Requested Maintenance:	Percentage of Priority 1 & 2 work tickets raised against the number of works completed	95%	85.5%	☒	– From 1st quarter to 2nd quarter we experienced an increase in work requests of 12.55%. From 2nd quarter to 3rd quarter we experienced a further increase of 13.71% in work requests. – Staffing levels were affected during early January – this was also the case with engaging external contractors. – A number of work requests were deferred due to inclement weather conditions and as such have not been completed in the reporting period. – A number of work requests were deferred due to a delay in receiving parts and as such have not been completed in the reporting period.
Asset Management	Asset Valuation & Revaluation: Percentage revaluation has been completed.	June 18	-	☑	This KPI will be reported in the 4 th quarter.
Asset Management	Corporate Asset Management Framework Review: Percentage the review of Asset Management documents has been completed.	June 18	-	☑	This KPI will be reported in the 4 th quarter.
Asset Management – Sustainable Management	Reconciliation of assets and infrastructure against long-term sustainability: End of financial year reconciliation process.	June 18	-	☑	This KPI will be reported in the 4 th quarter.

Infrastructure & Planning – Support Services

Core Programs/Services Areas				Strategic Links		Risk Id.	
Design Services Fleet Management				CP 3.2.1 & 3.7.1 2.4.3		BP-IP-4:20-24	
Key Performance Indicators				<i>*Note: Design Services Targets are annual & quarterly respectively. Fleet Management Targets are quarterly.</i>			
Task/ Action	Performance Measure	Target	Actuals	Status	Comment		
Design Services - Civil Design Program	Percentage of Design Projects delivered against the revised capital budget.	100%	83%	<input checked="" type="checkbox"/>	83% of known capital works projects have been completed by the 3rd quarter. This is made up of 48 Roads and Drainage projects and 18 Water and Wastewater Projects - 41 of the Roads and Drainage and 14 of the Water and Wastewater Projects are complete. Of the 7 remaining R&D projects all are in progress (2 of which are at 90%). 3 of the 4 remaining W&WW projects are in progress, whilst the remaining project is on hold.		
Design Services - Technical Advice	Provision of quality technical advice across Council departments: Percentage of internal client survey results satisfactory or above.	75%	100%	<input checked="" type="checkbox"/>	One customer survey was received from 5 different client areas in the 3rd quarter. 100% of responses were satisfactory or above. The response rated the quality of technical advice as very satisfactory. This result has been shared with the Design Team.		
Fleet Management	Availability of plant, vehicle and equipment: Percentage of overall plant, vehicle and equipment availability.	95%	94.4%	<input checked="" type="checkbox"/>	Overall major plant availability of 94.4% as per MyData. Availability is measured during working hours Monday – Friday / 7am – 4pm, and refers to the percentage of Council's plant, vehicle and equipment fleet that is available for use by Council's operational crews during normal working hours.		
Fleet Management	Utilization of plant, vehicle and equipment: Percentage user departments have met minimum utilization target.	90%	87.1%	<input checked="" type="checkbox"/>	User group utilisation in the 3rd quarter was 87.1% of the quarterly utilisation target.		
Fleet Management	Internal Client Satisfaction: Percentage of internal client survey results satisfactory or above.	75%	100%	<input checked="" type="checkbox"/>	100% of client surveys returned results of satisfactory or above during the 3rd quarter. Customer Satisfaction Surveys are issued at the completion of preventative maintenance services. 45 surveys were sent out in the 3rd quarter with 23 being returned. Very Satisfied - 65.2%; Satisfied - 34.8%.		

Infrastructure & Planning – **Water & Wastewater**

Core Programs/Services Areas			Strategic Links		Risk Id.
Water Services - Water treatment & delivery systems			CP 3.2.1 & 3.7.1		BP-IP-5:17- 18
Water -Group Management			2.4.3		
			1.1.1 & 2.4.1		
Key Performance Indicators			*Note: The WS Capital Works Program Target is annual – reported YTD. Water Services and Group Management Targets are quarterly.		
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Capital Works Program	Delivery of Water Capital Projects Program. Percentage of adopted budget completed.	95%	62.8%	○	The figure is based on expenditure against the annual Water budget. Please refer to Water Capital Projects Report.
Water Supply Systems - reliability	Water service reliability: Percentage customers do not experience interruption.	95%	91.2%	☑	2872 water connections experienced a planned/unplanned service interruption from a total of 32,782 connections.
Water Supply Systems - incidents	Water quality incidents per 1,000 connections.	<5	0.2	☑	No new incidents. 5 on-going THM exceedances with 4 from the Gregory River WTP and 1 from Lake Monduran WTP.
Water Supply Systems - complaints	Water quality complaints per 1,000 connections.	<10	0.79	☑	26 water quality complaints for the quarter from a total of 32,782 connections. Complaints relate to taste, odour and discolouration from all Council's water service areas.
Water Supply Systems - compliance	Compliance with Australian Drinking Water Guidelines (ADWG).	98%	100%		Zero non-conformances with ADWG for this quarter based on 2,988 samples tested. Tests relate to microbiological, metals and chemical characteristics.
Water Supply Systems - usage	Raw water usage vs allocation. Water usage as a percentage of allocation for Bundaberg Region.	<80%	56.8%	○	Water usage has been lower for this quarter due to higher than average rainfall. Raw water usage for this quarter was 2,362ML when compared to 2,934ML for the corresponding quarter last year.
Group Management. Water and Wastewater Connections	New water and wastewater connections installed within 25 days.	95%	95.5%	☑	A total of 66 Notice to Service Provider Applications were received for this quarter, with 63 applications installed within 25 working days.
Group Management	Water and wastewater complaints per 1,000 connections.	<25	6.9	☑	410 complaints were received for this quarter from a total of 58,928 water and wastewater connections.

Infrastructure & Planning – **Water & Wastewater**

Core Programs/Services Areas				Strategic Links		Risk Id.	
<u>Wastewater Services</u> - Wastewater schemes collection and treatment				CP 2.2.1, 2.3.2, 2.4.1 & 2.4.2		BP-IP-5:17- 18	
Key Performance Indicators				*Note: The WW Capital Works Program Target is annual – reported YTD. Wastewater Services Targets are quarterly.			
Task/ Action	Performance Measure	Target	Actuals	Status	Comment		
Capital Works Program	Delivery of Wastewater Capital Projects Program. Percentage of adopted budget completed.	95%	62.7%	☑	This figure is based on expenditure against the annual Wastewater budget. Please refer to Wastewater Capital Projects Report.		
Wastewater Services - reliability	Wastewater Services Reliability: Percentage customers do not experience interruption.	95%	99.7%	☑	76 sewerage connections experienced a service interruption from a total of 26,146 sewerage connections.		
Wastewater Services - incidences	Reportable Incidences: Number of reportable incidents.	<5	6	☑	A total of 6 reportable incidents were recorded for the quarter of which 3 related to exceedance of effluent quality and 3 relating to raw sewage overflows.		
Wastewater Services - complaints	Wastewater odour complaints per 1,000 connections	<5	0.49	☑	13 odour complaints were received for the quarter from a total of 26,146 sewerage connections.		
Wastewater Services - breaks	Sewer main breaks and chokes per 100km of mains.	<10	2.46	☑	17 sewer main breaks and chokes occurred across the region during this period. The total length of sewerage main is 689.46km. This equates to 2.46 blockages per 100km, which falls within the quarterly target.		

Infrastructure & Planning – **Water & Wastewater**

Core Programs/Services Areas			Strategic Links		Risk Id.
Plumbing Services and Trade Waste			CP 1.1.1, 2.4.2 & 3.5.1		BP-IP-5:17- 18
Key Performance Indicators			*Note: Plumbing and Trade Services Targets are quarterly.		
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Plumbing Services	Standard Approvals: Percentage of approvals decided within 20 days.	95%	100%	☑	161 - Plumbing Applications have been received during this quarter this is up on the previous 2 quarters.
Plumbing Services	Fast-track Approvals: Percentage of approvals decided within 5 days.	95%	100%	☑	3 Fast Track Plumbing Applications were received and processed during the 3 rd quarter.
Plumbing Services	Inquiries: Number of inquiries.	Trend	2087	T	2087 inquiries were received during the quarter. This figure is up on the 3 rd quarter for last year.
Plumbing Services	Inspections: Number of inspections (i.e. ensuring compliance with plumbing codes).	Trend	721	T	721 inspections were conducted during this quarter, which continues an upward trend in line with the applications received.
Trade Waste	Register: Number of trade waste generators against estimated total number of generators.	Trend	37	T	The Trade Waste identification process has now been completed. Currently there 1365 Trade Waste Generators, and 122 pending applications to be finalised.
Trade Waste: Back Flow Prevention	Number of back-flow prevention devices added to council's Back-flow Register.	Trend	27	T	2445 is the current tally of approved backflow prevention devices. This figure takes into account the removal of devices.
Trade Waste On-site Sewer Installations	Number of complaints associated with on-site installations.	Trend	21	T	21 complaints were received, this figure is up on the last quarter due to the weather conditions.

Community & Environment – **Airport & Tourism Services**

Core Programs/Services Areas				Strategic Links	Risk Id.
Airport and Tourism Services Community Events				CP 1.2.1, 1.2.2 & 1.4.1	CE-1:9-10 & CE-3:8-9
Key Performance Indicators		*Note: Unless otherwise stated <i>Airport and Tourism</i> KPI Targets are quarterly.			
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Airport Services	Bundaberg Regional Airport: Number of passenger services.	380	412	✓	Ongoing schedule changes have resulted in a minor reduction in scheduled flights this quarter when compared to last quarter however actuals remain above target.
Airport Services	Bundaberg Regional Airport: Number of passengers processed through Bundaberg Regional Airport terminal.	30,000	39,338	✓	Passenger numbers were down 3.4% on the same quarter last year and down 8.3% on the previous quarter. This is generally the quietest quarter of the year given the drop-off in corporate travel over the Xmas period. Actuals still exceeded target.
Tourism Development & Services	Bundaberg North Burnett Tourism (BNBT) Partnership Agreement: Monitor and manage the partnership agreement: Percentage progress reports by BNBT have been satisfactory completed.	Milestone Biannual Report	-	✓	This KPI is reported in the 1 st and 4 th quarters.
Tourism Development & Services	Number of visitors to iconic facilities (Hinkler Hall of Aviation and Fairymead House)	3,000	4,474	✓	An increase of 11.6% has been achieved on the previous quarter. The visitation for this quarter is a 4.7% increase on the same quarter last year.
Major Events	Community Engagement: Estimated number of participants in the major events delivered or coordinated by council.	Trend Quarterly	4,000	T	An estimated 4000 residents and visitors attended Chinese New Year Celebration. It should be noted that attendance was down slightly due to inclement weather preceding event day.
Major Events	Attendee satisfaction: Childers Festival survey results.	Milestone Annual Report	-	T	This KPI is reported in the 1 st quarter. 2017-18 results as follows: Excellent 76% Good 20% Fair 2% Poor 1%
Community Events	Community Engagement: Estimated number of participants in community events delivered or coordinated by council.	Trend Quarterly	1,500	T	An estimated 1,500 residents participated in Australia Day celebrations hosted by the PCYC. 31 Community groups/individuals registered to help clean up our region during the Clean-up Australia Day campaign.
One-off Events	Community Engagement: Estimated reach - number of participants in one-off promotional events initiated by Council.	Trend Quarterly	1,500	T	An estimated 1,500 residents attended the Queens Baton Relay celebrations at the Multiplex. It is unknown how many residents watched the Relay.

Community & Environment – **Community Services:** Community Care

Core Programs/Services Areas			Strategic Links		Risk Id.
Home Support and Community Care Services Children and Family Support Programs Senior's Housing			CP 1.4.1		CE-2:7
Key Performance Indicators			*Note: Unless otherwise stated Community Care KPI Targets are quarterly.		
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Home Support and Community Care Services (Isis, South Kolan and Gracie Dixon)	Percentage services are demonstrating compliance with standards.	98%	100%	☑	Availability for CBDC and In Home, Limited Home maintenance, waitlist for domestic.
Children & Family Support Programs	Percentage programs are demonstrating compliance with standards.	98%	100%	☑	Meeting requirements.
Senior's Housing	Percentage services are demonstrating compliance with standards.	98%	100%	☑	65 of 68 units tenanted with referrals received for 2 of those vacant units. 1 unit in Gin Gin has been difficult to tenant due to lack of applicants.
Community Support Services - <u>Neighbourhood Centres</u>	Number of occasions that information, advice and referral services were provided.	Trend	4,750	T	Access for information remains a core activity.
Community Support Services - <u>Neighbourhood Centres</u>	Access to Services- Number of service users who received a service.	Trend	4,959	T	Utilisation is consistent.
Access to Services - <u>Neighbourhood Centres</u>	Number of service users with improved ability to access appropriate services.	4,000	4,721	☑	The service is continuing to improve awareness.
Quality of Life - <u>Neighbourhood Centres</u>	Number of service users with improved quality of life.	4,000	4,269	☑	Service users report improved quality of life.
Social Connectedness - <u>Neighbourhood Centres</u>	Number of service users with improved social connectedness	4,000	4,122	☑	Service users report improved social connections.
Community Support Services - CHSP & QCC	Number of occasions that information, advice and referral services were provided.	Trend	1,633	T	157 referrals for services plus 1476 information and support services regarding information about services provided. The demand for garden maintenance is great at the present time.
Community Support Services - CHSP & QCC	Number of service users who received a service.	Trend	561	T	The total number of clients receiving a service in our data base.

Community & Environment – **Community Services:** Community Care

Core Programs/Services Areas				Strategic Links	Risk Id.
Home Support and Community Care Services Children and Family Support Programs Senior's Housing				CP 1.4.1	CE-2:7
Key Performance Indicators		*Note: Unless otherwise stated <i>Community Care</i> KPI Targets are quarterly.			
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Access to Services - CHSP & QCC	Number of service users with improved ability to access appropriate services.	50	561	☑	561 clients have received information and newsletters informing of fees, services provided and MAC information.
Quality of Life - CHSP & QCC	Number of Service Users with improved quality of life.	300	561	☑	561 clients. CHSP and QCC surveys have been sent out but will not be collated until the next quarter.
Social Connectedness - CHSP & QCC	Number of service users with improved social connectedness	150	160	☑	GD - 160 clients overall which includes mowing services, Dementia Café as well as care services.

CHSP- Community Support Services Commonwealth Home Support Program
QCC - Queensland Community Care programs.

Community & Environment – **Community Services:**

Core Programs/Services Areas				Strategic Links	Risk Id.
Community Development Youth Development Community and Council Facilities				CP 1.2.1, 1.2.2, 1.3.3, 1.4.1 & 3.8.2	CE-3:8-9
Key Performance Indicators		*Note: Unless otherwise stated <i>Community Development</i> KPI Targets are quarterly.			
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Facilities: Holiday Parks	Holiday Parks (Council-owned): Occupancy rate - Percentage Holiday Park accommodation is occupied.	Trend Annual		T	This KPI will be reported in the 4 th quarter.
Facilities Utilisation.	Percentage usage of the Recreational Precinct.	Trend	15.75%	T	This percentage is the total number of bookings of each zone in the Precinct (156) against the possible use of every zone for each day of the quarter (90 days X 11 zones = 990).

Community & Environment – **Community Services**

Core Programs/Services Areas			Strategic Links		Risk Id.
Community Development Youth Development Community Events Community and Council Facilities			CP 1.2.1, 1.2.2, 1.3.3, 1.4.1 & 3.8.2		CE-3:8-9
Key Performance Indicators			*Note: Unless otherwise stated Community Development KPI Targets are quarterly.		
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Events - Community capacity building	Events Workshop: Number of attendees - capacity building workshop for events.	Trend Annual	-	T	This KPI will be reported in the 4th quarter.
Community Networks	Networking Activities: Number of community meetings attended by council staff. <i>Note: Council representation at these meetings encourages and supports strong community networks and promotes shared responsibility for community issues and concerns.</i>	Trend	61	T	Seniors Network - 2, Options Day - 2, Grants - 5, PHN - 1, FAB - 1, Child Protection - 3, Disabilities - 5, BRICC - 2, Neighbourhood Centre - 1, Neighbour Day 8, Youth Forum - 1, Housing and Homelessness - 3, Headspace Youth Committee - 2, Career Expo - 2, Youth Month - 7, Bundaberg Regional Youth Hub - 5, Careers Forum - 1, Day for Daniel - 1, Bundy Pop Cult mania - 3, Youth Chronicles - 4, Youth Support coordinators - 1.
Community Support	Number of community grants administered.	Trend	8	T	Micro Grants - 2, Community Grants - 6.
Community Programs	Delivery of Community Programs: Number of programs delivered and quarterly progress summary.	Trend	5	T	Neighbour Day initiative, Bully Free Region projects- Youth Development Action Team, REACT Youth Month, Options Day, grants promotion.
Community Projects	Delivery of Community Projects: Number of projects and quarterly progress summary.	Trend	21	T	Options Day planning 4, Grants promotions 4, Child Protection activity 2, Neighbour Day 8, International Women's Day - Women in Science Technology Engineering Maths Gin Gin - 1, Bully No Way Day Bundaberg - 1, Leaders meet Leaders - 1.
Planning	Review of Social Development Action Plan to Community Development Strategy. Phase 1: Youth Strategy	Annual Milestone	Dec. 17	<input checked="" type="checkbox"/>	Youth Development Action Plan final document completed.
Planning	Review of Social Development Action Plan to Community Development Strategy. Phase 2: Community Development Strategy (incorporating the Youth Strategy).	Annual Milestone	Jun. 18	-	This KPI will be reported in the 4th quarter.

Community & Environment – **Disaster Management**

Core Programs/Services Areas			Strategic Links		Risk Id.
Prevention Strategies Disaster Management Plans Programs and Partnerships – S.E.S.			CP 1.5.1		CE-4:10-11
Key Performance Indicators			*Note: Disaster Management KPI Targets are annual.		
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Disaster Management	Preparedness	4	3 YTD	<input checked="" type="checkbox"/>	Next LDMG Ordinary Meeting will occur on Friday 13th April. 1 x Bundaberg LDMG Extraordinary Meeting of the LDMG Executive occurred on 14th March to discuss emerging cyclone event.
Disaster Management	Prevention, Preparedness, Response, Recovery	>5/10 Annual	8.5	<input checked="" type="checkbox"/>	On 20th December 2017 Qld Government Inspector General Emergency Management officially advised Bundaberg Regional Council of results following Local Disaster Management Plan assessment. There was an overall improvement in the rating of the plan, with specific improvement measured in the 'Preparedness and Planning' Shared Responsibility (after rounding, the assessment score will remain at 8.5/10). There were no instances where there was a reduction in performance across any of the 6 Shared Responsibilities.

Community & Environment – **Libraries**

Core Programs/Services Areas – Libraries				Strategic Links	Risk Id.
Resources & Facilities – Libraries Community Services & Programs History & Heritage Collections & Publications				CP 1.2.1, 1.6.1, 1.7.1 & 1.81	CE-5:11-12
Key Performance Indicators		*Note: Unless otherwise stated <i>Libraries</i> KPI Targets are quarterly.			
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Libraries Usage	Number of patrons using our libraries.	75,000	78,738	☑	78,738 patrons visited our libraries this quarter.
Community Programs	Number of participants in our community programs.	2,000	2,768	☑	77 programs were offered this quarter and attendance was pleasing. Community programs include children's programming, community outreach, and community events.
Digital Literacy Program	Number of participants in our Digital Literacy programs.	100	799	☑	The large spike in attendance this quarter has been due to our Tech Savvy Seniors sessions (530 attendees). A press release was issued in January resulting in a higher than expected level of interest/attendance. This also coincides with a known pattern of higher interest from patrons at the start of the year. After School Robotics attendance has also been unexpectedly high. In addition we have offered sessions on photography with tablets, 3D printing, and password management.
Regional History and Heritage	Number of images, recordings and items documented, catalogued or posted to our website.	100	83	☑	83 images have been scanned into the Picture Bundaberg historical photo archive. Photos are shared regularly on the Library Facebook page which has this quarter seen an average reach of 4000 people per post, with the most popular post reaching 9000 people.

Community & Environment – Arts

Core Programs/Services Areas - Galleries				Strategic Links	Risk Id.
Resources & Facilities – Galleries Exhibition & Arts Programs & Services Community & Stakeholder Partnerships Cultural Identity & Heritage Cultural Collections				CP 1.2.2, 1.3.2, 1.6.1, & 1.81	CE-5:11-12
Key Performance Indicators				*Note: Unless otherwise stated Galleries KPI Targets are quarterly.	
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Community & Stakeholder Partnerships	Number of strategic partnerships maintained or developed.	Trend	25	T	Of these, 2 are new partnerships and the remainder are ongoing.
Arts: Exhibition Program	Number of visitors to BRAG and ChArts.	Trend	7,116	T	BRAG visitation total 4534; CHARTS visitation 2582. This visitation comprised of Chinese New Year celebrations at BRAG which had a sister city focused exhibition. Local artist exhibitions at CHARTS.
Arts : Arts & Culture Programs	Community Participation: Number of participants in Arts and culture programs.	Trend	3,050	T	3050 people participated in Community Arts and Public Programs across BRAG and ChArts. The demographics of these participants were: 0-12 years: 1604 participants; 13-17 years: 271 participants; 18 years and over: 1175 participants. 80 participants identified as ATSI; 80 participants identified as people with a disability. Significant programs during this quarter included: School Holiday workshops, Dottie Lottie Storytelling and activity Chinese New Year Celebrations, Wednesday Art Walk, Craft Crowd, Mind The Art.
Community Events - Arts Support	Number of significant community events supported by the Arts section.	Trend Biannual	-	T	This KPI is reported in the 2 nd and 4 th quarters.
Arts: Special Projects Support Services	Number of special projects being supported by Arts Services	Trend	4	T	4 special projects were supported. – Community Public Art Project 'The Barolin Mob': Collaboration with Council's Parks, Sport and Natural Areas Department and community groups to develop a long running community arts public art project to promote local heritage and culture. – Burnett Heads Town Centre Street Scape Upgrade: Collaboration with Infrastructure and Planning Services Project Control Group to incorporate Public Art in the new revitalisation of the Burnett Heads Streetscape. – Bundaberg Regional Inclusive Community Committee - Aussie Bush Dance event: Community Arts Officer working with Bundaberg Regional Inclusive Community Committee (BRICC) as part of social inclusion week. – BRICC - Banner painting activity: Community Arts Officer working different sectors of the community as part of social inclusion week.

Community & Environment – **Theatre**

Core Programs/Services Areas - Moncrieff Entertainment Centre					Strategic Links	Risk Id.
Resources & Facilities Cinema & Theatre Programs Community Programs & Partnerships Cultural Events					CP 1.2.2 & 1.6.1	CE-5:11-12
Key Performance Indicators					*Note: MEC KPI Targets are quarterly.	
Task/ Action	Performance Measure	Target	Actuals	Status	Comment	
Theatre: Building Our Performing Arts Community	Number of MEC initiatives designed to grow our Performing Arts Community.	3	3	☑	Hosted Artour Roadcase event (at Library), a regional event bringing a range of community presenters together in Bundaberg - from around the State. Hosted Stage Queensland Technical Managers' Conference - 53 representatives from venues and suppliers across the state and nationally.	
Theatre: Cinema & Theatre	Number of cinema and theatre patrons visiting the Moncrieff Theatre.	8,000	9,695	☑	Decrease due to renovation closure from 26/2 to 6/4. Good cinema numbers during school holidays. This quarter is usually the slowest.	
Theatre: Venue - Community Access / Utilisation	Number of community groups using or engaging with the Moncrieff Entertainment Centre.	Trend	4	T	Limited opportunities due to time of year and renovation closures.	

Community & Environment – **Creative Regions**

Creative Regions Partnership	Total audience numbers and participants in Council funded programs managed by Creative Regions.	Trend Biannual	-	T	This KPI is reported in the 2 nd and 4 th quarters.	
Creative Regions: Major Events	Crush Festival Percentage of total participants that are visitors from other regions.	20% Annual	-	☑	This KPI will be reported in the 4 th quarter.	

Community & Environment – **Parks, Sport & Natural Areas**

Core Programs/Services Areas – Parks	Strategic Links	Risk Id.
Parks & Open Space Management Foreshores & Beaches	CP 1.3.1 & 2.1.1	BP-CE-6a:4

Key Performance Indicators

Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Parks & Open Spaces: Maintenance	Meeting agreed service standards for Parks and Open Spaces: Percentage service levels have been met.	85% Quarterly	95%	☑	Service levels were met. High growth period required higher frequency of mowing. All cleaning contractors also met agreed service levels.
Parks & Open Spaces: Planning	Review of the Parks & Open Space Strategy.	June 18 Milestone	10%	○	The strategy is currently under review. The project has been scoped and methodology and tasks identified. The formal review still awaits final adoption of the Local Government Infrastructure Plan (LGIP) and the Sport and Recreation Strategy, as these recommend service levels, future park provision and priority actions.

Core Programs/Services Areas – Sport and Recreation	Strategic Links	Risk Id.
Physical Activity & Preventative Health Youth Representativeness & Sports Organisations	CP 1.2.2, 1.3.1 & 2.1.1	BP-CE-6a:7-8

Key Performance Indicators

*Note: Parks KPI Targets are quarterly.

Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Physical Activity and Preventative Health	Number of physical activity and preventative health initiatives promoted and supported by council.	25 Quarterly	30	☑	Activities included: Be Active Be Alive Jan - March (160 free activities), MoveIt Expo, Queens Baton Relay Community Celebration, Funding application Assistance (12).
Sport & Recreation: Programs & Projects Participation	Number of community members participating in preventative health programs and projects.	Trend Biannual	4000+	T	160 Be Active Be Alive session (4200 Participants). Moveit Expo- 61 stalls, 1500 attendance.
Sport: Youth Representatives & Sport Organisations	Number of successful grant applications in support of individual sportspeople and organisations.	10 Quarterly	17	☑	17 Young People in Sport applications.
Sport & Recreation: Planning	Review of Sport and Recreation Strategy.	Dec. 17	90%	☑	Community Feedback collated, draft strategy updated for final review by internal stakeholder group before recommendation to Council.

Community & Environment – **Parks, Sport & Natural Areas**

Core Programs/Services Areas – Natural Resource Management				Strategic Links	Risk Id.
Land Protection Natural Areas Management Coastal Areas Management				CP 2.5.1 & 2.5.2	BP-CE-6a:7-8
Key Performance Indicators					
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Natural Resource Management	Land Protection- Weeds: Number of properties inspected.	350 Annual YTD	487	☑	The quarterly target for property inspections was exceeded this quarter helping to ensure that our lifestyle and environment are protected and maintained through administration of regulatory responsibilities.
Natural Resource Management	Public Awareness & Education: Number of public awareness and education programs and activities.	8 Quarterly	10	☑	Council created or participated in 10 environmental public awareness campaigns this quarter helping to strive towards the protection and maintenance of our lifestyle, and our natural and rural landscapes. – Rocky Point Replanting Project – Information Signage – Baldwin Swamp Management Plan Review Consultation – Coastal Hazard Rehabilitation Community Workshop for Woodgate Beach – Baldwin Swamp Pathway Project – Environmental Walk and Talk – Kroombit Tinker Frog Charity Bowling Night – Promotional Video for Baldwin Swamp – Giant Rats Tail Grass Forum in Gympie – Vine Weed Biocontrol Workshop in Pomona – Giant Rats Tail Grass Field Day in Tirroan – BRC Biosecurity Plan Stakeholder Workshop.
Natural Resource Management: Networks and Partnerships	Number of community led environmental protection activities.	Trend	9	T	Council supported 9 community lead environmental programs in the 3rd quarter helping to ensure our lifestyle, and natural and rural landscapes are protected and maintained. – Fraser Coast Volunteer Program – Excursion with Fraser Coast Regional Council – River Access Inception Meeting for Camp Gregory – Kroombit Tinker Frog Bowling Night for the Australian Society of Zoo Keepers – Works Program for Gidarjil Corp's SQW Program – Works Program for IMPACT's SQW Program, Planning advice for the Friends of Rifle Range Creek – Provision of trees and materials for the Friends of Archie's Beach – Support for the electronic fishway barrier project for the Australian Barramundi Fishers – Content provision for the Giant Rats Tail Grass Forum with Gympie Regional Council.

Community & Environment – Regulatory Services

Core Programs/Services Areas – Regulatory Services				Strategic Links		Risk Id.
Animal Management Local Law Regulated Parking				CP 2.6.1, 2.6.2 & 3.5.1		BP-CE-6b:5
Key Performance Indicators						
Task/ Action	Performance Measure	Target	Actuals	Status	Comment	
Animal Management	Percentage of customer requests overdue in relation to assigned timeframes	<15%	3.5 %	☑	59 Animal Management customer requests were still active during the 3rd quarter. 1645 Animal Management customer requests were received.	
Animal Management	Number of customer requests received.	Trend Quarterly	1,645	T	1,645 animal management requests received during the 3rd quarter.	
Animal Management Plan/Strategy	Development of Plan/Strategy	Feb. 18	70% complete	○	The Animal Management Plan is currently in draft format for review prior to presentation to Council.	
Regulated Parking	Number of parking infringements issued.	Trend Quarterly	800	T	800 parking infringements were issued during the 3rd quarter.	
Regulated Parking	SPER (Penalties Enforcement Agency). Number of infringements forwarded to SPER for debt recovery	Trend Quarterly	268	T	268 infringements were referred to SPER during the 3rd quarter.	
Local Law	Local Law Enforcement: Number of customer requests received.	Trend Quarterly	591	T	591 Local Law customer requests were received during the 3rd quarter.	

Community & Environment – **Waste & Health Services**

Core Programs/Services Areas – Health Services				Strategic Links		Risk Id.
Food Safety Public Health Risks Environmental Nuisances & Pollution Environmental Health Promotion & Public Education				CP 2.6.1, 2.6.2 & 1.4.1		BP-CE- 8b-7-11
Key Performance Indicators						
Task/ Action	Performance Measure	Target	Actuals	Status	Comment	
Food Safety	Percentage of inspections completed against the total number for the financial year.	98% Annual YTD	75%	☑	75% of the annual food inspections have been undertaken.	
Food Safety- Compliance	Percentage of premises with 3 Star Rating or above (i.e. meeting compliance)	75% Quarterly	92%	☑	Eat Safe eligible licenced food businesses operating at a level of 3 stars and above remain at a consistent 92%.	
Food Safety	Training: Number of training courses provided to the community.	4 Annual YTD	2	☑	Council held 2 further face-to-face free food hygiene courses. One was for a non-profit organisation and the other was for internal staff.	
Illegal Dumping	Number of illegal dumping and littering complaints investigated.	Trend Annual YTD	176	T	All littering & illegal dumping complaints have been investigated to date.	
Vector Control	Vector Control Program: Percentage of identified risk areas controlled through spraying.	95% Annual YTD	50%	☑	Further pellet treatment of breeding areas throughout the Bundaberg region has been undertaken after rain events. BG, Gat and FTA light trapping for Mosquitoes throughout the Bundaberg Region has been completed.	
Vector Control	Mosquito identification: Percentage of mosquitos identified (i.e. during annual collection program)	50% Annual YTD	20%	○	20% of the mosquitoes captured during trapping have been identified.	
Environmental Health: Community Programs	Number of community health/education programs delivered.	Trend Biannual	2	T	Asbestos Awareness education program and Mosquito Awareness education program have been completed.	


Community & Environment – **Waste & Health Services**

Core Programs/Services Areas – Waste Services				Strategic Links	Risk Id.
Waste & Recycling Collections Waste Disposal Material Recovery				CP 2.1.1, 2.3.2, 2.4.2, 3.5.1 & 3.8.1.	BP- CE-8a:7-8
Key Performance Indicators					
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Waste Services: Collection	Percentage of customer requests/complaints processed effectively	95% Quarterly	95%	☑	1076 customers' requests during the period. 95% were completed within Customer Charter timelines.
Waste Services: Collection	Waste Collection: Domestic & Commercial: Expansion of rural services residential and properties report/summary.	June 2018 Milestone	YTD 149	☑	Expansion area completed with 149 new services.
Waste Services: Disposal	Maximise putrescible waste being disposed of at our lined landfill site (Cedar Road).	40,000 Tonnes Annual	43,000 Tonnes	☑	Currently tracking for 43,000 tonnes to Cedars, above target.
Waste Services: Resource Recovery	BRC collection municipal solid waste diverted from landfills: Percentage of waste diverted to be reused.	30% Quarterly	23%	☑	23% of the total Domestic Waste Collection tonnages is being processed at the Recycling Plant.
Waste Services: Facilities: Landfill Management	Phyto-capping trial Qunaba Landfill - Construction Project report/summary.	June 2018	N/A	☑	Progress Report - Business case being prepared for Project Review Group and the operations manual for construction is close to completion.
Waste: Education & Public Relations	Waste reduction initiatives: Number of Initiatives delivered.	Trend Quarterly	46	T	46 Educational/Media events including 19 Facebook posts, 22 tours with 263 visitors.
Waste: Planning & Review	Develop Waste Reduction and Recycling Plan.	June 18	YTD 30% Complete	☑	Advice from the LGAQ and the Regional Waste Plan document meets most of the requirements for a WRRP and WBROCC is looking at a WBROCC WRRP.

Organisational Services – Financial Services

Core Programs/Services Areas – Financial Accounting				Strategic Links		Risk Id.																								
Financial Accounting Investment & Debt Management Procurement Corporate Purchase Cards		Financial Processes and Statements Financial Asset Management Invoices & Payments		CP 3.1.1 & 3.2.2		BP-OS-1:12, 13-14, 16																								
Key Performance Indicators																														
Task/ Action	Performance Measure	Target	Actuals	Status	Comment																									
Cash Flow	Level of funds available greater than \$30m at the end of the financial year.	> 30m Annual YTD end of the financial year	\$137m	☑	Council holds sufficient cash to fund major projects scheduled for the financial year and beyond. No liquidity issues are foreseeable.																									
Investments	Return on Monetary investments: Minimum on investments is 1%	>1% Annual Target reported quarterly	0.94%	○	<p>The Reserve Bank of Australia cash rate held steady at 1.5% throughout the quarter.</p> <p>The QTC Cash Fund rate fluctuated, reaching slightly more than 1% over cash rate in January and falling to just under 0.6% over cash rate by March.</p> <p>Term deposit rates remained much the same as the previous quarter.</p>																									
Financial Audits	Prepare unaudited Annual Financial Statements in accordance with the applicable accounting standards and forward to the external auditors within legislative timeframe.	100% Annual YTD end of 2 nd quarter	25%	☑	Preparation has commenced for the processing of the End of Year Close at 30 June 2018. The QAO Audit representatives have been onsite to conduct their interim audit and have not indicated any significant audit issues at this stage.																									
Taxation	Taxation requirements completed (includes GST, BAS & Payroll)	100% Annual YTD end of calendar year	75%	☑	All Taxation Reporting requirements are being met as required for this time of year. Work has begun on collating information for the Annual Fringe Benefits Tax Return.																									
Revenue - Rates	Outstanding rates as a percentage of rates levied, prior to six monthly rates billing.	< 5% Biannual 1st & 3rd Quarters	2.7%	☑	<p>Rates debt owing before the current half-yearly Rates Billing, as a percentage of rates levy, was the lowest in the Council's history. Comparative figures/trends are as follows:</p> <table><tr><th>Period Ending</th><th>Rates Owing (\$ Millions)</th><th>Rates Levy (\$ Millions)</th><th>% Owing to Levy</th></tr><tr><td>Jun 2018</td><td>\$4.43 M</td><td>\$164 M</td><td>2.69%</td></tr><tr><td>Dec 2017</td><td>\$5.33 M</td><td>\$153 M</td><td>3.49%</td></tr><tr><td>Jun 2017</td><td>\$5.76 M</td><td>\$153 M</td><td>3.77%</td></tr><tr><td>Dec 2016</td><td>\$5.53 M</td><td>\$146 M</td><td>3.79%</td></tr><tr><td>Jun 2016</td><td>\$5.66 M</td><td>\$145 M</td><td>3.90%</td></tr></table>		Period Ending	Rates Owing (\$ Millions)	Rates Levy (\$ Millions)	% Owing to Levy	Jun 2018	\$4.43 M	\$164 M	2.69%	Dec 2017	\$5.33 M	\$153 M	3.49%	Jun 2017	\$5.76 M	\$153 M	3.77%	Dec 2016	\$5.53 M	\$146 M	3.79%	Jun 2016	\$5.66 M	\$145 M	3.90%
Period Ending	Rates Owing (\$ Millions)	Rates Levy (\$ Millions)	% Owing to Levy																											
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Jun 2016	\$5.66 M	\$145 M	3.90%																											
Accounts Payable	Creditor Invoices: Number of payments outside of terms	< 90 Quarterly	60	☑	Number of invoices paid short is dependent upon Council staff returning invoices to Accounts to effect payment, and the prompt follow up by Accounts Payable staff.																									

Organisational Services – Financial Services

Core Programs/Services Areas – Sustainable Finance				Strategic Links		Risk Id.
Financial Planning, Reporting & Forecasting Asset Management				CP 3.1.1		BP-OS-6:7-8
Key Performance Indicators						
*Note: Unless otherwise stated KPI Targets are annual, reported in the 4 th quarter.						
Task/ Action	Performance Measure	Target	Actuals	Status	Comment	
Loan indebtedness	Loan indebtedness does not exceed 60% of Gross Operating Expenses.	< 60%	-	-	This KPI will be reported in the 4th quarter. The 2016-17 figure was negative 14%.	
Operating Surplus	Ratio is between 0 and 15% of total operating revenue for whole of Council.	5%	-	-	This KPI will be reported in the 4th quarter. The 2016-17 figure was 9.5%.	
Asset Sustainability Ratio	The capital expenditure on replacement assets is greater than 90% of depreciation.	100%	-	-	This KPI will be reported in the 4th quarter. The 2016-17 figure was 50%. However, this was a preliminary estimate prior to the finalised Audited Financial Statements. Council is currently undertaking major new capital works.	
Own Source Revenue	Own source revenue as a percentage of total recurrent revenue.	Trend	-	-	This KPI will be reported in the 4th quarter. The 2016-17 figure was 78%.	
Own Source Revenue	Own source revenue per head of regional population.	Trend	-	-	This KPI will be reported in the 4th quarter. The 2016-17 figure was \$1,414 -up by 3.1% from \$1,371 in 2015/16.	
Financial Asset Management: Overall Condition	Percentage of assets in a satisfactory or higher condition (index less than 7). Excludes asset to be decommissioned.	98% Annual YTD	94.4%		A large percentage of these assets are part of Council's ageing infrastructure. The methodology for calculating this KPI is currently under review.	

Organisational Services – Customer Service

Core Programs/Services Areas – Customer Service				Strategic Links		Risk Id.
Customer Service Disaster Management Support				CP 3.5.1		BP-OS-1:15
Key Performance Indicators						
Task/ Action	Performance Measure	Target	Actuals	Status	Comment	
Customer Service: Call Centre	Percentage of calls processed within allocated timeframes.	90%	96%	☑	Inbound call numbers were high following the issue of property notices period ending 30/06/18. High service level standards were maintained.	
Customer Service: Customer Request Management (CRM)	Percentage of CRMs overdue across council in relations to the timeframes assigned.	<15%	15%	☑	This quarter has seen gazetted Public Holidays influence delivery timeframes coupled with increased periods of customer demand. Requests for service have been processed within acceptable tolerances for service delivery.	

Organisational Services – Information Services

Core Programs/Services Areas – Financial Accounting				Strategic Links	Risk Id.
Information Technology Infrastructure & Support Corporate Applications GIS Services & Support Records Management				CP 1.3.1, 1.5.1 & 3.7.1	BP-OS-2:5-8
Key Performance Indicators					
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
CCTV Surveillance	Reduced crime statistics in CBD and assistance with apprehension of perpetrators.	Trend Quarterly	Not available	-	QPS advised in February they are still collating information internally. Once statistics are received we will determine target and tolerances.
CCTV Surveillance	Quarterly meetings with QPS and Safe Night Precinct Committee.	4 Annual	3	☑	Third quarterly meeting held in February with QPS and Safe Night Bundaberg CBD Precinct president. Next meeting scheduled for May 8th.
Disaster Management	Development of Information Services Disaster Recovery & Business Continuity Plans.	June 18	7%	○	Finalising 3rd Party vendor quotations (four in total) to assist with the investigation and delivery of an IT Disaster Recovery Plan and IT Business Continuity Plan.
Information Services Strategy	Development of Information Services Strategy incorporating the Mobility Strategy.	March 18	95%	○	Drafted two strategic plans, an overall ICT Strategic Plan and a specialist GIS Strategic Plan. Both plans have been presented to CEO and GM Organisational Services and feedback will be incorporated prior to publishing.
Information Services - Support Requests	Number of support requests resolved	Trend	2093	T	Lower trend than previous quarter (2024) due to the Christmas period.
IS Service Desk	Customer support satisfaction	80% Biannual	94%	☑	Customer support satisfaction based upon manually surveyed users with recent completed support requests.
IS Infrastructure	Systems availability	95% Quarterly	60%	☒	Lower availability result mainly due to an extended outage relating to Authority google maps issue and Objective search problem.

Organisational Services – Governance and Legal Services

Core Programs/Services Areas – Financial Accounting				Strategic Links	Risk Id.
Corporate Governance Statutory Requirements Insurance Risk Management				CP 3.3.1, 3.4.1, 3.6.1 & 3.8.2.	BP- OS-3:8-9
Key Performance Indicators				*Note: Internal Ombudsman KPI Targets are quarterly.	
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Administrative Reviews	Number of Administrative Reviews received and processed within applicable timeframes.	Trend	4	T	4 administrative reviews were received and processed within applicable timeframes.
Right to Information (RTI)	Percentage of RTI and Privacy Applications received and processed within applicable timeframes.	90%	100%	☑	1 Right to Information application was processed within timeframes during the quarter.
Governance Compliance & Privacy Training	Percentage of staff trained in Right to Information (RTI) and Information Privacy (IP) processes and procedures.	90%	99.2%	☑	468 of 472 eligible employees have completed Right to Information and Information Privacy training.
Insurance	Percentage of insurance claims processed (submitted) within timeframes (i.e. General Insurance and Public Liability Claims).	95%	100%	☑	14 insurance claims were processed within timeframes (general insurance and public liability claims).
Risk Management	Percentage of open risk compared to total risk each quarter.	<25%	25.3%	☒	A total of 1820 risks have been identified across Council. 1359 have been closed. 461 risks remain open this quarter, equating to 25.3%.
Strategic Supply Procurement	Spend under Management: Management of expenditure through a defined procurement process	60% Quarterly	70%	☑	Use of contractual arrangements set up by Strategic Supply are not mandated across Council. This impacts on the spend under management.

Organisational Services – People & Performance

Core Programs/Services Areas – Financial Accounting		Strategic Links	Risk Id.
Recruitment Payroll Workplace Health & Safety	Training & Development Employee Relations & Community Relations	CP 3.4.1 & 3.6.2	BP-OS-4:8-9-10

Key Performance Indicators		*Note: Unless otherwise stated WHS KPI Targets are quarterly.			
Task/ Action	Performance Measure	Target	Actuals	Status	Comment

KPIs for Human Resource Management are currently under review.

WHS Management	<u>Workplace compensation</u> : Year-end percentage reduction in the number of <u>statutory</u> workers compensation claims.	5% Annual	-	○	Workplace compensation KPIs to be reported at end of year. Council continues to focus on recovery at work and actively supports staff who have been injured to return to work as soon as possible after injury.
WHS Management	<u>Workplace compensation</u> : Year-end percentage reduction in the number of lost-time workers compensation claims	5% Annual	-	○	
WHS Management	<u>Workplace compensation</u> : Year-end percentage reduction in the number of <u>days lost</u> on workers compensation claims.	5% Annual	-	○	
WHS Management	<u>Hazard Inspections</u> : Timeliness of hazard inspections: Percentage of inspections carried out on time.	95% Annual YTD	84%	☒	The number of inspections completed for this period has increased from the previous quarter; however, due to availability of staff and increased workloads, 59 inspections out of 70 were completed with 11 incomplete.
WHS Management	<u>Lost Time Injury Frequency Rate (LTFR)</u> : Industry standard measurement based on number of injuries per number of hours worked (all employees across whole organisation).	17.9 Annual YTD	15.6%	☑	The number of injuries for this quarter has reduced. The breakdown of injuries for this quarter are a mix of Lost Time Injuries (LTI) and Medical Expenses Only (MEO).
WHS Management	<u>Notifiable incidents</u> : Number of notifiable incidents.	0 Annual YTD	3	○	There has been no notifiable incident for this quarter. Year to date 3 X electrical.
WHS Management	<u>Reported Incidents</u> : Percentage of reported incidents <u>investigated</u> .	80% Annual YTD	100%	☑	All reported incidents are investigated initially by the supervisor/manager and the WHS team using the incident report form process. More formal and detailed investigations are carried out and reported back to management where warranted.
WHS Management	<u>Return to work Programs</u> : Percentage of successful return to work programs i.e. staff member has returned to normal duties.	90% Annual YTD	99%	☑	One staff remain off work at this time and is expected to resume full duties once medically cleared.
Training & Development	Staff satisfaction with <u>WHS training</u> .	80% Annual YTD	90%	☑	Employees continue to indicate they are satisfied with training and the standard of delivery.

Organisational Services – Integrated Management Systems & Internal Audits

Core Programs/Services Areas – Financial Accounting				Strategic Links	Risk Id.
Integrated Management Systems Internal Audits				CP 3.6.1, 3.6.2 & 3.7.1	BP-OS-6:7-8
Key Performance Indicators					
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Integrated Management Systems (IMS)	Document Review: Percentage of up-to-date documents in IMS.	98% Quarterly	88%	☒	All documents published in the IMS remain current until they are superseded by a new version. Currently 12% of IMS documents have gone past their proposed review date and await staff attention.
Internal <u>Quality</u> Audit	Coordinate and conduct Internal Quality Audits: Number of Internal Quality Audits.	7 Annual Reported YTD	3	○	<ul style="list-style-type: none"> – Audit 171817 Childers Recycled Water Management Plan is finalised. – Audit 171807 Purchasing and Subcontracting of Testing is at the data gathering stage but is currently on hold while the auditor assists with the implementation of recommendations from Audit 161708 WHS Consultation. – Internal Quality Audit was also given a matter to undertake root cause analysis in order to assist an Operational area address a workplace incident.
Internal Audit	Coordinate and conduct Internal Audits: Number of Internal Audits.	7 Annual Reported YTD	5	☑	Three audits (one that was not included on the Annual Audit Plan) have been completed this quarter. Another audit has also commenced and is in progress. The Internal Audit was also given three other matters to investigate which were completed.

Executive Services – **Communications and Media**

Core Programs/Services Areas – Financial Accounting				Strategic Links		Risk Id.
Community & Council Communications Media & Marketing				CP 3.8.1, 3.8.2, 3.9.1 & 3.9.2		BP-OS-5:7-8
Key Performance Indicators				*Note: <i>Communications and Media</i> KPI Targets are quarterly.		
Task/ Action	Performance Measure	Target	Actuals	Status	Comment	
Media Communications	Number of media releases including releases, statements and web-site posts.	Trend	126	T	This figure has decreased slightly from the second quarter figure of 147 which can be accounted for as a result of the January holiday period. The state election also took media interest away from Council and resulted in a reduction of external media requests. Significant media time during the quarter was taken up in organising the opening of Stage Two of the Multiplex and the Queen's Baton Relay which would also have impacted this quarter's figures.	
Social Media Engagement	Number of views, includes: Twitter, Facebook, Instagram and YouTube.	Trend	1,446,515	T	This figure has decreased slightly from the second quarter which can be attributed to the January holiday period.	

Executive Services – **Development**

Core Programs/Services Areas				Strategic Links	Risk Id.
Community & Internal Customer Service Development Assessment - Development Compliance Strategic Planning – Policy Development and Implementation				Corporate Plan Strategies 1.1.1 & 2.1.1	Business Plan IP-1:6-9
Key Performance Indicators				*Note: Development KPI Targets are quarterly.	
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Community & Internal Planning Searches	Percentage planning searches are issued within statutory and corporate time frames.	95%	95.5%	☑	There were 219 Building Compliance Searches, 5 Limited Planning Certificates and 1 Standard Planning Certificate issued for the quarter.
Development Assessment 10 days or less	Percentage of total Development applications issued with a decision within 10 days.	30%	24.5%	○	16 applications were decided within 10 days out of 65 total.
Development Assessment 35 days or less	Percentage of total Development applications issued with a decision within 35 days.	85%	75%	○	45 applications were decided within 35 days out of 65 total.
Development Assessment Negotiated Requests	Percentage of Development approvals that have a negotiated request.	< 10%	3%	☑	There were two negotiated decision notices issued for the quarter.
Development Compliance Enforcement Actions	Percentage of enforcement actions taken within statutory timeframes (includes actions against breaches and unlawful use of land, defective or illegal building works)	95%	100%	☑	There were 129 complaints received for the quarter. 76 compliance letters, 7 Show Cause Notices, 14 Enforcement Notices and 0 PINS were issued during this time.
Policy Development & Implementation	CBD Master Plan finalised and adopted for the Bundaberg region.	June 18	95%	☑	The CBD master plan was finalised and presented to Council at its meeting of 21 November 2017. It has been referred to the Executive Director Strategic Projects and Economic Development for implementation.
Policy Development & Implementation	Local Government Infrastructure Plan finalised and adopted for the Bundaberg region.	June 18	98%	☑	Approval to adopt LGIP received from Planning Minister on 15 March 18. Report to be submitted to Council meeting on 24 April for resolution to adopt.

Executive Services – **Strategic Projects & Economic Development**

Core Programs/Services Areas – Commercial Business & Economic Development				Strategic Links	Risk Id.
Business Networks & Partnerships Economic Development Strategy Sustainable Bundaberg 2030 Strategy Property & Leasing				CP 1.1.2, 1.1.3 & 1.2.2	BP- CE-1:9-10
Key Performance Indicators				*Note: Strategic Projects KPI Targets are annual.	
Task/ Action	Performance Measure	Target	Actuals	Status	Comment
Economic Development	Development of Smart Communities Digital Technology Strategy	June 18	15%	○	Preliminary Intelligent Community Framework has been drafted and discussed with relevant BRC managers and executives. In addition, BRC has resumed conversations with LGAQ in terms of priority Intelligent Community projects and development of a data management platform. An RFQ has been drafted for engagement of an external consulting firm to help deliver a refined framework and implementation plan. The RFQ will be publically advertised by mid-late April.
Economic Development	Development of Sustainable Bundaberg 2030 strategy document.	June 18	50%	☑	Engagement with Ironbark Sustainability to deliver the Sustainable Bundaberg 2030 Strategy and Action Plan is well underway. Stakeholder interviews are complete; data sets have been provided for analysis (e.g. electricity consumption and cost, landfill tonnages, fuel data, and fleet utilisation) and recommendations are being formulated. Follow up stakeholder workshop is complete and a Council briefing to provide a project update is scheduled for 16 April.
Business Growth	Percentage increase or decrease in business entities registered.	Trend	1.1% increase	T	Source: Lawrence Consulting: March 2016 0.5% and March 2017 1.6%.
Economic Growth	Gross Regional Product: Percentage growth in our region's Gross Regional Product.	1.8 % Qld. average.	13%	☑	Source: Lawrence Consulting December 2017. An excellent result up from 2.1% December 2016 and well above the State average.
Employment Rate	Unemployment rate for the Bundaberg region	< 6.5%	8.7%	☑	Source: Lawrence Consulting December 2017. Previously 11.3% 1 st Quarter 2016-17.
Export Growth	Export Growth: Value of goods exported from the Bundaberg Region	\$1.8B	-	-	Updated data not available.



**Item****24 April 2018****Item Number:**

G1

File Number:

-

Part:

INFRASTRUCTURE

Portfolio:

Infrastructure Services

Subject:

Fleet Management Advisory Committee - 28 February 2018

Report Author:

Valerie Andrewartha, Executive Assistant

Authorised by:

Stuart Randle, General Manager Infrastructure Services

Link to Corporate Plan:

Our People, Our Business - 3.1 A sustainable financial position.

Background:

In accordance with Council's resolution, the Fleet Management Advisory Committee met on 28 February 2018. The minutes and associated attachments from this meeting are submitted for Council's endorsement

Associated Person/Organization:

Fleet Management Advisory Committee

Consultation:

Portfolio Spokesperson: Cr Wayne Honor

Fleet Management Advisory Committee – consultation undertaken with Committee members on all issues contained within the agenda/minutes.

Legal Implications:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

2017/2018 Plant Replacement Program on schedule.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

- ☐ Yes
- ☒ No

Attachments:

- [↓](#) 1 Minutes - Fleet - 28022018
- [↓](#) 2 Attachments - Fleet - 28022018

Recommendation:

That the minutes (and associated attachments) of the Fleet Management Advisory Committee meeting held on 28 February 2018, be received and noted by Council.



MINUTES

Fleet Management Advisory Committee

28 February 2018

Where	Burnett Meeting Room, Bargara
When	Wednesday, 28 February 2018 – 9.00am
Attendees	Cr. Bill Trevor – Councillor Stuart Randle – General Manager Infrastructure Services Andrew Railz – Manager Fleet & Maintenance Services Anthony Keleher – Manager Financial Accounting
By Invitation	Barry White – Procurement Co-Ordinator Rebecca Kurtz – Administration Officer
Apologies	-
Chair	Cr. Wayne Honor – Councillor
Minute Taker	Valerie Andrewartha – Executive Assistant
Next Meeting	Thursday, 31 May 2018 – 9.00am

1. Welcome

Cr. Wayne Honor welcomed everyone to the meeting. No apologies were received, it was noted however, that Michael Egan has retired from Council.

Minutes of the previous meeting of 1 December 2017 were accepted as read.

Moved: Andrew Railz

Seconded: Cr. Bill Trevor

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Minutes of Meeting**Fleet Management Advisory Committee****2. Business****(a) Matters Arising from Previous Minutes**

- **Strategy for Safe Driving** (Andrew Railz)
Presentation of Draft Policy

Andrew Railz advised that this Policy is currently under review by Workplace Health & Safety and will be presented at next meeting.

Action/s: Presentation of Draft Policy (Andrew Railz)

- **Disposal of Plant** (Andrew Railz)
Draft auction specifications

Andrew Railz presented draft specifications (attached) and advised that this document has also be reviewed by Procurement.

It was resolved to accept the specifications proposed.

Discussion was also undertaken on the donation of surplus mowers (previously discussed by the Committee). Barry White advised that Gaeta Rural Fire Brigade will receive their item on 7 March 2018 at 1.30pm whilst the Bucca Rowing Club will be contacted once availability of the item is known. The Committee was also advised that a Liability Discharge Form has been developed and must be signed by receiver which discharges Council of any further responsibility associated with the donation. Cr. Honor requested that he be invited to the presentation of the items.

Action/s: Cr. Honor to be invited to donated item/s handover (Barry White)

- **Retention of Garbage Trucks** (Andrew Railz)
Provision of report to Council requesting approval to pre-order 2 garbage trucks in 2018/2019 budget

Andrew Railz advised that a report has been submitted for Council's consideration at its meeting to be held on 27 March 2018.

Action/s: Complete

- **Specialised Equipment for Drain Cleaning** (Andrew Railz)
Investigation into drain cleaning equipment

Andrew Railz has liaised with Chris Robinson who advised that it was unlikely that there is any specific plant available to undertake drain cleaning. He advised that Chris felt that the current equipment was considered adequate (although sharing of equipment between groups should be undertaken).

Action/s: Complete

Minutes of Meeting**Fleet Management Advisory Committee**

- **2017/2018 Plant Replacement Program** *(Barry White)*

Barry White provided overview of current status of the Plant Replacement Program (attached). In addition to the adopted program, nine (9) additional plant have been purchased this year.

Delivery of the garbage trucks has been delayed due to a large order being received by the manufacturer. The delivery date has been revised to July.

The Committee was also advised that the damaged prime mover from Waste Services is being donated to Bundaberg TAFE college.

Action/s: None.

(b) New Business

- Fleet Charging

A review of fleet charging is on-going. A presentation to the committee at the next meeting is expected. Stuart Randle provided an explanation of what is trying to be achieved, eg. reduction of paperwork for minor plant items and competitive internal plant hire (compared to external hire providers).

Action/s: Presentation to Committee on reviewed fleet charging *(Andrew Railz/Stuart Randle)*

3. **Reports**

(a) **Monthly Report** (attached)

Report was noted and discussion undertaken.

4. **Other Matters**

(a) Andrew Railz advised that of the two (2) new sweepers recently delivered (Childers & Bundaberg), the Bundaberg unit has experienced on-going issues. Repairs were undertaken, however the issue re-appeared and the supplier has now provided a temporary replacement whilst investigations are being undertaken.

(b) Stuart Randle advised that the Terms of Reference for the Committee required some updating (General Manager title, Group Manager Support Services, Manager Strategic Finance/Manager Financial Accounting to be removed; Chief Financial Officer (or delegate) to be included, Manager Fleet Services to be updated and Procurement Co-Ordinator (Fleet) to be added. Stuart Randle to undertake amendments.

Action/s: Update of Terms of Reference *(Stuart Randle)*

Minutes of Meeting**Fleet Management Advisory Committee**

- (c) Anthony Keleher advised that budget submissions close on Friday. Discussion was undertaken as to whether fleet procurement should be approved through the PDF process for budgeting of new and major upgrade purchases.

Action/s: PDF process to be utilized for the budgeting of new and major plant upgrade purchases (*Andrew Railz*)

5. **Next Meeting** – Thursday, 31 May 2018 – 9.00am

Thanks & Close

Close – 10.00am



MINUTES
FLEET MANAGEMENT ADVISORY COMMITTEE
1 December 2017

Where	Burnett Meeting Room, Bargara
When	Friday, 1 December 2017 – 2.00pm
Attendees	Cr. Bill Trevor – Councillor Stuart Randle – General Manager Infrastructure Services Michael Egan – Group Manager Support Services Andrew Railz – Manager Fleet & Maintenance Services Anthony Keleher – Manager Financial Accounting
By Invitation	-
Apologies	Barry White – Procurement Co-Ordinator
Chair	Cr. Wayne Honor – Councillor
Minute Taker	Valerie Andrewartha – Executive Assistant
Next Meeting	February/March 2018 – TBC

1. Welcome

Cr. Wayne Honor welcomed everyone to the meeting and wished everyone well for the festive season. An apology was tendered for Barry White.

General Discussion relating to the Minutes of the previous meeting were undertaken including:-

Plant Replacement Program – Delivery

- Garbage trucks – March 2018
- Prime movers – next week
- Trailers – May 2018

Donation of Mowers

Delivery of new (replacement) mowers is yet to occur and therefore the donation of the old plant has been delayed (until the New Year). Andrew Railz will communicate with both the Gaeta Rural Fire Brigade and Bucca Rowing Club advising them of same.

Fleet Management Advisory Committee**1 December 2017***Fleet Charging*

Stuart advised that some work is to be undertaken on the charging process, with the ultimate goal to reduce costs, and more particularly, the hourly rate. Stuart is anticipating that something will be presented at the next meeting for consideration.

At the end of the discussion, the minutes of the previous meeting of 8 September 2017 were accepted as read.

Moved: Andrew Railz

Seconded: Cr. Bill Trevor

2. Business(a) **Matters Arising from Previous Minutes**

- Strategy for Safe Driving

Mick advised that a draft policy has been completed and will be presented to the next meeting of the committee. Cr. Honor also requested that a presentation to Council at Consultation Meeting to be undertaken.

Mick also advised that discussions have been held with relevant staff/sections with a view to producing an educational program/process.

Action/s: Presentation of draft policy to Fleet Management Advisory Committee and Council (Michael Egan)

- Disposal of Plant

Document to be distributed to Committee Members. (Michael Egan/Andrew Railz)

Draft report presented at last meeting (8 September 2017).

The Committee requested that a clear definition of requirements of the Auction House be provided. Andrew Railz will draft an auction specifications template and present to Committee at its next meeting.

Action/s: Draft auction specifications (Andrew Railz)

- Retention of 'spare' garbage truck

Analysis of age Vs maintenance be undertaken (Andrew Railz).

The Committee was advised that a Report is being submitted to Council in early 2018 for their consideration requesting approval to tender/pre-order for purchase in the 2018/2019 budget.

Fleet Management Advisory Committee**1 December 2017**

Some discussion was undertaken regarding the possibility of the introduction of a green waste pick up and the truck resources should this be implemented.

Action/s: Submit a report to Council requesting approval to pre-order two garbage trucks and include the purchase in the 2018/19 Budget.

(b) New Business

- Updated 2017/18 Plant Replacement Program

An update on the replacement of plant was tabled and reviewed. All plant with a long delivery time have been committed with the exception of the grader. On target to fulfil the full 2017/2018 program.

Cr. Trevor questioned what affect the proposed structural changes (ie. Additional construction crew) may have on fleet requisitions. Stuart advised that some flexibility is required with respect to the fleet budget with a focus on revenue.

Action/s: None

3. Reports**(a) Monthly Report (attached)**

Report was noted and discussion undertaken.

Action/s: Trend line to be added to fuel totals (*Andrew Railz*)

4. Other Matters

(a) Minor Plant – Mick advised that the minor plant budget has been reduced this financial year which may hinder the purchase of new plant for the proposed new crews.

(b) Specialised equipment for drain cleaning – Cr. Honor requested investigation into requirements should this area of Council be expanded.

Action/s: Investigation into drain cleaning equipment (*Andrew Railz*)

5. Next Meeting – Cr. Honor thanked the Committee for their hard work during the year and wished everyone well for the Christmas period.

It is anticipated that the next meeting will be scheduled for late February/early March 2018.

Thanks & Close

Close – 3.10pm



MINUTES
FLEET MANAGEMENT ADVISORY COMMITTEE
8 September 2017

Where	Burnett Meeting Room, Bargara
When	Friday, 8 September 2017 – 8.30am
Attendees	Cr. Bill Trevor – Councillor Andrew Fulton – General Manager Infrastructure & Planning Michael Egan – Group Manager Support Services Andrew Railz – Manager Fleet Services Barry White – Procurement Co-Ordinator Peter Stanton – Fleet Maintenance Co-Ordinator Anthony Keleher – Manager Financial Accounting
By Invitation	Paul Elford – Snr OHS Officer Karen Craft – People & Culture Manager
Apologies	John Kelly – Manager Strategic Finance Barry Pershouse – OHS Team Leader
Chair	Cr. Wayne Honor – Councillor
Minute Taker	Robyn Laing – Business Systems Facilitator
Next Meeting	Friday 1 December 2017 9.00 am (Burnett Room, Bargara)

1. Welcome

Cr. Wayne Honor welcomed everyone to the meeting. An apology was tendered for Barry Pershouse who had been invited to the Meeting. Paul Elford was attending in his place. An apology was also submitted for John Kelly; noting that John would no longer be a member of this Committee in view of his retirement.

Minutes of the previous meetings of 26 May 2017 and 18 July 2017 were accepted as read.

Moved: Andrew Fulton
Seconded: Andrew Railz

Fleet Management Advisory Committee**8 September 2017**2. Business(a) **Matters Arising from Previous Minutes**

- Strategy for Safe Driving

Michael Egan tabled a report outlining a proposal to undertake a proactive educational program to promote safe driving practices, particularly amongst Council's drivers of light vehicles and trucks. (Attached)

Action/s: Implement a three year proactive educational program to raise awareness across Council. The program will provide training and monitoring to complement the new safe driving procedures and reporting processes.

- Disposal of Plant

Document to be distributed to Committee Members. (Michael Egan/Andrew Railz)

Andrew Railz circulated a report on the process for disposal of fleet assets with the Agenda for this meeting.

Action/s: Provide a report to Council identifying a range of options for auctioning plant identified for disposal.

- Identification of surplus mower/s

Two (2) mowers be identified to the General Manager and the matter be put to Council for a Resolution of Council to donate plant (refer email from Andrew Railz).

Action/s: It was noted that a report had been submitted to Council recommending the donation of Asset ID 4812 – 2013 Kubota F3680 Out-front Mower and Asset ID4813 – 2013 Kubota F3680 Out-front Mower (both having a residual value of \$5,000 each) to the Bucca Rowing Club Inc and the Gaeta Rural Fire Brigade.

- Retention of 'spare' garbage truck

Analysis of age Vs maintenance be undertaken (Andrew Railz).

The Committee perused the analysis of costs. The Meeting noted that a garbage truck had burnt out; the reason for which is still under investigation.

Action/s: Submit a report to Council requesting approval to pre-order two garbage trucks and include the purchase in the 2018/19 Budget.

- Review of Fleet Charging

Previously deferred (Andrew Fulton/Michael Egan/Andrew Railz).

Action/s: It was noted that Fleet Services were still deciding the optimum size of fleet and service levels and that the review of fleet charges was an ongoing task as utilization was assessed.

Fleet Management Advisory Committee**8 September 2017**(b) **New Business**

- Updated 2017/18 Plant Replacement Program

An update on the replacement of plant was tabled and discussed.

- Burnt Out Garbage Truck

A prime mover had been borrowed from Roads & Drainage for the short term.

Action/s: Fleet Services were authorised to go to market to see what replacement prime mover could be purchased.

3. Reports(a) **Monthly Report/s** (attached)

Reports were noted and discussion undertaken.

4. Other Matters(a) Cr Honor enquired regarding the reason for the fire in the Garbage Truck.

Although the matter was still under investigation, Fleet Services reported that it was unlikely a reason would be identified.

Action/s: Procedures to be put in place to prevent future fires.

(b) Anthony Keleher raised the turnaround in actual plant hire rates compared to the projected plant hire rates.

The meeting discussed the difficulty in projecting plant hire rates when staff are not diligent in recording plant hours.

Action/s: Raise the matter of plant users recording accurate plant hours on time sheets with Roads & Drainage.

5. Next Meeting – Friday 1 December 2017

Thanks & Close

Close – 12.30 pm

Fleet Disposal Report

Process for the Disposal of Council Fleet Assets

30 August 2017

DRAFT

Brief Summary

Fleet assets are currently disposed of on an ad-hoc basis. This is due to multiple factors including current market conditions, delivery of replacement assets to Council and the dates on which the Auctions are being held. The current process for disposal is to send any light vehicles to Manheim Auctions (Brisbane), heavy vehicles to Pickles Auctions (Brisbane), and yellow plant to Nasco Auctions (Brisbane) and any small/light plant to Ray White Bundaberg. From past performances the Brisbane-based companies attract the biggest bidding audiences, consistently achieve favorable results and offer very attractive transport costs.

Background

As a result of the administration effort required to manage the ad-hoc disposal of minor plant items (multiple trips to auction house, tracking of inventory sold, etc) and consistently declining resale values it was decided to conduct an on-site Auction.

On 12th March 2016 Fleet Services held an Auction on-site at the Operations Centre for the disposal of Council's plant, vehicle and equipment. These assets were either at the end of their useful life or were surrendered to fleet being surplus to requirements. Council's Fleet Procurement Coordinator sought quotations from one local company (Bundaberg Auctions) and Brisbane-based firm Nasco Auctioneers. Both companies were asked for their recommendation on how best to hold the Auction in order to maximize return for Council.

Bundaberg Auctions recommendation was to charge Council a 12% commission (plus GST) and advertising would be approximately \$2,800.00.

Nasco Auctioneers recommendation was to charge a buyer's premium of 15% which would be added to the successful bid. Their proposed advertising campaign would cost Council \$5,000.

The clear differences between the two Auction Houses were

- Bundaberg Auctions would charge Council a 12% commission on all sales; Nasco would charge the buyer for the commission
- Nasco Auctioneers specialize in the sale of Local Government plant, vehicles and equipment; Bundaberg Auctions is a general Auction House
- Nasco Auctioneers has an on-line simulcast bidding feature which allows interstate bidding; Bundaberg Auctions did not have this facility

Nasco Auctioneers were selected as they provided the opportunity to maximize Council's return. Reserve prices for the Auction in total were approximately \$200,000 – the Auction result grossed \$428,000. Overall, the onsite Auction was an outstanding success and multiple comments were made to the Auctioneer that it was the best Auction they had ever attended.

As a result of selecting a Brisbane-based firm to conduct the Auction there was criticism in the community. Particularly vocal were the local Auction Houses. However, they could not provide simulcast online bidding and do not specialise in the auctioning of Local Government Plant, Vehicles and Equipment

Recommendation












That Council engage in a Request for Tender / Quotation for Auction Services for the disposal of **Minor Plant** utilising the following specification:

- Supplier to arrange transport for 'minor plant assets' from Councils Depot to the nominated Auction site.
- Supplier to arrange a suitable advertising campaign to ensure Council realises the best return for its 'minor plant assets'.
- Supplier to provide suitable pre – auction viewing facility for 'minor plant assets'.
- Supplier to provide accurate auction estimates for 'minor plant assets'.
- Supplier to provide prompt post auction sales reports and proceeds of auction to Council.
- It is Councils preference that suppliers charge a Buyer's Premium, rather than charging Council a fee for auction services.














That Council engage in a Request for Tender / Quotation for Auction Services for the disposal of **Major Plant** utilising the following specification:




- It is highly desirable that the supplier has the ability to provide Simulcast & On-line auction services.
- Supplier to arrange transport for 'major plant assets' from Councils Depot to the nominated Auction site.
- Supplier to arrange a suitable advertising campaign to ensure Council realises the best return for its 'major plant assets'.
- Supplier to provide suitable pre – auction viewing facility for 'major plant assets'.
- Supplier to provide accurate auction estimates for 'major plant assets'.
- Supplier to provide prompt post auction sales reports and proceeds of auction to Council.
- It is Councils preference that suppliers charge a Buyer's Premium, rather than charging Council a fee for auction services.

Andrew Railz
Manager Fleet Services

Asset ID	Make	Model	Fleet Hierarchy	Section	Current Meter Reading	Replacement Comments	Replacement Cost	Est. Trade In	Nett Cost	Comments	Photo	Priority	Spec Form Sent	Spec Form received	Quotation No.	Sent to Locality	Locality Close Date	W/O Number	Purchase Order Number	Actual Amount (incl gst & freight)	Apprais Del Date	Comments
Light Vehicles																						
1300	Mitsubishi	402 Triton d/c	Tony Olsson	Asset Maintenance Services	159050	Actual purchase price - \$37,622.15 (inc GST & Registration) and 750 body. To be replaced with cab chassis only.	32,000.00	7,000.00	25,000.00	High kms - Brett Lane		d	26/09/2017	28/09/2017	1814-18 Item 1							
1203	Ford	Ranger PK 402 d/c	Michael Wiley	Planning & Development	150469	Actual Purchase Price \$27,764.40 (incl GST & Registration)	32,000.00	8,000.00	24,000.00	High kms - Keith Bayman		d	26/09/2017	28/09/2017	1814-18 Item 2							
1548	Holden	404 Colorado LX d/c	Darin Steele	Water & Regulatory Services	172500	Actual purchase price - \$43,609.66 (inc GST & Registration)	45,000.00	15,000.00	30,000.00	High kms - Wayne Holden		d	10/10/2017	12/10/2017	1813-18 Item 1	28/11/2017	6/12/2017					
4090	Ford	404 Ranger PK XL Crewcab	Nick MacLean	Parks, Sport & Natural Areas	151300	Purchase Price: \$45,197.95 Incl GST and Registration	50,000.00	12,000.00	38,000.00	High kms - Eric Dyke		d	10/10/2017	24/10/2017	1813-18 Item 2	26/11/2017	6/12/2017					
4894	Mitsubishi	404 Triton d/c	Nick MacLean	Parks, Sport & Natural Areas	149752	Actual Purchase Price - \$39,121.40 (inc GST & Registration)	35,000.00	12,000.00	23,000.00	High kms - James Anderson		d	10/10/2017	19/10/2017	1814-18 Item 3							
5006	Mitsubishi	404 Triton d/c	Jeff Rohdman	Water & Wastewater	170420	Actual purchase price - \$35,099.70 (inc GST & Registration)	40,000.00	10,000.00	30,000.00	High kms - Steve Arnold - Woodgate Irrigation / Land Dunes		d	10/10/2017	13/10/2017	1814-18 Item 4							
3508	Mitsubishi	402 Triton d/c	Jeff Rohdman	Water & Wastewater	204771	Actual purchase price - \$33,912.28 (inc GST & Registration)	36,000.00	10,000.00	26,000.00	High kms - Karl Zimmerman 404 RSQ/45T/12 approved		d	10/10/2017	13/10/2017	1813-18 Item 3	28/11/2017	6/12/2017					
5009	Isuzu	404 DMAX d/c	Jeff Rohdman	Water & Wastewater	155373	Actual Purchase Price - \$36,147.65 (inc GST & Registration)	40,000.00	12,000.00	28,000.00	High kms - John Rayner - Woodgate Irrigation / Dunes		d	10/10/2017	13/10/2017	1813-18 Item 4	28/11/2017	6/12/2017					
5327	Mitsubishi	404 Triton d/c	Jeff Rohdman	Water & Wastewater	183849	Actual purchase price - \$41,117.08 (inc GST & Registration)	42,000.00	12,000.00	30,000.00	High kms - M Higgins - Woodgate Irrigation / Land Dunes		d	10/10/2017	19/10/2017								
8317	Ford	Falcon Ute	Jeff Rohdman	Water & Wastewater	174384	Actual Purchase Price \$28,771.90	45,000.00	7,000.00	38,000.00	# 2 Utility with Tailgate Loader for Chlorine Cylinder Transport												
5356	Holden	402 Colorado LX d/c	Jeff Rohdman	Water & Wastewater	170236	Actual Purchase Price - \$33,188.06 (inc GST & Registration)	35,000.00	10,000.00	25,000.00	High kms - M Davis 404 RSQ/45T/12 Serial Replace with 1813			23/11/2017									
8068	Holden	404 Colorado LX d/c	Christopher Robinson	Roads & Drainage	206897	Actual purchase price - \$40,422.50 (inc GST)	45,000.00	12,000.00	33,000.00	High kms - Bryan Rafter			23/10/2017									
8124	Mitsubishi	402 Triton d/c	Adam Wyatt	Major Projects	177985	Actual purchase price - \$39,451.25 (inc GST & Registration)	36,000.00	10,000.00	26,000.00	High kms - Maurice Inver			26/09/2017									
8125	Mitsubishi	404 Triton d/c	Tim Hunt	Roads & Drainage	246300	Actual purchase price \$42,801.35 (inc GST & Registration)	45,000.00	12,000.00	33,000.00	High kms - Allan Semuels			23/10/2017	29/11/2017								
8162	Holden	Coswato LT 4x4	Christopher Robinson	Roads & Drainage	182300	Approved additional on 31-10-17	45,000.00	12,000.00	33,000.00	High kms -			23/11/2017									
8188	Nissan	Navara 4WD d/c	Christopher Robinson	Roads & Drainage	159960	Actual Purchase Price \$36,594.25 (inc GST & Rego)	40,000.00	10,000.00	30,000.00	High kms - Hunter Dale - trailer vehicle to be reallocated to Children's SES. Current Children's SES Troop Carrier to be disposed off.			28/10/2017									
8306	Mitsubishi	404 Triton d/c	Christopher Robinson	Roads & Drainage	188892	Actual purchase price - \$35,814.65 (inc GST & registration)	40,000.00	12,000.00	28,000.00	High kms - Steve Lindholm		d	23/10/2017	7/11/2017								
4073	Honda	TRX420	Nick MacLean	Parks, Sport & Natural Areas	339	Actual Purchase Price \$14,108.65 (inc GST & Rego)	16,000.00	3,000.00	13,000.00	Time & Condition - Eric Dyke			28/11/2017									
2810	Honda	TRX420	Nick MacLean	Parks, Sport & Natural Areas	1368	Actual Purchase Price: \$12,625.00 (incl GST)	16,000.00	3,000.00	13,000.00	Time & Condition - James Anderson from 28/11/2017 PDP			28/11/2017									
Light Truck																						
1396	Isuzu	NPS250/200 404	Jeff Rohdman	Water & Wastewater	185403	Original Purchase Price not known. Replacement Budget used.	110,000.00	15,000	95,000.00	474 light truck woodgate. Called for accessing sewer walls and towing men sewer and trailer. Will require 2100 or replace with slow body to suit. Pending update of \$45,000 on 31-10-17												

Asset ID	Make	Model	Fleet Hierarchy	Section	Current Fleet Reading	Replacement Comments	Replacement Cost	Est. Trade In	Fleet Cost	Comments	Photo	Priority	Spec Form Sent	Spec Form received	Quotation No.	Sent to Locality	Locality Close Date	W/O Number	Purchase Order Number	Actual Amount (incl GST & Wages)	Apprais Del Date	Comments
1322	Isuzu	NPR200	Andrew Kall	Asset Maintenance Services	138,914	Approved additional on 31-10-17	\$0,000.00	\$18,000.00	\$78,000.00	Approved additional on 31-10-17												
Light/Medium Truck																						
4918	Isuzu	NPR400	Geordie Lancelotti	Parks, Sport & Natural Areas	168805	Original Purchase Price not known. Replacement Budget used.	110,000.00	15,000.00	95,000.00	High Maintenance particularly with Diesel Particulate Filter (DPF) Fuel Purcellite.		11	26/09/2017									
8946	Isuzu	NPR400	Tim Hun	Roads & Drainage	110000	Original Purchase Price not known. Replacement Budget used.	115,000.00	15,000.00	100,000.00	Road Condition / High Maintenance requirements		13	23/08/2017	30/08/2017	1811-18	23/10/2017	7/11/2017	19084	367295	\$91,962.16		
1011	Isuzu	FBS300C	Andrew Kall	Fleet Services	149460	Actual purchase price - \$137,044.50	140,000.00	40,000.00	100,000.00	Fleet Services Breakdown Vehicle - extensive corrosion starting to show in body.		12	17/08/2017									
6021	Isuzu	NPR400	Andrew Kall	Asset Maintenance Services	162,713	Approved additional on 31-10-17	\$0,000.00	\$15,000.00	\$75,000.00													
Crane Truck																						
8054	Isuzu	NPR400	Tim Hun	Roads & Drainage	239343	Actual Purchase Price \$90,900.00	110,000.00	20,000.00	\$0,000.00	Age and vehicle mounted crane requires a 10yr inspection (full strip down & certificate). Wayne Sweeney		10										
190	Isuzu	NPR200	Jeff Muldrum	Water & Wastewater	276297	Actual Purchase Price Unknown	130,000.00	20,000.00	100,000.00	Truck Condition, upgrade to BSL loading truck to save weight		9										
1206	Isuzu	PU21400	Tony Wright	Roads & Drainage	183215	Actual Purchase Price Unknown	250,000.00	35,000.00	215,000.00	Age, multiple gearbox issues which has led to the truck being off the road for lengthy periods of time.		8	24/06/2017	4/09/2017	1810-18	9/10/2017	24/10/2017	19035	566568	\$283,212.56	Feb-18	
Garbage Truck																						
1504	Volvo	FE07	Gavin Crawford	Waste & Regulatory Services	11834	Actual purchase price - \$411,063.85 incl GST	440,000.00	\$0,000.00	390,000.00	Age, hrs and decreasing reliability		1	17/07/2017	18/07/2017	1801-18	19/07/2017	28/07/2017	18748	363985	\$434,457.46	Feb-18	
2990	Volvo	FE07/390	Gavin Crawford	Waste & Regulatory Services	10403	Actual purchase price - \$402,335.35 (inc. GST)	440,000.00	\$0,000.00	390,000.00	Age, hrs and decreasing reliability		1	17/07/2017	18/07/2017	1801-18	19/07/2017	28/07/2017	18748	363985	\$434,457.46	Feb-18	
2991	Volvo	FE07/390	Gavin Crawford	Waste & Regulatory Services	9838	Actual purchase price - \$402,335.35 (inc. GST)	440,000.00	\$0,000.00	390,000.00	Age, hrs and decreasing reliability		1	17/07/2017	18/07/2017	1801-18	19/07/2017	28/07/2017	18748	363985	\$434,457.46	Feb-18	
Trailers																						
2522	Intrepid		Geordie Lancelotti	Parks, Sport & Natural Areas	20	Original Purchase Price not known. Replacement Budget used.	20,000.00	500.00	19,500.00	Replacement trailer with auto retract lowered unit. Pressure Washer and hot box will be transferred from current set up. CDO/Street Clean, (subject to current WMS issues due to manual handling of large hose).												
21446	er Coles	Road Maint.	Christopher Robinson	Roads & Drainage		Unknown purchase price - donated by Coles Fine	30,000.00	1,000.00	29,000.00	Road Maintenance Trailer showing signs of major fatigue. Most components will be transferred from current trailer to new trailer.												
Boat																						
461	Stander	3164 Bannock Hydraulic Boat	Tim Hun	Roads & Drainage	20	Original Purchase Price not known. Replacement Budget used.	75,000.00	800.00	24,800.00	Age & Condition. Based at Kallie Dept (Coastal crew).			17/08/2017	30/08/2017								
490	Perkins	100kw	Gavin Bailey	Commercial Business & Economic Development	353	Original purchase price not known. Replacement Budget used.				Generator supplies emergency power to Flying Doctors & Fuel depot. Critical unit. not required at depot, withdrawn.		7	7/08/2017									
4151	Bonee	Stander 500R	Tim Hun	Roads & Drainage	20	Original Purchase Price not known. Replacement Budget used.	25,000.00	500.00	24,500.00	Age & Condition. Based at Kallie Dept (Waterland crew).			17/08/2017	30/08/2017								
1339	Pierce Arrow	PA310T	Scott Casey	Water & Wastewater	20	Original purchase price not known. Replacement Budget used.	10,000.00	1,000.00	9,000.00	Age & Condition / Underused Bore - high utilisation, withdrawn. To be taken off Fleet. Use funds for additional fuel. Action.												
4768	Huac	Olymwater 60T	Geordie Lancelotti	Parks, Sport & Natural Areas	1606	Actual Purchase Price \$93,347.13 (inc GST & Regs)	140,000.00	10,000.00	85,000.00	Bundaberg CDO clearing crew. High Maintenance requirements, particularly after 2,000 hrs. Replacement fire machine not readily available locally. Critical unit. Pending update of \$40,000 on 31-10-17		4	1/08/2017	26/10/2017	1812-18	6/31/2017	15/11/2017	19079	567161	\$168,703.64	mid Dec 17	

Asset ID	Make	Model	Fleet Hierarchy	Section	Current Meter Reading	Replacement Comments	Replacement Cost	Est. Trade In	Nett Cost	Comments	Photo	Priority	Spec Form Sent	Spec Form received	Quotation No.	Sent to Locality	Locality close Date	W/O Number	Purchase Order Number	Actual Amount (incl gst +Hags)	Approx Del Date	Comments	
4749	Haco	Clymaster 600	Geniste Lascellies	Parks, Sport & Natural Areas	1307	Actual Purchase Price \$93,347.11 (incl GST & Hags)	180,000.00	10,000.00	85,000.00	Bundaberg CRO clearing crew. High maintenance requirements, particularly after 2,000 hrs. Replacement fire machine not readily available locally. Critical unit. Funding update of \$65,000 on 31-10-17		4	1/08/2017	26/10/2017	1812-18	6/11/2017	15/11/2017	18079	367163	\$166,873.07	mid Dec 17		
4760	John Deere	72" 1565 Mower Rear Discharge	Geniste Lascellies	Parks, Sport & Natural Areas	2605	Actual Purchase Price = \$36,135.40	38,000.00	5,000.00	31,000.00	Hrs / Cond. Bundaberg			17/08/2017	5/09/2017	1807-18	8/09/2017	22/09/2017	19016	366114	\$44,670.93	late July 18		
4812	Kubota	F3680	Michael Johnston	Parks, Sport & Natural Areas	2563	Actual Purchase Price \$32,526.28 (incl GST & Hags)	36,000.00	5,000.00	31,000.00	Hrs / Cond. On On - To be donated to Givinda Rural Fire.			17/08/2017	5/09/2017	1807-18	8/09/2017	22/09/2017	19015	366112	\$40,843.00	mid Dec 17		
4813	Nuberia	F8680	Michael Johnston	Parks, Sport & Natural Areas	2918	Actual Purchase Price: \$32,526.28 (incl GST & Hags)	36,000.00	5,000.00	31,000.00	Hrs / Cond. Bundaberg Cemetery (severe operating environment). To be donated to Bucca Bowling Club			17/08/2017	5/09/2017	1807-18	8/09/2017	22/09/2017	19015	366112	\$40,843.00	mid Dec 17		
		Out-front Mower	Michael Johnston	Parks, Sport & Natural Areas		New additional item	36,000.00	0.00	36,000.00	Business Case Justification: \$36,000 to be transferred into PPP Budget	as above		31/08/2017	5/09/2017	1807-18	8/09/2017	22/09/2017	19016	366114	\$42,690.93	late July 18		
4822	Hyster	X One	Geniste Lascellies	Parks, Sport & Natural Areas	1627	Actual Purchase Price: \$12,500 (incl GST)	18,000.00	3,000.00	15,000.00	Hrs / Cond. Bundaberg Cemetery (severe operating environment) - with active													
4867	John Deere	S275M	Geniste Lascellies	Parks, Sport & Natural Areas	8392	Actual Purchase Price = \$70,400 (incl GST & Registration)	150,000.00	25,000.00	78,000.00	H Corrogn - hrs. Upgrade to 100hp. All washer tractors to 100hp.		6	3/08/2017	27/08/2017	1809-18	28/09/2017	13/10/2017	19018	366155	\$95,562.71	5-Dec-17		
4950	Kubota	H155X	Geniste Lascellies	Parks, Sport & Natural Areas	4858	Original Purchase Price not known. Replacement Budget used.	100,000.00	20,000.00	80,000.00	John Schouten - HMG issues with clutch operation (no solution available from the manufacturer)		6	3/08/2017	27/09/2017	1809-18	28/09/2017	13/10/2017	19018	366155	\$95,562.71	5-Dec-17		
4951	Kubota	H100XDC	Geniste Lascellies	Parks, Sport & Natural Areas	5011	Actual purchase price = \$71,226.50	120,000.00	25,000.00	95,000.00	John Schouten - HMG issues with clutch operation (no solution available from the manufacturer)		6	3/08/2017	27/09/2017	1809-18	28/09/2017	13/10/2017	19018	366155	\$113,564.09	5-Dec-17		
5332	Wilson	PL10E	Jeff Rohdman	Water & Wastewater	289	Original Purchase Price not known. Replacement Budget used.	60,000.00	3,000.00	59,000.00	Woodgate Reservoir Pump Station. Critical Unit		7	7/08/2017	13/10/2017									
20944	Toro	Timecutter 38320S	Geniste Lascellies	Parks, Sport & Natural Areas	144	Actual Purchase Price = \$4768.00 (incl GST)	10,000.00	200.00	9,800.00	Upgrade to commercial heavy duty (severe operating environment)					P01-18			18725	363558	\$0,990.00	Sep-17	Delivered 12-9-17	
Yellow Fleet																							
399	Caterpillar	924G	Tony Wright	Roads & Drainage	8429	Original Purchase Price not known. Replacement Budget used.	280,000.00	30,000.00	250,000.00	Time, hours and condition. Based in Childrens Depot.		3	22/08/2017	30/08/2017	1806-18	1/09/2017	15/09/2017	18970	365994	\$272,570.00	Nov 17		
310	Caterpillar	12H	Tony Wright	Roads & Drainage	9035	Original Purchase Price not known. Replacement Budget used.	400,000.00	80,000.00	320,000.00	Time, hours and condition. Based in Childrens Depot. This asset is under review by the fleet committee.		2	25/07/2017	27/07/2017	1802-18	31/07/2017	11/08/2017						
900	Hyster	H1.7EXL	Jennifer Marshall	Financial Services	2144	Actual acquisition date unknown - 15/03/08 = date of amalgamation	30,000.00	5,000.00	25,000.00	Gas powered unit, age and condition based at Heales Rd. Fleet mechanics are not licensed to work on gas and are unable to issue yearly gas certificate.		5	31/07/2017	4/08/2017	1803-18	7/08/2017	15/08/2017	18910	364877	\$38,632.00	Dec 17		
901	Hyster	H2.00 EXB	Andrew Kall	Fleet Services	1176	Actual acquisition date unknown - 15/03/08 = date of amalgamation	33,000.00	5,000.00	28,000.00	Gas powered unit, age and condition based at Heales Rd. Fleet mechanics are not licensed to work on gas and are unable to issue yearly gas certificate.		5	31/07/2017	1/08/2017	1803-18	7/08/2017	15/08/2017	18911	364878	\$41,932.00	Dec 17		
5409	Kubota	U27-3 Mini	Scott Gentry	Water & Wastewater	2297	Actual purchase price = \$42,000 (incl GST)	40,000.00	10,000.00	30,000.00	Age and hours based at End Depot and allow by on - call Plumbers.			7/08/2017	15/08/2017	1805-18	17/08/2017	29/08/2017	18929	365028	\$50,325.00	24/10/2017	Delivered on 24-10-17	
4167	Bomag	BW518 Redstran	Christopher Robinson	Roads & Drainage	10	Actual Purchase Price: \$8,999.37 (incl GST)	10,000.00	500.00	9,500.00	Time and condition. Child asset of Paving Truck													
4168	Bomag	BW55E Redstran	Andrew Kall	Roads & Drainage	10	Actual Purchase Price: \$9,000.00 (incl GST)	10,000.00	500.00	9,500.00	Time and condition. Child asset of Paving Truck													

Asset ID	Make	Model	Fleet Hierarchy	Section	Current Fleet Ranking	Replacement Comments	Replacement Cost	Est. Trade In	Fleet Cost	Comments	Photo	Priority	Spec Form Sent	Spec Form received	Quotation No.	Sent to Locality	Locality Close Date	W/O Number	Purchase Order Number	Actual Amount (incl gst +Hinges)	Appra Del Date	Comments
		Dodge Ram	Jan 500	Stable & Drivage		New additional item	13,000.00	0.00	13,000.00	Business Case Justification												
Additional																						
		Dual Cab					73,000.00	0.00	73,000.00	2 x additional dual cab vehicles to be utilised by Grader Gangs for transport.			30/08/2017	30/08/2017	1804-18	30/08/2017	7/09/2017	18991	365013	\$77,226.00		1 delivered on 19-10-17. 2nd on 7-11-17.
2524	Hino	FS294E	Gavin Steele	Woolli		Written off in fire	240,000.00	0.00	240,000.00						1808-17	11/09/2017	4/10/2017	19013	366446	\$266,140.41	Mid Dec 17	
2514	Arrol-John	85m3 HXST	Gavin Steele	Woolli		Written off in fire	220,000.00	0.00	220,000.00						1808-17	11/09/2017	4/10/2017	19013	366446	\$243,572.80	April July 18	
							<u>5,307,000.00</u>	<u>777,700.00</u>	<u>4,529,300.00</u>													



Fleet Management Advisory Committee Report

AUGUST - OCTOBER 2017 (INCLUSIVE)



#8238 - 2017 Ford Ranger PX XL Dual Cab - I&P / Roads & Drainage / Gin Gin

ABN 72 427 835 198

PO BOX 3130 BUNDABERG QUEENSLAND 4670

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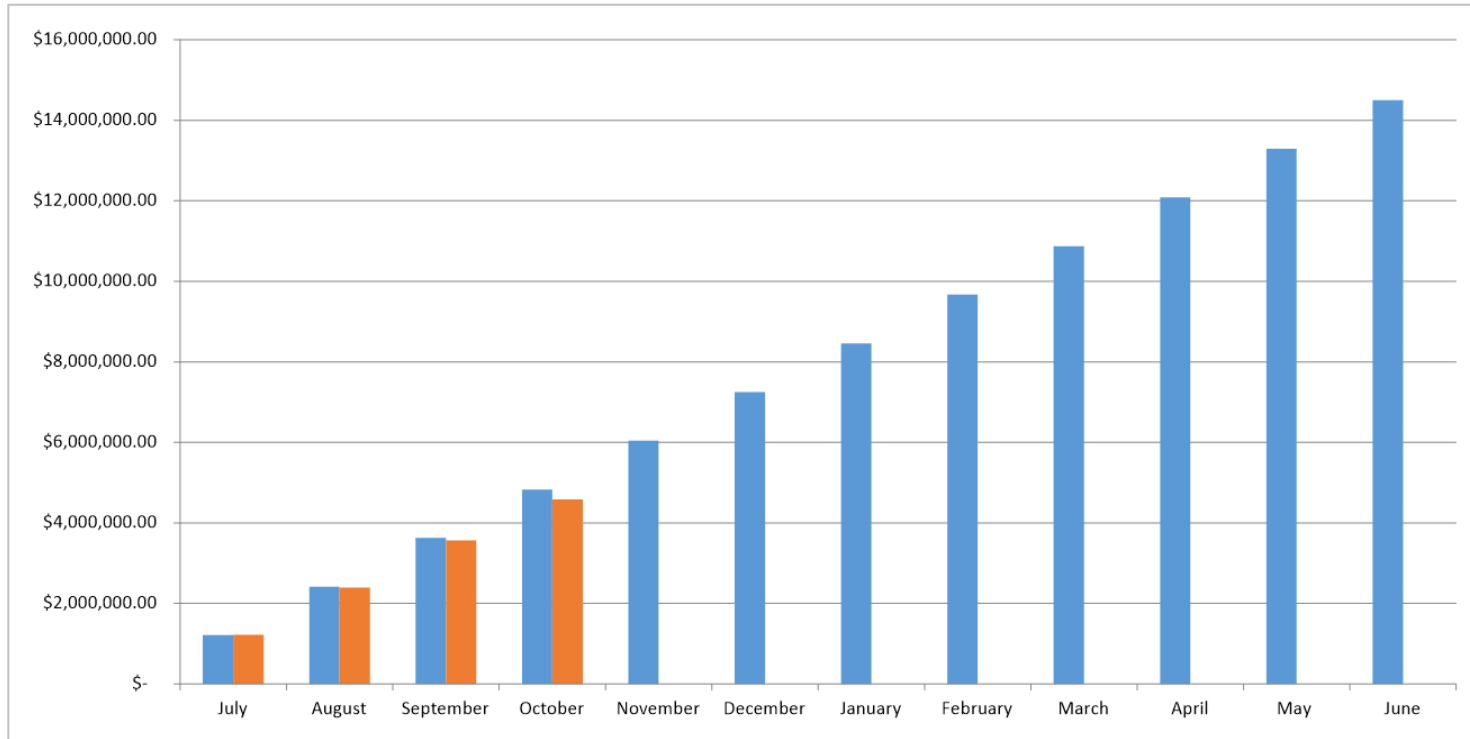
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Operational Summary

Plant Hire Income – August – October 2017:

Budgeted Amount for 2017/2018: \$14,500,000



	July	August	September	October	November	December	January	February	March	April	May	June
Expected	\$1208,333.34	\$2,416,666.68	\$3,625,000.02	\$4,833,333.36	\$6,041,666.70	\$7,250,000.04	\$8,458,333.38	\$9,666,666.72	\$10,875,000.06	\$12,083,333.40	\$13,291,666.74	\$14,500,000.08
Actual	\$1,223,088.70	\$2,394,650.85	\$3,561,402.98	\$4,583,959.19								

Fleet Management Advisory Committee Report
August - October 2017 (inclusive)

3

Operational Summary

Acquisitions:

The following plant items were acquired by Council – August - October

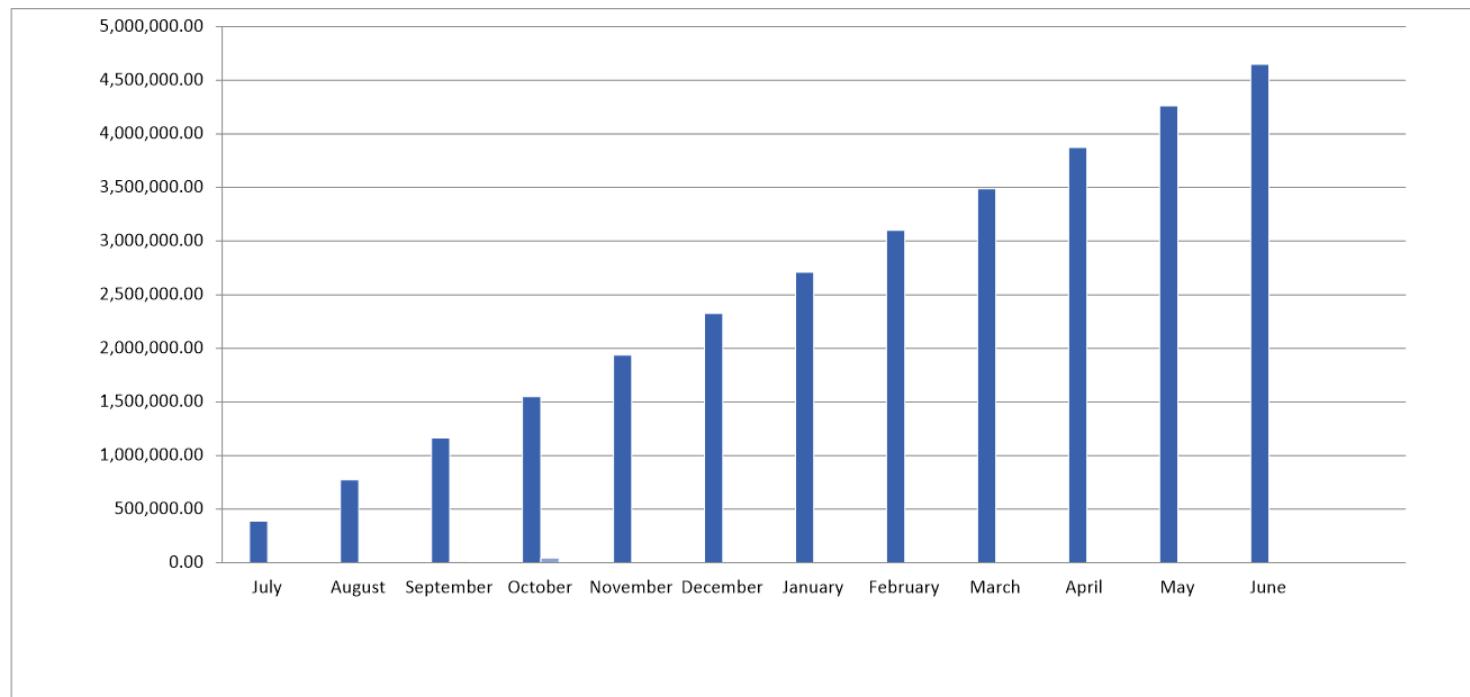
Asset ID	Asset Name	Segment / Group Name	Section	Purchase Date
21474	Minor Plant	Kawasaki - Bushranger MTK27 (Allan Emery)	Airports & Tourism	3/08/2017
21473	Minor Plant	Honda - EU30i (Peter Green)	Water & Wastewater	11/08/2017
21788	Minor Plant	Bushranger - LK27 (Mark Hyde)	Parks, Sport & Natural Areas	24/08/2017
21786	Minor Plant	Bushranger - LK27 (Minor Plant Stock)	Fleet Services	24/08/2017
21494	Minor Plant	Bushranger - BC50 (Jason Rethamel)	Roads & Drainage	7/09/2017
21493	Minor Plant	Bushranger - BC50 (Jason Rethamel)	Roads & Drainage	7/09/2017
21796	Minor Plant	Bushranger - BC50 (Colin Hall)	Parks, Sport & Natural Areas	7/09/2017
21797	Minor Plant	Bushranger - BC50 (Jason Rethamel)	Roads & Drainage	7/09/2017
21798	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	7/09/2017
4718	Major Plant	Gravely - Compact Pro 34 (Nick Burfield)	Parks, Sport & Natural Areas	12/09/2017
21794	Minor Plant	Husqvarna - K970 (Peter White)	Water & Wastewater	28/09/2017
21781	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	5/10/2017
21505	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	5/10/2017
21504	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	5/10/2017
21503	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	5/10/2017
21501	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	5/10/2017
21785	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	5/10/2017
21502	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	5/10/2017
21784	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	5/10/2017
21783	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	5/10/2017
21782	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	5/10/2017
21793	Minor Plant	Honda - EU30i (Terry Lee)	Water & Wastewater	10/10/2017
8238	Major Plant	2017 Ford Ranger XL (Geoff Walk)	Roads & Drainage	23/10/2017
5375	Major Plant	Kobelco - SK17SR-5 (Shane Smoothy)	Water & Wastewater	25/10/2017
21792	Minor Plant	Lavor - Hondapro Compact (Karen Conaglen)	Venues & Facilities	25/10/2017
21790	Minor Plant	Lavor - Hondapro Compact (Mark Hyde)	Parks, Sport & Natural Areas	31/10/2017

Operational Summary

Acquisitions – August – October 2017:

Budgeted amount 2017/2018 - \$4,650,000

***NB. Graph does not reflect current commitments of \$2,668,854.99**



	July	August	September	October	November	December	January	February	March	April	May	June
Expected	\$387,500.00	\$775,000.00	\$1,162,500.00	\$1,550,000.00	\$1,937,500.00	\$2,325,000.00	\$2,712,500.00	\$3,100,000.00	\$3,487,500.00	\$3,875,000.00	\$4,262,500.00	\$4,650,000.00
Actual	\$0	\$0	\$9,081.82	\$44,429.81								

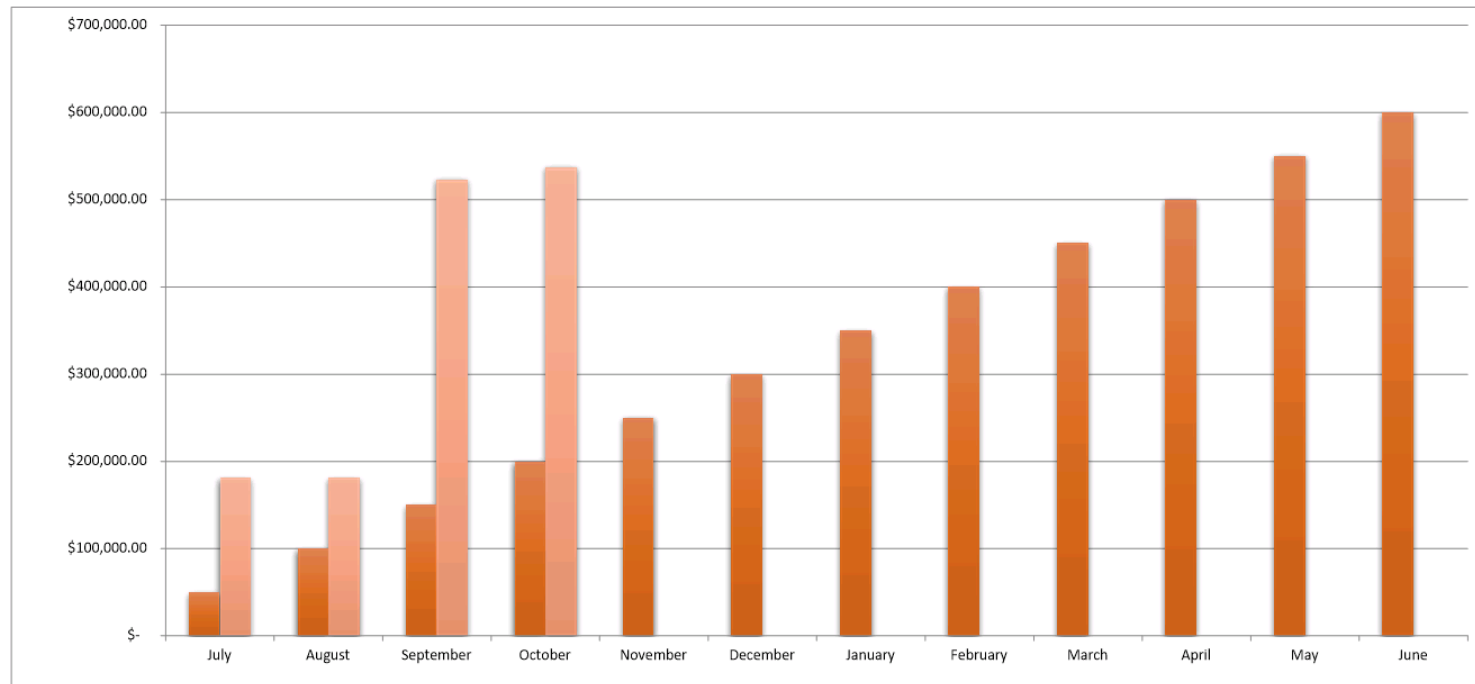
Fleet Management Advisory Committee Report
August - October 2017 (inclusive)

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Operational Summary

Disposals – August – October 2017:

Budgeted amount 2017/2018 \$600,000



	July	August	September	October	November	December	January	February	March	April	May	June
Expected	\$50,000	\$100,000	\$150,000	\$200,000	\$250,000	\$300,000	\$350,000	\$400,000	\$450,000	\$500,000	\$550,000	\$600,000
Actual	\$180,794.37	\$180,794.37	\$522,930.78	\$537,525.33								

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Tenders / Quotations

Local Buy Quotations – August – October 2017

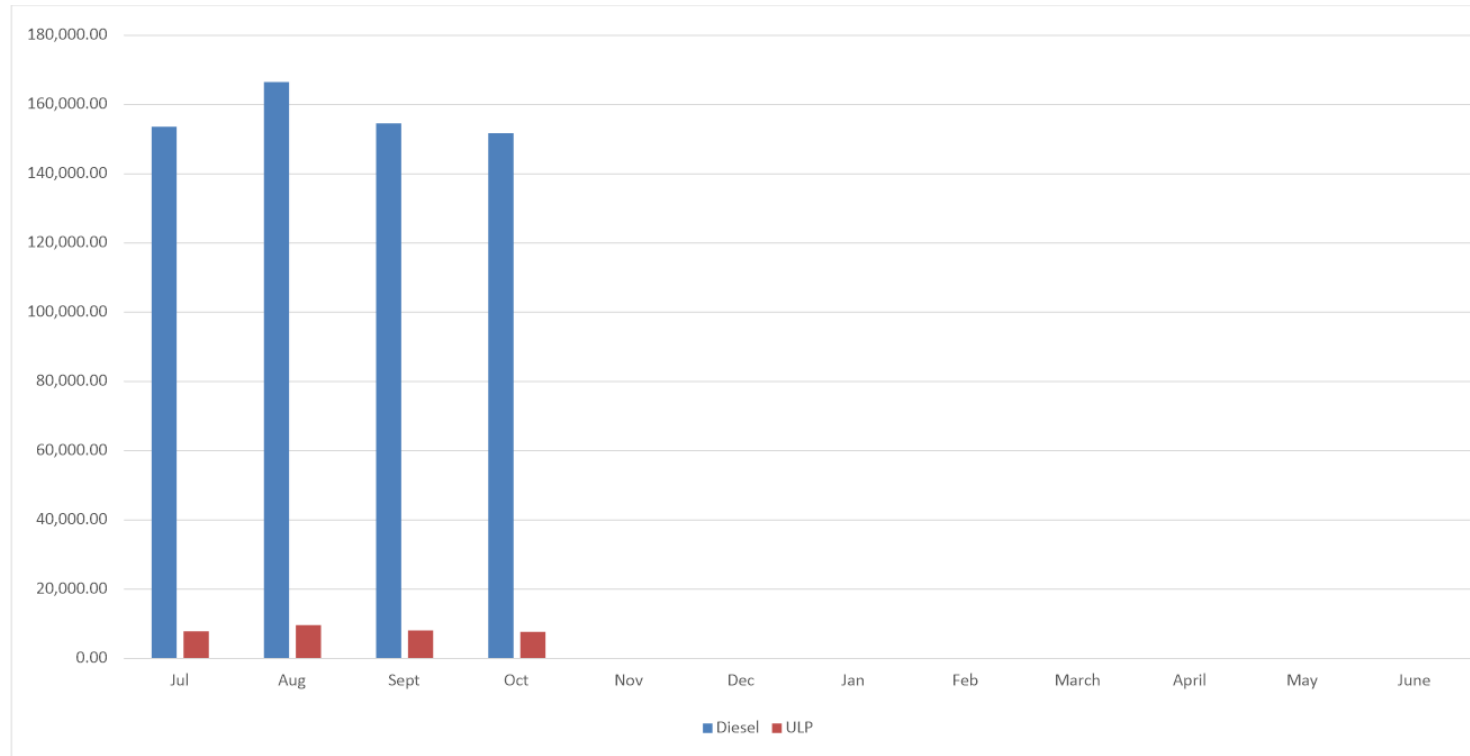
ID	Description	Closing Date
LB04	Supply and delivery of 1 x Compact Excavator	07/09/2017
LB05	Supply and delivery of 2 x 4x2 Dual Cab Utilities	07/09/2017
LB06	Supply and delivery of 1 x Wheel Loader	15/09/2017
LB07	Supply and delivery of 4 x Outfront Mowers	15/09/2017
LB08	Supply and delivery of 1 x Prime Mover	04/10/2017
LB09	Supply and delivery of 3 x Tractors	13/10/2017
LB10	Supply and delivery of 1 x 6x4 Crane Truck	24/10/2017
LB11	Supply and delivery of 1 x 4x2 Light/Medium Truck	07/11/2017
LB12	Supply and delivery of 2 x Industrial Sweepers	15/11/2017

Council Quotations – August – October 2017

ID	Description	Closing Date
PO18	Supply and delivery of 1 x Gravely Compact Pro 34 Mower	25/07/2017

Fuel

Total Litres per Month – August - October:



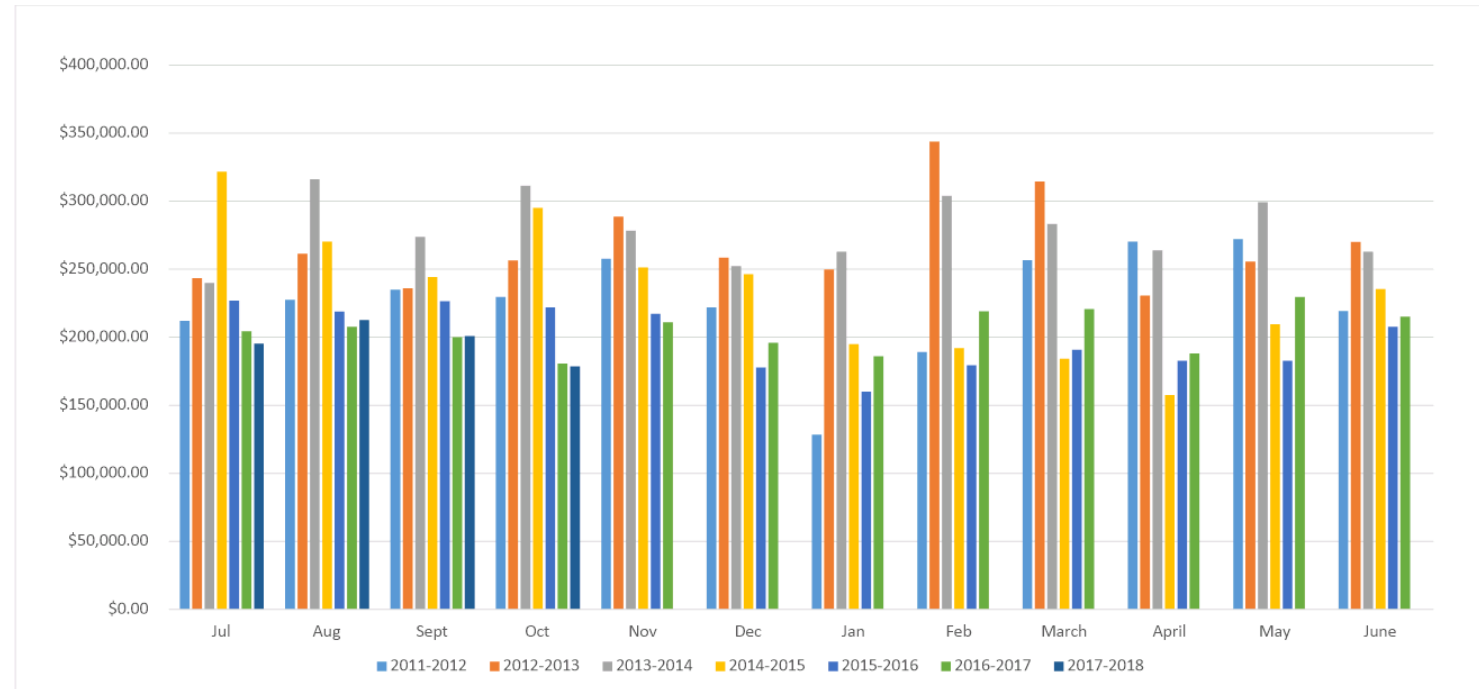
	July	August	September	October	November	December	January	February	March	April	May	June
Diesel	153,575.55	166,499.02	154,516.61	151,729.55								
ULP	7,831.13	9,596.01	8,126.10	7,651.90								

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Fuel

Total Fuel Cost per Month – August – October 2017: (includes Datafuel from 2011)



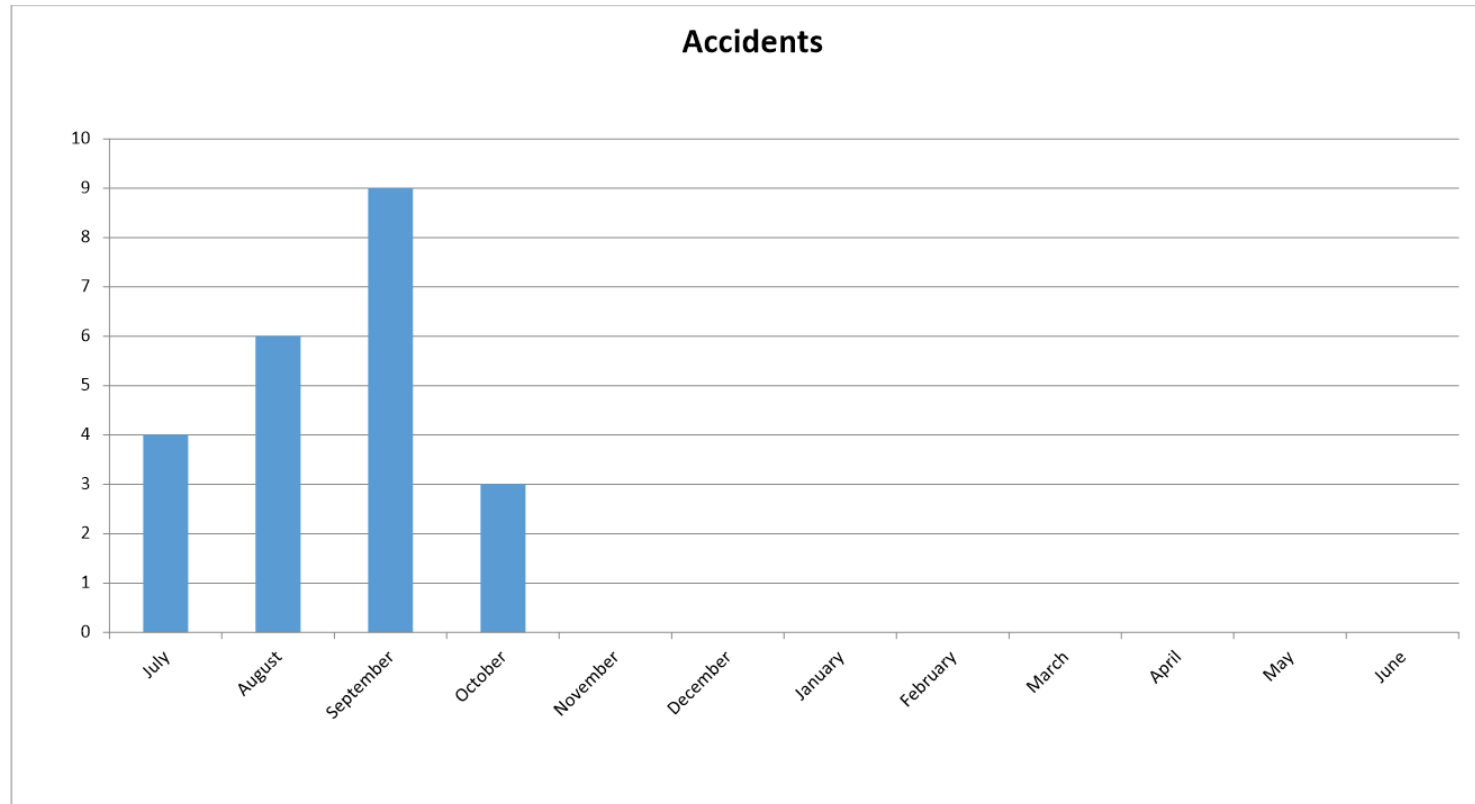
Financial Year	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
2011-2012	\$212,120.72	\$227,622.38	\$235,061.26	\$229,450.16	\$257,807.06	\$221,833.46	\$128,358.37	\$188,993.87	\$256,725.48	\$270,371.59	\$272,003.00	\$219,152.93
2012-2013	\$243,451.17	\$261,390.12	\$236,079.50	\$256,348.51	\$288,730.49	\$258,411.23	\$249,858.16	\$343,635.93	\$314,340.31	\$230,468.79	\$255,505.92	\$270,022.82
2013-2014	\$239,962.66	\$316,081.87	\$273,803.21	\$311,381.60	\$278,474.05	\$252,258.17	\$262,728.29	\$303,876.75	\$283,198.12	\$263,816.09	\$299,130.18	\$262,929.60
2014-2015	\$321,585.12	\$270,311.80	\$244,290.68	\$294,943.91	\$251,129.01	\$246,415.87	\$194,818.63	\$191,949.86	\$184,123.39	\$157,583.06	\$209,584.35	\$235,385.79
2015-2016	\$226,905.87	\$218,881.15	\$226,555.94	\$222,003.09	\$217,216.96	\$177,814.38	\$160,038.80	\$179,428.72	\$190,700.44	\$182,770.83	\$182,610.76	\$207,678.15
2016-2017	\$204,319.06	\$207,647.16	\$200,017.85	\$180,638.57	\$211,058.49	\$195,901.02	\$185,995.57	\$218,947.47	\$220,679.09	\$188,120.97	\$229,709.94	\$215,189.61
2017-2018	\$195,246.34	\$212,627.15	\$200,896.65	\$178,579.08								

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Accidents and Infringement Notices**Number of Accidents per Month – August – October 2017:**

(Accident count for previous month(s) may be amended due to time taken by drivers to submit reports)



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August - October 2017 (inclusive)

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KPI's

Plant Availability – August – October 2017:

Department	Fleet Class	Availability Status (Count)	Asset ID (Count) Total		
			August 2017	September 2017	October 2017
Executive Office	Light Vehicle	Available	86.67%	100%	92.86%
		Currently Being Repaired	0%	0%	0%
		Out of Service	13.33%	0%	7.14%
Organisational Services	Light Vehicle	Available	100%	100.00%	100.00%
		Currently Being Repaired	0%	0.00%	0.00%
	Plant	Available	100.00%	100%	100.00%
	Yellow Plant	Available	100.00%	100.00%	100.00%
Community & Environment	Heavy Vehicle	Available	97.56%	97.5%	92.31%
		Currently Being Repaired	0%	0%	7.69%
		Out of Service	2.44%	2.5%	0%
	Light Vehicle	Available	96.04%	98.02%	98.02%
		Currently Being Repaired	3.96%	1.98%	.99%
		Out of Service	0%	0%	.99%
	Plant	Available	94.29%	93.06%	92.55%
		Currently Being Repaired	0.54%	0%	0.36%
		Out of Service	5.18%	6.94%	7.09%
	Yellow Plant	Available	80.00%	80.00%	100.00%
		Currently Being Repaired	10.00%	10.00%	0%
		Out of Service	10.00%	10.00%	0%
Grand Total			100.00%	100.00%	100.00%

KPI's

Plant Availability – August – October 2017 cont:

Department	Fleet Class	Availability Status (Count)	Asset ID (Count) Total		
			August 2017	September 2017	October 2017
Infrastructure & Planning	Heavy Vehicle	Available	94.12%	95.59%	98.51%
		Currently Being Repaired	4.41%	2.94%	1.49%
		Out of Service	1.47%	1.470.00%	0%
	Light Vehicle	Available	94.20%	97.78%	96.32%
		Currently Being Repaired	3.62%	0.47%	2.21%
		Out of Service	2.17%	1.48%	1.47%
	Plant	Available	84.31%	81.65%	83.03%
		Currently Being Repaired	12.47%	14.31%	12.93%
		Out of Service	3.22%	4.04%	4.04%
	Yellow Plant	Available	100%	100.00%	93.33%
Currently Being Repaired		0%	0%	6.67%	
Grand Total			100.00%	100.00%	100.00%

Fleet Projects / General

Replacement prime mover and trailer from Council's University Drive Waste facility that were written off as a result of a fire, have been ordered and the delivery dates are as follows:

- Prime mover will be delivered and commissioned in December 2017;
- Waste trailer is expected to be delivered in May 2018. A rental waste trailer will be utilised until the replacement trailer is delivered.

Andrew Railz
Manager Fleet Services

Disclaimer: Every effort is made by Fleet Services to ensure that information supplied by the MyData Fleet Management System is as accurate as possible. However, Fleet cannot guarantee all Assets have been updated as at the time of running this report.

For the Supply and Delivery of: Auction Services – Disposal of Bundaberg Regional Councils Fleet Assets

Background

Bundaberg Regional Council's Fleet Services Department disposes of approximately \$1,000,000 worth of plant, vehicles and equipment annually. Fleet assets are disposed of at varying times throughout the year, depending upon delivery timeframes of the replacement assets.

Fleet assets for disposal include the following types of assets:

- Major Plant
 - Yellow plant – graders, backhoes, rollers, etc.
 - Heavy vehicles – trucks
 - Light vehicles – passenger vehicles, utilities, ATV's, etc.
 - General plant – stand-by generators, tractors, slashers, out-front mowers etc.
- Minor Plant
 - Brush-cutters, small pumps, chainsaws, mowers etc.

Council is seeking submissions from suitably qualified, experienced and capable suppliers of auction services for its fleet assets. Suppliers to submit responses to the following:

Capability / Capacity

Transport	Supplier to arrange for major plant assets from Councils Depot to the nominated Auction facility. The supplier to provide an indication of their pricing structure and options for transportation.
Advertising	Supplier to nominate their advertising strategy/campaign including pricing to ensure Council realises the best return for its assets.
Viewing	Supplier to provide suitable pre-auction viewing facilities for council's assets, indicating the preview time allocated.
Estimate Values	Supplier to provide their methodology and demonstrate auction estimates for council type assets
Communication	It is council's preference that the auction representative communicates with the Fleet Procurement Coordinator on the day of the auction whether to sell the asset under the reserve or pass it in and wait for the next auction
Reporting	Supplier to provide prompt post auction sales reports and proceeds of auction to Council

Experience

Suppliers are to demonstrate and provide information regarding their experience in the auctioning of Council type fleet assets. Nominate three (3) existing customers

Fees and Services

Fees	It is Councils preference that suppliers charge a Buyer's Premium, rather than charging Council a fee for auction services
Services	It is highly desirable that the supplier has the ability to provide Simulcast & On-line auction services to attract the widest possible auction audience

Asset ID	Fleet Class	Asset Type	Make	Model	Manufacture Year	Asset Reason by	Section	Current Fleet Number	Replacement Est. Cycle Time	Recommended Cycle User	App. Meter/Use	Notes	Replacement Date	Replacement Comments	Replacement Cost	Est. Trade In	Est. Cost	Comments
Light Vehicles																		
1389	Light Vehicle	Utility	Mitsubishi	442 Triton 4x4	11/09/2011	Tony Olsen	Asset Maintenance Services	138895	72	180000	79.9208113	Time	14/02/2018	Actual purchase price = \$17,622.15 (inc GST & Registration) and TSB Duty. To be replaced with cab chassis only.	\$2,000.00	-100.00	25,000.00	High Line - Brk Lane
2203	Light Vehicle	Utility	Ford	Seanger PR 4x4	1/04/2012	Michael Elbery	Planning & Development	220489	72	200000	94.1998143	Use	21/06/2018	Actual Purchase Price: \$22,764.40 (inc GST & Registration)	\$2,000.00	8,000.00	24,000.00	High Line - Keith Baylton
4243	Light Vehicle	Utility	Holden	444 Commodore LT (4x4)	1/02/2011	Stuart Smith	Waste & Regulatory Services	175000	72	160000	73.8750462	Time	24/06/2017	Actual purchase price: \$43,609.06 (inc. GST & Registration)	45,000.00	15,000.00	16,000.00	High Line - Wayne Imhoffen
4262	Light Vehicle	Utility	Ford	444 Ranger PR 4x4	1/06/2013	Nick MacLennan	Parks, Sport & Natural Areas	153300	72	180000	86.4847839	Use	18/04/2018	Purchase Price: \$45,187.85 (inc GST & Registration)	50,000.00	12,000.00	18,000.00	High Line - Eric Dyke
4284	Light Vehicle	Utility	Mitsubishi	444 Triton 4x4	1/03/2012	Nick MacLennan	Parks, Sport & Natural Areas	149720	72	180000	89.4722947	Use	15/11/2017	Actual Purchase Price: \$39,121.40 (inc GST & Registration)	30,000.00	11,000.00	18,000.00	High Line - James Anderson
5208	Light Vehicle	Utility	Mitsubishi	443 Triton 4x4	1/03/2012	Jeff Robinson	Waste & Wastewater	152420	72	160000	125.4850516	Use	24/12/2016	Actual purchase price: \$30,839.70 (inc GST & Registration)	40,000.00	10,000.00	50,000.00	High Line - Steve Arnold - Woodgate ingaters / sand dunes
5208	Light Vehicle	Utility	Mitsubishi	442 Triton 4x4	1/03/2012	Jeff Robinson	Waste & Wastewater	204771	72	200000	109.9490913	Use	5/11/2016	Actual purchase price: \$33,912.23 (inc. GST & Registration)	36,000.00	10,000.00	26,000.00	High Line - Neil Zimmerman
5299	Light Vehicle	Utility	Isuzu	444 QTRM 4x4	3/01/2012	Jeff Robinson	Waste & Wastewater	155173	72	180000	83.5509888	Use	26/01/2018	Actual Purchase Price: \$36,147.45 (inc. GST & Registration)	40,000.00	12,000.00	28,000.00	High Line - John Reyer - Woodgate ingaters / Ashes
5327	Light Vehicle	Utility	Mitsubishi	444 Triton 4x4	1/10/2012	Jeff Robinson	Waste & Wastewater	181840	72	180000	89.6702672	Use	12/07/2017	Actual purchase price: \$43,117.05 (inc. GST & Registration)	42,000.00	12,000.00	84,000.00	High Line - Ian Higgins - Woodgate ingaters / sand dunes
5337	Light Vehicle	Utility	Ford	Falcon Ute	1/12/2013	Jeff Robinson	Waste & Wastewater	171824	72	180000		Time		Actual Purchase Price: \$28,775.90	40,000.00	7,000.00	48,000.00	1/2 Utility with Tailgate Ladder for Chinese Cylinder transport
5361	Light Vehicle	Utility	Holden	442 Commodore LT 4x4	1/04/2011	Jeff Robinson	Waste & Wastewater	170238	72	180000	132.6362377	Use	17/10/2017	Actual Purchase Price: \$41,885.05 (inc GST & Registration)	30,000.00	10,000.00	25,000.00	High Line - Ian Davies
5628	Light Vehicle	Utility	Ford	444 Falcon PR 4x4	3/06/2011	Christopher Robinson	Roads & Drainage	208897	72	180000	131.1762213	Use	1/05/2018	Actual purchase price: \$49,528.30 (inc. GST)	45,000.00	13,000.00	53,000.00	High Line - Bryan Porter
3024	Light Vehicle	Utility	Mitsubishi	442 Triton 4x4	1/06/2011	Adam Wyllie	Major Projects	177005	72	150000	87.04127682	Use	12/08/2017	Actual purchase price: \$39,451.25 (inc. GST & Registration)	36,000.00	10,000.00	25,000.00	High Line - Maurice Strain
3113	Light Vehicle	Utility	Mitsubishi	444 Triton 4x4	1/04/2011	Tina Hunt	Roads & Drainage	168389	72	180000	89.7676704	Time	13/12/2017	Actual purchase price: \$42,883.31 (inc. GST & Registration)	40,000.00	12,000.00	50,000.00	High Line - Allan Searns
3180	Light Vehicle	Utility	Isuzu	Nissan RVO 4x4	1/10/2012	Christopher Robinson	Roads & Drainage	239960	72	200000	129.1319119	Use	4/09/2017	Actual Purchase Price: \$38,399.25 (inc GST & Regi)	40,000.00	10,000.00	80,000.00	High Line - number 24 - truck vehicle to be reallocated to Children's SES. Current Children's SES Trailer Car to be disposed off.
4100	Light Vehicle	Utility	Mitsubishi	444 Triton 4x4	1/10/2013	Christopher Robinson	Roads & Drainage	188880	72	180000	96.15716041	Use	1/05/2017	Actual purchase price: \$38,614.05 (inc GST & registration)	40,000.00	13,000.00	50,000.00	High Line - Steve Lindholm
4991	Light Vehicle	Quad Bike	Honda	TRX420	1/01/2016	Nick MacLennan	Parks, Sport & Natural Areas	319	48	120	5.40288778	Use	23/02/2018	Actual Purchase Price: \$14,298.60 (inc GST & Regi)	16,000.00	3,000.00	13,000.00	Time 30 Condition - Eric Dyke
Light Truck																		
3299	Heavy Vehicle	Light Truck	Isuzu	GP220/220 4x4	1/04/2009	Jeff Robinson	Waste & Wastewater	229452	76	200000				Original Purchase Price not known. Replacement Budget used.	70,000.00	15,000	16,000	644 light truck. Woodgate. Utilised for dumping sewer solids and moving into excavator and trailer.
Light/Medium Truck																		
4978	Heavy Vehicle	Light/Medium Truck	Isuzu	GP440	1/01/2008	Geordie Llewellyn	Parks, Sport & Natural Areas	140805	120	250000	50.6699368	Time	17/04/2018	Original Purchase Price not known. Replacement Budget used.	110,000.00	16,000.00	95,000.00	High Maintenance particularly with Diesel Particulate Filter (DPF) Fuel Monitor
8046	Heavy Vehicle	Light/Medium Truck	Isuzu	GP440	1/09/2007	Tim Hunt	Roads & Drainage	183930	120			Good.		Original Purchase Price not known. Replacement Budget used.	116,000.00	33,000.00	102,000.00	Plus Condition / High Maintenance requirements.
1011	Heavy Vehicle	Light/Medium Truck	Isuzu	GP330XE	1/07/2010	Andrew Apple	Asset Services	144990	86	200000		Good.		Actual purchase price: \$127,048.00	140,000.00	40,000.00	100,000.00	Fleet Services Breakdown vehicle - extensive corrosion starting to show in body.
Crane Truck																		
3034	Heavy Vehicle	Crane Truck	Isuzu	GP440	1/05/2008	Tina Hunt	Roads & Drainage	239843	120	250000	59.7022882	Time	17/04/2018	Actual Purchase Price \$30,9980	113,000.00	25,000.00	88,000.00	Age and vehicle mounted crane requires a 5-yr Repetition (full stop down & service). Wayne Roomey
190	Heavy Vehicle	Crane Truck	Isuzu	GP400	1/10/2007	Jeff Robinson	Waste & Wastewater	276297	120	250000		Time	11/08/2017	Actual Purchase Price Unknown	120,000.00	20,000.00	100,000.00	Age/Condition, upgradable to 5.5t, existing truck to max weight
2306	Heavy Vehicle	Crane Truck	Isuzu	GP1430	1/10/2008	Tony Wright	Roads & Drainage	183219	130	320000		Time		Actual Purchase Price Unknown	250,000.00	85,000.00	215,000.00	Age, multiple gearbox issues which has led to the truck being off the road for lengthy periods of time.
Garbage Truck																		
2384	Heavy Vehicle	Garbage Truck	Volvo	FE87	1/04/2010	Stuart Cornford	Waste & Regulatory Services	118311	96	150000	4.881062943	Use	4/07/2016	Actual purchase price: \$111,652.50 (inc GST)	440,000.00	50,000.00	895,000.00	Age, tire and decreasing reliability.
2385	Heavy Vehicle	Garbage Truck	Volvo	FE830	1/02/2011	Stuart Cornford	Waste & Regulatory Services	118453	96	150000	4.788474676	Use	18/03/2017	Actual purchase price: \$402,339.35 (inc. GST)	440,000.00	50,000.00	890,000.00	Age, tire and decreasing reliability.
2391	Heavy Vehicle	Garbage Truck	Volvo	FE7300	1/01/2011	Stuart Cornford	Waste & Regulatory Services	86336	96	140000				Actual purchase price: \$402,235.35 (inc. GST)	440,000.00	50,000.00	890,000.00	Age, tire and decreasing reliability.
Trailer																		
2322	Trailer	Pressure/Cleaner Trailer	Isuzu		25/09/2006	Geordie Llewellyn	Parks, Sport & Natural Areas	29	36	6	3.005142326	Use	15/02/2006	Original Purchase Price not known. Replacement Budget used.	36,000.00	500.00	14,500.00	Replacement trailer with side skirt removed. Only. Pressure Matter and not pop will be transferred from current set up. OOO Street Clean. (Induced to current (MARS) issue due to manual handling of large hose).
2346	Trailer	Trailer	Is. Cooper	Good Hunt	2012	Christopher Robinson	Roads & Drainage	127	6	6		Time	4/3/17	Unknown purchase price - donated by Gwydie Mine	36,000.00	1,000.00	20,000.00	Asset Maintenance/Trailer showing signs of major fatigue. Most components will be transferred from current trailer to new trailer.
Plant																		
841	Plant	Road Drums	Standard	1600 Remote Hydraulic (4x4)	1/04/2004	Tim Hunt	Roads & Drainage	20	120	6	0.002634312	Use	24/04/2001	Original Purchase Price not known. Replacement Budget used.	24,000.00	500.00	34,500.00	Age & Condition. Based at Dalkeith Depot (Coastal crew).

Asset ID	Asset Class	Asset Type	Make	Model	Manufacturer Year	Asset History	Location	Current Asset Condition	Replacement Cycle Time	Replacement Cycle Use	Asset Age (Yrs)	Asset Age (Mths)	Replacement Date	Replacement Comments	Replacement Cost	Est. Trade In	Net Cost	Comments
990	Plant	Generators	Perkins	10000	1/01/1990	Camron Baily	Commercial Business & Economic Development	100	100	0	0.10000000	Time	1/01/2005	Original Purchase Price not known. Replacement Budget used.	60,000.00	10,000.00	49,000.00	Generator supplies emergency power to Flying Doctors & Fuel depot. Critical unit.
1183	Plant	Road Brooms	Bone	Stanley GB4	25/07/1997	Tony Hunt	Roads & Drainage	25	250	0	0.00980007	Use	22/03/2010	Original Purchase Price not known. Replacement Budget used.	25,000.00	500.00	24,500.00	Age & Condition. Based on Kalles Depot (Hinterland) (revs)
1389	Plant	Rugby / Sports	Perce Armer	KAJ10T	1/02/2007	Scott Green	Water & Wastewater	25	120	0	0.02177781	Use	13/06/2007	Original Purchase Price not known. Replacement Budget used.	10,000.00	1,000.00	9,000.00	Age & Condition / Underused (due to high utilisation)
4748	Plant	Sweeper	Waco	Citymaster 680	1/02/2015	Glennie Lumbden	Parks Sport & Natural Areas	100%	24	0001			30/11/2015	Actual Purchase Price \$93,347.11 (inc GST & Regs)	98,000.00	10,000.00	88,000.00	Bundaberg CBD cleaning unit. High Maintenance requirements, particularly after 2,000 hrs. Replacement new machine not readily available locally. Critical unit.
5799	Plant	Sweeper	Waco	Citymaster 680	1/10/2015	Glennie Lumbden	Parks Sport & Natural Areas	100%	24	0001			30/11/2015	Actual Purchase Price \$93,347.11 (inc GST & Regs)	98,000.00	10,000.00	88,000.00	Children CBD cleaning unit. High Maintenance requirements, particularly after 2,000 hrs. Replacement new machine not readily available locally. Critical unit.
4760	Plant	Mowers	John Deere	17' 1340 Mower	1/10/2014	Glennie Lumbden	Parks Sport & Natural Areas	100%	48	4000				Actual Purchase Price = \$36,135.48	36,000.00	5,000.00	31,000.00	FFA / Caml Bundaberg
4812	Plant	Mowers	Kubota	7060D	1/03/2013	Michael Johnson	Parks Sport & Natural Areas	100%	48	4000	1.07422293	Time	12/06/2017	Actual Purchase Price \$33,026.20 (inc GST & Regs)	36,000.00	1,000.00	35,000.00	FFA / Caml, Gin Gin
4913	Plant	Mowers	Kubota	7060D	1/03/2013	Michael Johnson	Parks Sport & Natural Areas	100%	48	4000	2.03339437	Time	12/06/2017	Actual Purchase Price \$32,526.20 (inc GST & Regs)	36,000.00	1,000.00	35,000.00	FFA / Caml, Bundaberg Cemetery (severe operating environment)
4822	Plant	Mowers	Kubota	7060D	1/12/2011	Glennie Lumbden	Parks Sport & Natural Areas	100%	48	4000	0.93364251	Time	12/07/2016	Actual Purchase Price \$27,500 (inc GST)	18,000.00	1,000.00	17,000.00	FFA / Caml, Bundaberg Cemetery (severe operating environment)
4887	Plant	Tractors	John Deere	9570H	7/04/2010	Glennie Lumbden	Parks Sport & Natural Areas	100%	96	6000	2.29667906	Use	26/07/2017	Actual Purchase Price \$70,400 (inc GST & Registration)	100,000.00	25,000.00	75,000.00	If Computer, this upgrade to 100hrs. All other tractors to 100hrs.
1516	Plant	Tractors	Kubota	M100D	1/07/2007	Glennie Lumbden	Parks Sport & Natural Areas	100%	96	6000	2.02184397	Use	11/04/2017	Original Purchase Price not known. Replacement Budget used.	130,000.00	20,000.00	110,000.00	John Deere M100D 1000D square with clutch operation (no solution available from the manufacturer)
4911	Plant	Tractors	Kubota	M100D	1/10/2011	Glennie Lumbden	Parks Sport & Natural Areas	100%	96	6000				Actual purchase price \$91,105.00	110,000.00	25,000.00	85,000.00	John Deere M100D 1000D square with clutch operation (no solution available from the manufacturer)
5332	Plant	Generators	Wilson	P110E	1/07/1999	Jeff Hochman	Water & Wastewater	100	180	0	0.00622597	Use	10/12/2010	Original Purchase Price not known. Replacement Budget used.	60,000.00	1,000.00	59,000.00	Wastewater Reservoir Pump Station - Critical Unit
20944	Plant	Mowers	Trim	Trimaster 151300	16/04/2014	Glennie Lumbden	Parks Sport & Natural Areas	100	48	0			16/04/2018	Actual Purchase Price = \$4765.00 (Inc GST)	10,000.00	200.00	9,800.00	Upgrade to commercial heavy duty (severe operating environment)
Yellow Plant																		
309	Yellow Plant	Ladders	Caterpillar	540G	20/12/2007	Tony Wright	Roads & Drainage	100%	96	6000	2.48961814	Time	10/11/2018	Original Purchase Price not known. Replacement Budget used.	280,000.00	50,000.00	230,000.00	Time, hours and condition. Based on Children Depot. This asset is under review by the fleet committee.
320	Yellow Plant	Graders	Caterpillar	120	1/12/2009	Tony Wright	Roads & Drainage	100%	96	6000	2.72199192	Time	09/09/2019	Original Purchase Price not known. Replacement Budget used.	400,000.00	90,000.00	310,000.00	Time, hours and condition. Based on Children Depot. This asset is under review by the fleet committee.
905	Yellow Plant	Hydrolys	Hydro	45-150	1/07/2007	Jennifer Martinolli	Financial Services	100%	120	0	0.214387004	Use	04/01/2009	Actual acquisition date unknown - 15/03/08 = date of acquisition.	90,000.00	1,000.00	89,000.00	Gas powered unit, age and condition based on Hydro R2. Fuel mechanical are not licensed to work on gas and are unable to issue safety gas certificate.
901	Yellow Plant	Hydrolys	Hydro	45-150	1/07/2007	Andrew Ratz	Plant Services	100%	120	0	0.00663262	Use	10/02/2009	Actual acquisition date unknown - 15/03/08 = date of acquisition.	90,000.00	1,000.00	89,000.00	Gas powered unit, age and condition based on Hydro R2. Fuel mechanical are not licensed to work on gas and are unable to issue safety gas certificate.
5409	Yellow Plant	Excavators	Kubota	U17-3 HR	1/01/2011	Scott Green	Water & Wastewater	100%	72	2000	1.18935793	Time	7/07/2017	Actual purchase price \$43,000 (inc GST)	40,000.00	10,000.00	30,000.00	Age and hours based on Road Depot and other by on-call Bundaberg.
3187	Yellow Plant	Trucks	Brway	Brway Pedestrian	1/10/2013	Christopher Robinson	Roads & Drainage	100	40		0.25	Time	10/04/2018	Actual Purchase Price \$8,999.30 (incl GST)	10,000.00	500.00	9,500.00	Time and condition. Child asset of Pathing Truck.
3190	Yellow Plant	Trucks	Brway	Brway Pedestrian	1/01/2013	Andrew Ratz	Roads & Drainage	100	40		0.26475982	Time	10/04/2018	Actual Purchase Price \$8,999.30 (inc GST)	10,000.00	500.00	9,500.00	Time and condition. Child asset of Pathing Truck.
Additional																		
Light Vehicle - 2 x Appleton (1st) - Dual Cab															70,000.00	0.00	70,000.00	2 x additional dual cab utilities to be utilized by Outer Range for transport.



Fleet Management Advisory Committee Report

NOVEMBER 2017 - JANUARY 2018 (INCLUSIVE)



#2626 - 2017 Volvo FM13 Prime Mover (Waste & Recycling)

ABN 72 427 835 198

PO BOX 3130 BUNDABERG QUEENSLAND 4670

T: 1300 883 699 F: 07 4150 5410 E: ceo@bundaberg.qld.gov.au W: bundaberg.qld.gov.au

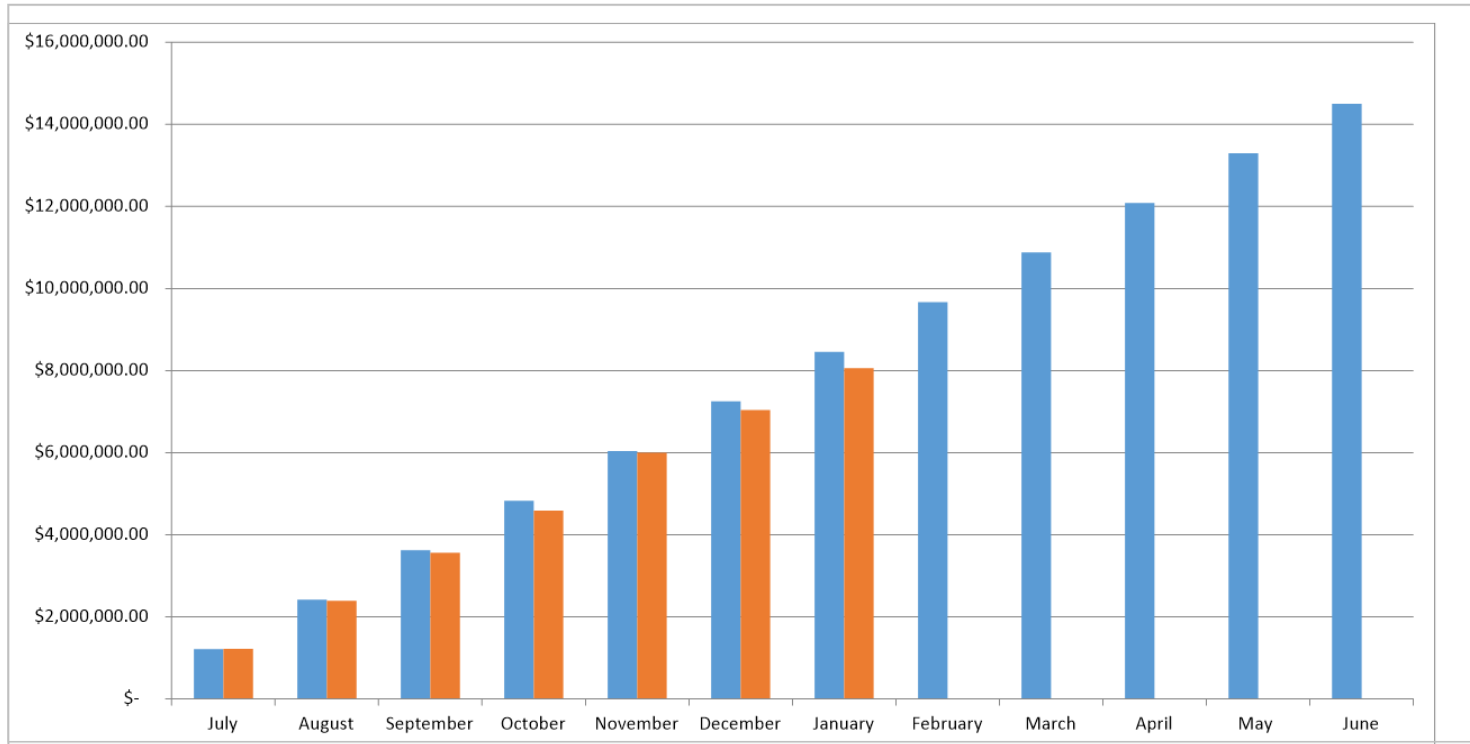
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Operational Summary

Plant Hire Income – November 2017 – January 2018:

Budgeted Amount for 2017/2018: \$14,500,000



	July	August	September	October	November	December	January	February	March	April	May	June
Expected	\$1208,333.34	\$2,416,666.68	\$3,625,000.02	\$4,833,333.36	\$6,041,666.70	\$7,250,000.04	\$8,458,333.38	\$9,666,666.72	\$10,875,000.06	\$12,083,333.40	\$13,291,666.74	\$14,500,000.08
Actual	\$1,223,088.70	\$2,394,650.85	\$3,561,402.98	\$4,583,959.19	\$6,003,750.46	\$7,037,204.00	\$8,057,048.73					

Fleet Management Advisory Committee Report
November 2017 - January 2018 (inclusive)

3

Operational Summary

Acquisitions:

The following plant items were acquired by Council – November - January

Asset ID	Asset Name	Segment / Group Name	Section	Purchase Date
8239	Major Plant	Ford - Ranger XL (Barry Shaw)	Roads & Drainage	2/11/2017
21498	Minor Plant	Honda - EU20i (Minor Plant Hire Store)	Fleet Services	8/11/2017
21499	Minor Plant	Honda - EU30i (Minor Plant Stock)	Fleet Services	8/11/2017
21500	Minor Plant	Honda - EU30i (Peter White)	Water & Wastewater	8/11/2017
21496	Minor Plant	Husqvarna - K970 (Raymond Zysk)	Roads & Drainage	15/11/2017
21497	Minor Plant	Bushranger - L45 (Ian Christensen)	Water & Wastewater	16/11/2017
21789	Minor Plant	Stihl - BR200 (Cody Johnson)	Parks, Sport & Natural Areas	21/11/2017
4715	Major Plant	Massey Ferguson - 5610ESD4 (Peter Behrens)	Parks, Sport & Natural Areas	5/12/2017
4716	Major Plant	Massey Ferguson - 5610ESD4 (Mick Corrigan)	Parks, Sport & Natural Areas	6/12/2017
4717	Major Plant	Massey Ferguson - 5610ESD4 (John Schouten)	Parks, Sport & Natural Areas	5/12/2017
21495	Minor Plant	Stihl - HT133 (Minor Plant Stock)	Fleet Services	30/11/2017
21787	Minor Plant	Stihl - HT133 (Minor Plant Stock)	Fleet Services	30/11/2017
21800	Minor Plant	Hoppt - Portable Vibe (Minor Plant Stock)	Fleet Services	5/12/2017
21802	Minor Plant	Honda - EU30i Handy (Raymond Zysk)	Roads & Drainage	5/12/2017
21803	Minor Plant	Honda - HRU216M2 (Neil Chisholm)	Parks, Sport & Natural Areas	8/12/2017
21804	Minor Plant	Husqvarna - K970 (Minor Plant Stock)	Fleet Services	7/12/2017
21805	Minor Plant	Hoppt - HAPDU2 (Minor Plant Stock)	Fleet Services	7/12/2017
21806	Minor Plant	Husqvarna - K970 (Glen Shaw)	Roads & Drainage	11/12/2017
21808	Minor Plant	Bushranger - FJ100D (Neil Chisholm)	Parks, Sport & Natural Areas	11/12/2017
2626	Major Plant	Volvo - FM13 (Clark Johnston)	Waste & Regulatory Services	18/12/2017
21807	Minor Plant	Bushranger - BCK45 (Minor Plant Stock)	Fleet Services	11/12/2017
4713	Major Plant	Hako - Citymaster 1250 (Rod Lovett)	Parks, Sport & Natural Areas	21/12/2017
4714	Major Plant	Hako - Citymaster 1250 (Michael Reece)	Parks, Sport & Natural Areas	21/12/2017
21809	Minor Plant	Wacker - VPH70 (Minor Plant Stock)	Fleet Services	10/01/2018
21810	Minor Plant	Makita - EB7660TH (Minor Plant Stock)	Fleet Services	12/01/2018
21811	Minor Plant	Genelite - GH2700 (Minor Plant Stock)	Fleet Services	9/01/2018
8240	Major Plant	Komatsu WA250PZ-6 (Andrew Bliss)	Roads & Drainage	16/01/2018
4712	Major Plant	Kubota F3690 Out-front Mower (Bruce Pownall)	Parks, Sport & Natural Areas	23/01/2018

Fleet Management Advisory Committee Report
November 2017 - January 2018 (inclusive)

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Operational Summary

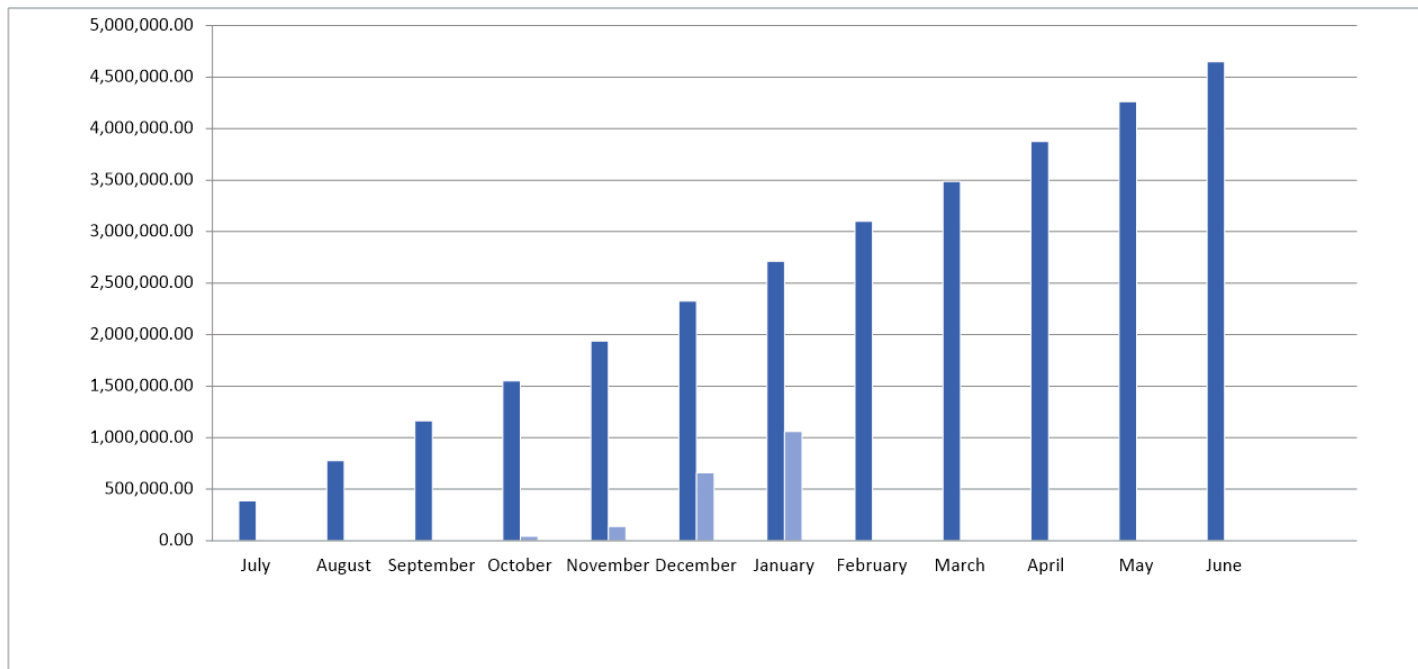
4711	Major Plant	Kubota F3690 Out-front Mower (Stephen Gibbin)	Parks, Sport & Natural Areas	23/01/2018
21812	Minor Plant	Bushranger - LK27 (Cody Johnson)	Parks, Sport & Natural Areas	15/01/2018
21813	Minor Plant	Bushranger - LK27 (Cody Johnson)	Parks, Sport & Natural Areas	15/01/2018
3213	Major Plant	Genelite GMS60CS (Werner Eenink)	Venues & Facilities	18/01/2018
21814	Minor Plant	Croplands - 200lt Traymount (Neil Chisholm)	Parks, Sport & Natural Areas	17/01/2018
21820	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	24/01/2018
21821	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	24/01/2018
21822	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	24/01/2018
21823	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	24/01/2018
21824	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	24/01/2018
21825	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	24/01/2018
21826	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	24/01/2018
21827	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	24/01/2018
21828	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	24/01/2018
21829	Minor Plant	Bushranger - BC50 (Minor Plant Stock)	Fleet Services	24/01/2018
21837	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	25/01/2018
21838	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	25/01/2018
21833	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	25/01/2018
21834	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	25/01/2018
21831	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	25/01/2018
21830	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	25/01/2018
21835	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	25/01/2018
21836	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	25/01/2018
21832	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	25/01/2018
21839	Minor Plant	Stihl - BG86C (Minor Plant Stock)	Fleet Services	25/01/2018

Operational Summary

Acquisitions – November 2017 – January 2018:

Budgeted amount 2017/2018 - \$4,650,000

***NB. Graph does not reflect current commitments of \$2,716,042.69**



	July	August	September	October	November	December	January	February	March	April	May	June
Expected	\$387,500.00	\$775,000.00	\$1,162,500.00	\$1,550,000.00	\$1,937,500.00	\$2,325,000.00	\$2,712,500.00	\$3,100,000.00	\$3,487,500.00	\$3,875,000.00	\$4,262,500.00	\$4,650,000.00
Actual	\$0	\$0	\$9,081.82	\$44,429.81	\$136,837.37	\$657,363.73	\$1,060,471.10					

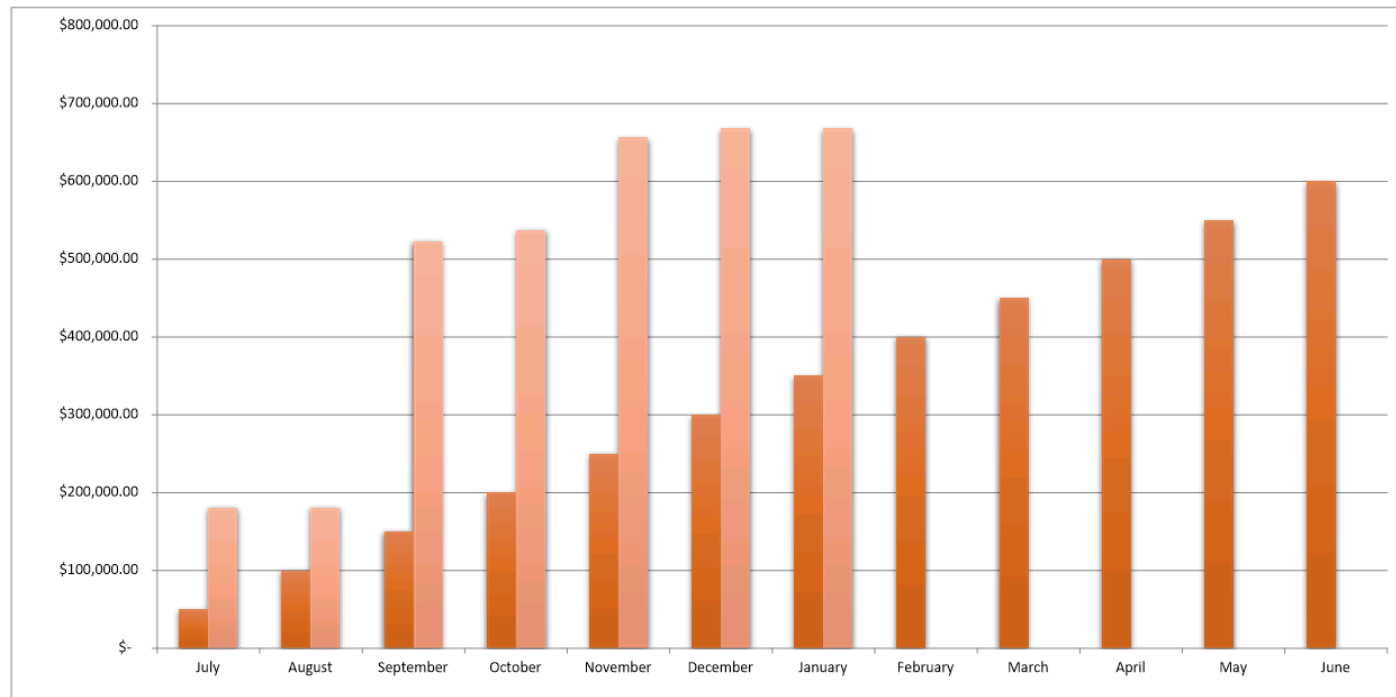
Fleet Management Advisory Committee Report
November 2017 - January 2018 (inclusive)

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Operational Summary

Disposals – November 2017 – January 2018:

Budgeted amount 2017/2018 \$600,000



	July	August	September	October	November	December	January	February	March	April	May	June
Expected	\$50,000	\$100,000	\$150,000	\$200,000	\$250,000	\$300,000	\$350,000	\$400,000	\$450,000	\$500,000	\$550,000	\$600,000
Actual	\$180,794.37	\$180,794.37	\$522,930.78	\$537,525.33	\$656,170.82	\$668,018.09	\$668,018.09					

Fleet Management Advisory Committee Report
November 2017 - January 2018 (inclusive)

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Tenders / Quotations

Local Buy Quotations – November 2017 – January 2018

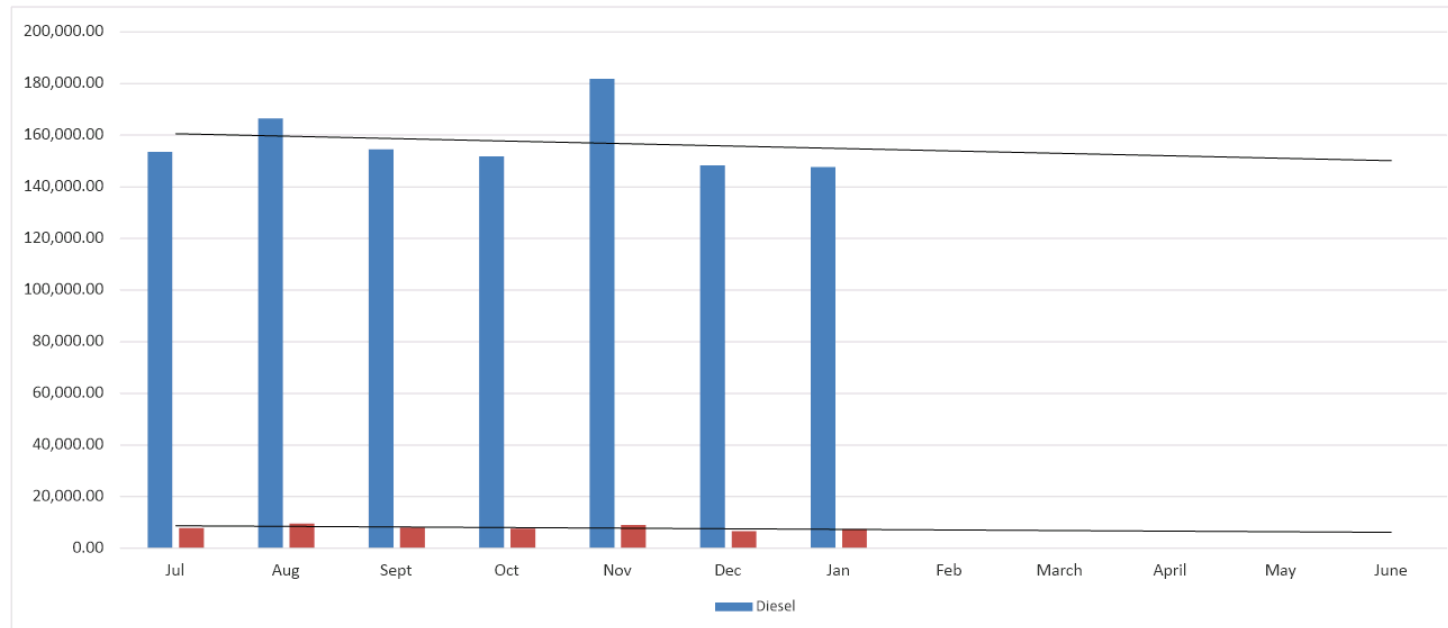
ID	Description	Closing Date
LB13	Supply and delivery of 4 x Dual Cab Utilities	06/12/2017
LB14	Supply and delivery of 4 x 4x4 Utilities	08/12/2017
LB15	Supply and delivery of 3 x Pedestrian Rollers	08/12/2017
LB16	Supply and delivery of 1 x Motor Grader	12/01/2018
LB17	Supply and delivery of 1 x All-Terrain Vehicle	
LB18	Supply and delivery of 4 x 4x4 Utilities	26/01/2018

Council Quotations – November 2017 – January 2018

ID	Description	Closing Date
P02-18	Supply and delivery of 1 x Generator (Miara Holiday Park)	19/12/2017

Fuel

Total Litres per Month – November 2017 – January 2018:



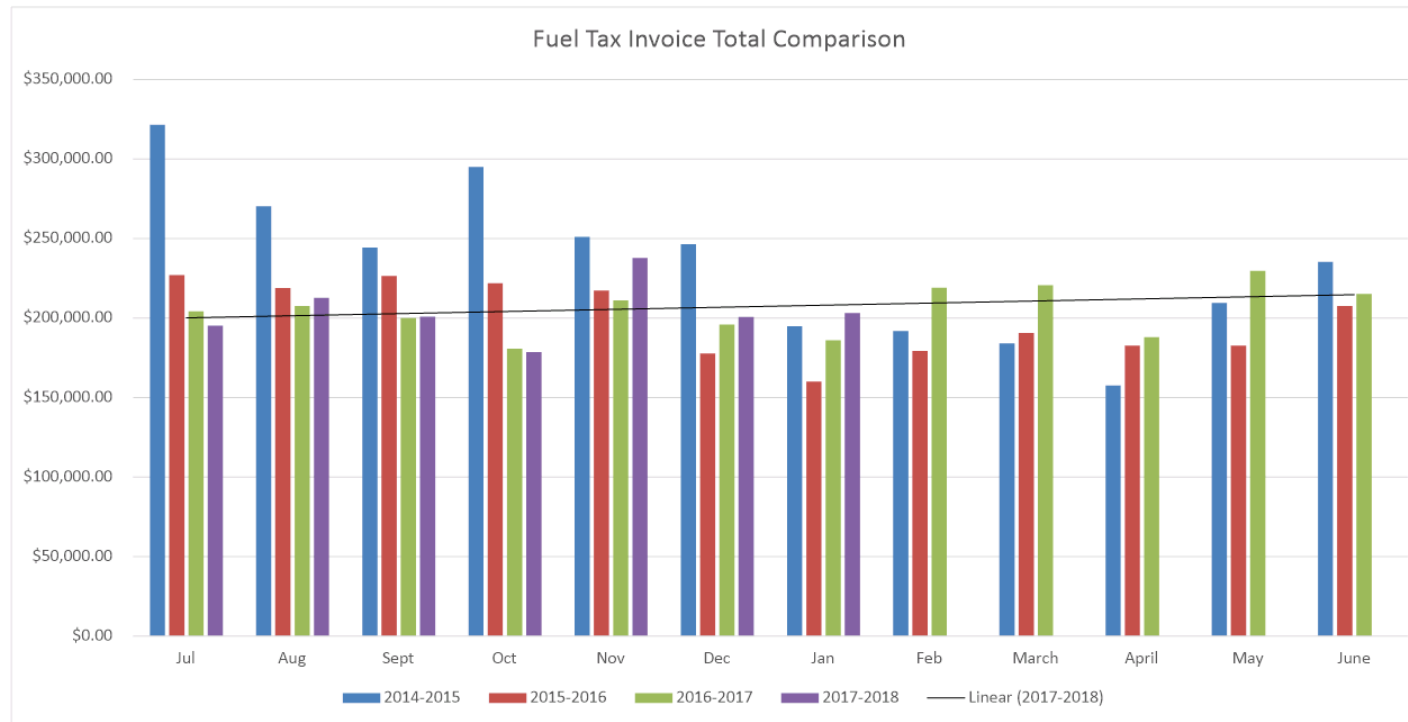
	July	August	September	October	November	December	January	February	March	April	May	June
Diesel	153,575.55	166,499.02	154,516.61	151,729.55	181,798.81	148,322.38	147,707.85					
ULP	7,831.13	9,596.01	8,126.10	7,651.90	8,995.42	6,655.08	7,345.96					

Fleet Management Advisory Committee Report
November 2017 - January 2018 (inclusive)

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Fuel

Total Fuel Cost per Month – November 2017 – January 2018:



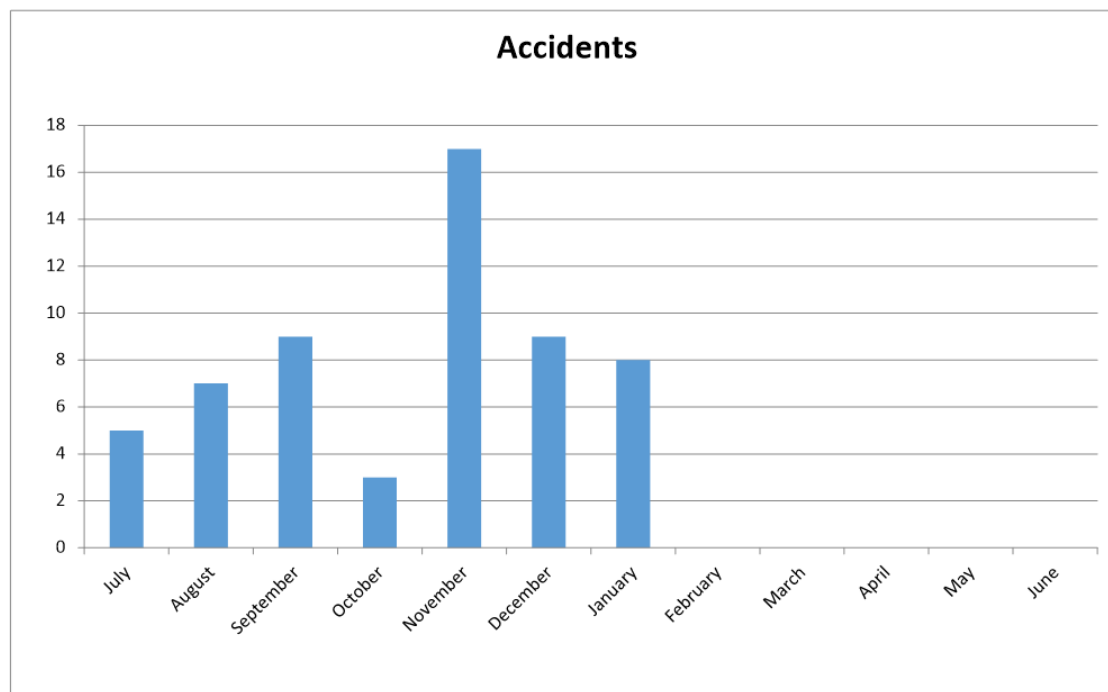
Financial Year	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
2014-2015	\$321,585.12	\$270,311.80	\$244,290.68	\$294,943.91	\$251,129.01	\$246,415.87	\$194,818.63	\$191,949.86	\$184,123.39	\$157,583.06	\$209,584.35	\$235,385.79
2015-2016	\$226,905.87	\$218,881.15	\$226,555.94	\$222,003.09	\$217,216.96	\$177,814.38	\$160,038.80	\$179,428.72	\$190,700.44	\$182,770.83	\$182,610.76	\$207,678.15
2016-2017	\$204,319.06	\$207,647.16	\$200,017.85	\$180,638.57	\$211,058.49	\$195,901.02	\$185,995.57	\$218,947.47	\$220,679.09	\$188,120.97	\$229,709.94	\$215,189.61
2017-2018	\$195,246.34	\$212,627.15	\$200,896.65	\$178,579.08	\$237,887.00	\$200,773.93	\$203,164.80					

Fleet Management Advisory Committee Report
November 2017 - January 2018 (inclusive)

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Accidents and Infringement Notices**Number of Accidents per Month – November 2017 – January 2018:**

(Accident count for previous month(s) may be amended due to time taken by drivers to submit reports)



KPI's

Plant Availability – November 2017 – January 2018:

Department	Fleet Class	Availability Status (Count)	Asset ID (Count) Total		
			November 2017	December 2017	January 2018
Executive Office	Light Vehicle	Available	100%	100%	100%
		Currently Being Repaired	0%	0%	0%
		Out of Service	0%	0%	7.14%
Organisational Services	Light Vehicle	Available	100%	100%	100%
		Currently Being Repaired	0%	0%	0%
	Plant	Available	100%	100%	100%
	Yellow Plant	Available	100%	100%	100%
Community & Environment	Heavy Vehicle	Available	100%	100%	92.50%
		Currently Being Repaired	0%	0%	7.50%
		Out of Service	0%	0%	0%
	Light Vehicle	Available	98.00%	98.00%	98.98%
		Currently Being Repaired	2%	2%	1.02%
		Out of Service	0%	0%	0%
	Plant	Available	92.88%	91.84%	92.93%
		Currently Being Repaired	0.89%	0.71%	0.35%
		Out of Service	6.23%	7.45%	6.71%
	Yellow Plant	Available	100%	100%	100%
		Currently Being Repaired	0%	0%	0%
		Out of Service	0%	0%	0%
Grand Total			100.00%	100.00%	100.00%

KPI's

Plant Availability – November 2017 – January 2018 cont:

Department	Fleet Class	Availability Status (Count)	Asset ID (Count) Total		
			November 2017	December 2017	January 2018
Infrastructure & Planning	Heavy Vehicle	Available	97.01%	95.52%	97.01%
		Currently Being Repaired	2.99%	4.48%	2.99%
		Out of Service	0%	0%	0%
	Light Vehicle	Available	98.51%	98.51%	99.23%
		Currently Being Repaired	1.49%	1.49%	0.77%
		Out of Service	0%	0%	0%
	Plant	Available	83.23%	83.67%	95.71%
		Currently Being Repaired	12.73%	12.70%	0.97%
		Out of Service	4.04%	3.63%	3.32%
	Yellow Plant	Available	91.11%	95.45%	100%
		Currently Being Repaired	6.67%	4.55%	0%
			Out of Service	2.22%	0%
Grand Total			100.00%	100.00%	100.00%

Fleet Projects / General

Caterpillar Backhoe - #8091 was transported into the Fleet Workshop in December with suspected engine failure after losing engine oil as a result of sump damage whilst working in boggy conditions clearing a drain. The engine rebuild has been completed and installation will commence next week.

The bulk fuel tank situated at Kalkie Depot has been tagged out until further notice pending investigation into fuel quality issues. A temporary fuel transfer pump has arrived to erect on the fuel tank. Mounting frames for the pump and solar charging panels are to be made for installation.

Tyres 4 U have been awarded the Tyre Maintenance contract. This will take effect from March 2018.

Andrew Railz
Manager Fleet Services

Disclaimer: Every effort is made by Fleet Services to ensure that information supplied by the MyData Fleet Management System is as accurate as possible. However, Fleet cannot guarantee all Assets have been updated as at the time of running this report.

**Item****24 April 2018**

Item Number:	File Number:	Part:
J1	339.2018.21.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

1483 Gin Gin Road, Sharon - Request for Street Naming

Report Author:

Renee Dewhurst, Para Planner

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

Our Environment - 2.2 Sustainable built environments and local projects that support our growing population and promote economic investment and development.

Background:

APPLICATION NO.	339.2018.21.1
PROPOSAL	Request for Street Name - Reconfiguring of a Lot - One Lot into 45 Lots in 6 Stages
APPLICANT	FJV Investments
LOCATION	1483 Gin Gin Road, Sharon
ESTATE NAME	Pindari Park
RELATED APPROVAL	321.2016.47064.1
DATE OF REQUEST	31 January 2018
EXISTING NAME	N/A
NO. OF SUBMITTERS	N/A

1. BACKGROUND

As Council may recall, at its meeting of 27 February 2018 the Council approved street names for two new roads being created as part of the development known as Pindari Park.

Upon receiving Council's approval, the Applicant has further considered the appropriateness of those names and has requested that that an alternative name for Roads B & C be approved.

Table 1 provides a summary of the street names, proposed by the Applicant, for consideration.

Table 1 - Suggested Street Names

Road	Street Names Register – suggested by Developer	Alternative Names – suggested by Developer
	Name	Name
Road B & C	1.	1. Whipbird Place
	2.	2. Fantail Place
	3.	3. Orchid Place

The proposed name for roads B and C within this development are intended to reflect the native flora and fauna specific to the locality of Gin Gin. Although the Applicant's first preference was Whipbird, it was determined that it was not unique to the Bundaberg region. Therefore after further suggestion from the applicant, the second preference for both roads B & C has been established as the more suitable option, being Fantail Place.

2. ASSESSMENT

2.1 Street Names

	Yes	No	N/A
Does the proposal reflect aspects of the area in which it is located, including historical names?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the proposal part of a theme for a development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the name a noun and generally contain one (1) word? If a composite word, does the word supplement the primary name?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Where in an urban locality, are the proposed names unique to that locality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Where in a rural area, is the proposed name unique to the Bundaberg region?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For extensions to existing streets, does the extension retain the name of the street extended?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is considered that the request does comply with the requirements of the Planning Scheme Policy for Development Works.

3. PUBLIC NOTIFICATION

Not applicable.

[Associated Person/Organization:](#)

Not applicable.

[Consultation:](#)

Not applicable.

Legal Implications:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

☐ Yes

☒ No

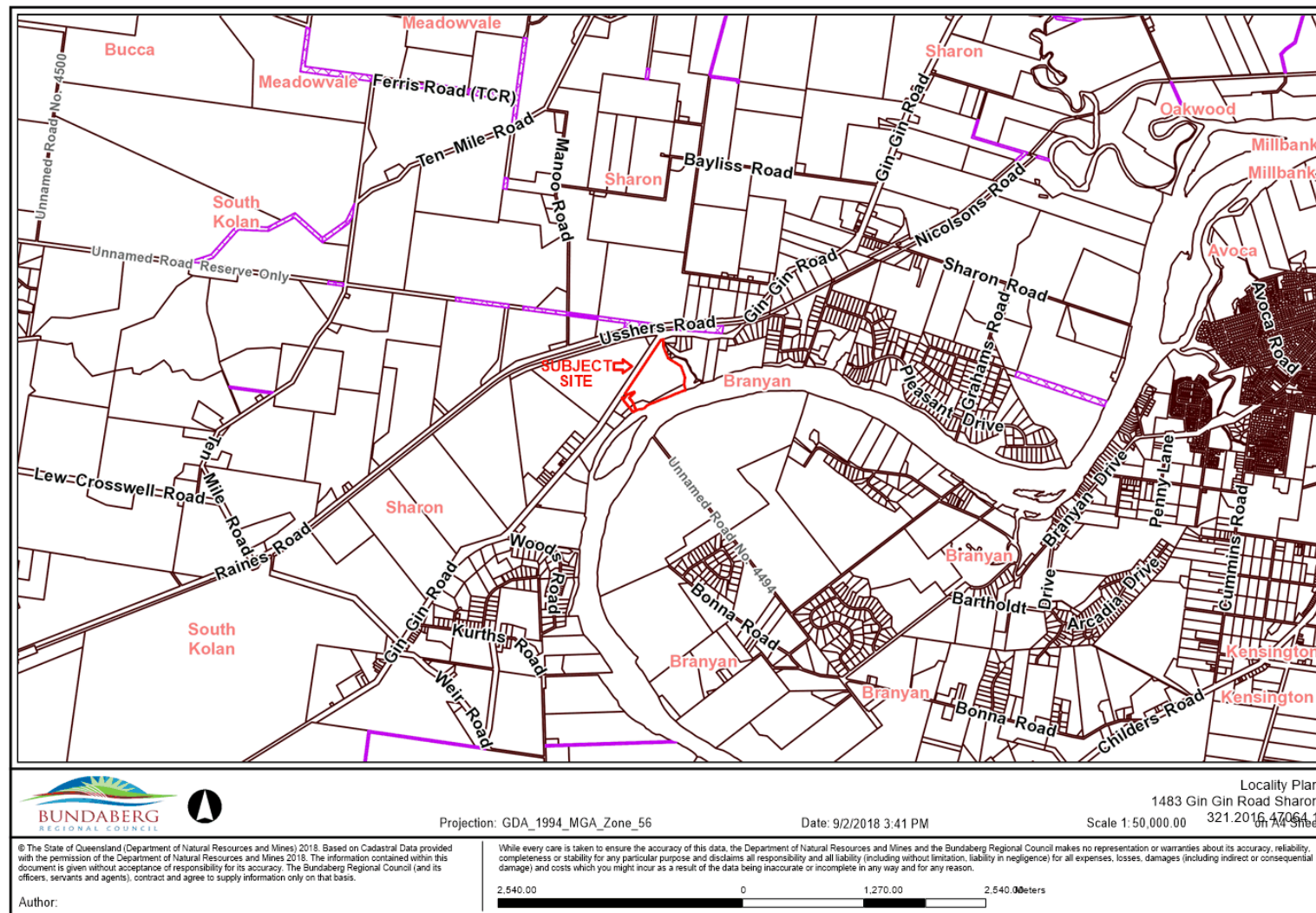
Attachments:

- [↓1](#) Locality Plan
- [↓2](#) Site Plan
- [↓3](#) Road Layout Plan

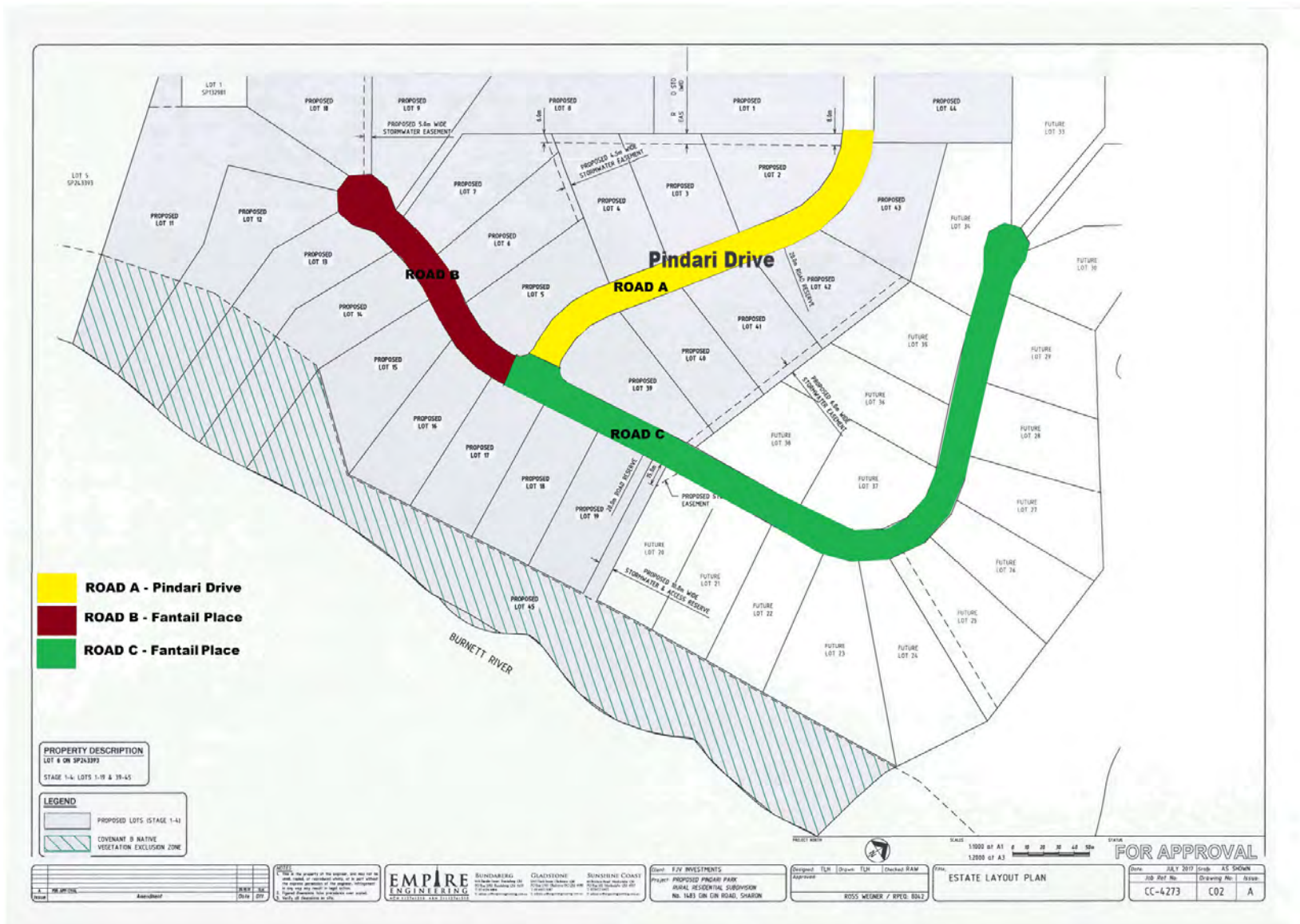
Recommendation:

That roads B and C in the development identified as Pindari Park, located at 1483 Gin Gin Road, Sharon and approved under development approval 321.2018.21.1, be named as follows:

- **Roads B and C – Fantail Place**







**Item****24 April 2018****Item Number:**

J2

File Number:

N/A

Part:

PLANNING

Portfolio:

Planning & Development Services

Subject:

Adoption of Local Government Infrastructure Plan Amendment

Report Author:

Arron Walker, Strategic Planning Engineer

Authorised by:

Stephen Johnston, Chief Executive Officer

Link to Corporate Plan:

Our Environment - 2.4 Delivery of cost-effective and efficient essential services to support our growing population.

Background:

Council at its meeting held 12 December 2017 resolved to write to the Minister for State Development, Manufacturing, Infrastructure and Planning (the Minister) requesting approval to adopt its proposed Local Government Infrastructure Plan (LGIP) amendment to the Bundaberg Regional Council Planning Scheme. Within this letter, Council also requested approval to adopt revisions to its Planning Scheme Policy for Development Works which were made necessary by the LGIP amendment. On 15 March 2018 the Minister gave written approval to make these amendments to the Bundaberg Regional Council Planning Scheme. The Minister is satisfied that Council's proposed LGIP complies with all statutory requirements and that Council should now proceed to adopt it. Adoption of an approved LGIP ensures that Council continues to have the ability to levy infrastructure charges and impose trunk infrastructure conditions on future development approvals.

Associated Person/Organization:

Integran Pty Ltd (Council's consultant and appointed LGIP reviewer); Minister for State Development, Manufacturing, Infrastructure and Planning

Consultation:

Consultation with Council and internal stakeholders has been undertaken during the preparation of the LGIP. In addition, the Department of Transport and Main Roads has been consulted where the proposed LGIP's transport Plans for Trunk Infrastructure affect State-controlled Roads. The LGIP was on public display from 3 October to 17 November 2017.

Legal Implications:

Pursuant to s 287 of the *Planning Act 2016*, the repealed *Sustainable Planning Act 2009* continues to apply to the making of the LGIP amendment. However, once the LGIP amendment has been made (taken effect), the *Planning Act 2016* applies to the statutory instrument as if it had been made under the Planning Act.

The *Planning Act 2016* identifies circumstances where a landowner may be entitled to compensation for an adverse planning change (i.e. a planning change that reduces the value of an interest in premises). Section 30 of the *Planning Act 2016* identifies that compensation is not payable where the change includes, removes or changes infrastructure shown in a planning scheme, or is about matters included in a LGIP. These provisions are generally consistent with those included in s 706 of the repealed *Sustainable Planning Act 2009*.

Policy Implications:

The proposed LGIP amendment includes changes to the cost and timing of some of Council's future trunk infrastructure when compared to the existing Priority Infrastructure Plan (PIP) that it will replace.

Financial and Resource Implications:

Council's 2017/18 budget includes appropriate allocation of resources for the LGIP amendment.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- ☐ Not required
- ☒ Required

Attachments:

- [↓1](#) Letter: Approval to adopt LGIP from Minister State Development, Manufacturing, Infrastructure and Planning

Recommendation:

That pursuant to the repealed *Sustainable Planning Act 2009* and the Statutory Guideline for Making and Amending Local Planning Instruments:-

- (a) Council adopt the Local Government Infrastructure Plan (LGIP) amendment to the Bundaberg Regional Council Planning Scheme 2015, and the amended Planning Scheme Policy for Development Works; and**

- (b) the LGIP amendment version of the Bundaberg Regional Council Planning Scheme 2015, including the amended Planning Scheme Policy for Development Works, take effect on 7 May 2018.**



The Hon Cameron Dick MP
Minister for State Development,
Manufacturing, Infrastructure and Planning

Our ref: MC18/199

Your ref: LGIP Amendment
Contact Person: Evan Fritz

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Queensland 4002 Australia
Telephone +61 7 3719 7200
Email statedevelopment@ministerial.qld.gov.au
www.dsdmip.qld.gov.au

15 MAR 2018

Councillor Jack Dempsey
Mayor
Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670

Dear Councillor Dempsey

Thank you for the Bundaberg Regional Council's (the council) letter of 22 December 2017 providing the council's proposed Local Government Infrastructure Plan (LGIP) for review and approval to adopt.

I would firstly like to congratulate the council on achieving this significant milestone. Having an approved LGIP in place will ensure the council continues to have the ability to levy charges or impose trunk infrastructure conditions on future development approvals.

The proposed LGIP has been assessed against the requirements of the repealed *Sustainable Planning Act 2009* and for compliance with Statutory guideline 01/16: Making and amending local planning instruments and Statutory guideline 03/14: Local government infrastructure plans.

I am pleased to advise I am satisfied the proposed LGIP complies with statutory requirements and that the council may now proceed to adopt the proposed LGIP.

I encourage the council to undertake regular reviews of its LGIP, Long-Term Assessment Management Plan and Long-Term Financial Forecast to ensure ongoing alignment. Please note that the revised Planning Scheme Policy for Development Works should also be adopted concurrently, or prior to, the adoption of the proposed LGIP.

If you require any further information, please contact Mr Luke Lankowski, Manager, Planning and Development Services - South, in the Department of State Development, Manufacturing, Infrastructure and Planning, on (07) 4331 5614 or luke.lankowski@dilgp.qld.gov.au, who will be pleased to assist.

Yours sincerely

CAMERON DICK MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

cc: Mr Stephen Johnston
Chief Executive Officer
Bundaberg Regional Council

**Item****24 April 2018****Item Number:**

J3

File Number:

N/A

Part:

PLANNING

Portfolio:

Planning & Development Services

Subject:

Charges Resolution (No. 1) 2018

Report Author:

Arron Walker, Strategic Planning Engineer

Authorised by:

Stephen Johnston, Chief Executive Officer

Link to Corporate Plan:

Our Environment - 2.4 Delivery of cost-effective and efficient essential services to support our growing population.

Background:

Council's current Adopted Infrastructure Charges Resolution (no. 1) 2015 was made under the repealed *Sustainable Planning Act 2009*. The *Planning Act 2016* included transitional arrangements which preserved this resolution on commencement of the new Act. With the introduction of the *Planning Act 2016* the legislative framework and some of the terminology for collecting infrastructure charges has changed. Despite these changes the processes and intent of the new *Charges Resolutions* are fundamentally the same as the old *Adopted Infrastructure Charges Resolutions*.

Council's current Adopted Infrastructure Charges Resolution (no. 1) 2015 has been operating well for approximately two and half years. It has achieved a good balance between affordability and sustainability in terms of infrastructure charges. With the amendment of Council's Planning Scheme to include a Local Government Infrastructure Plan (LGIP), it is necessary for Council to update its resolution to align and comply with the *Planning Act 2016*, especially to remove references to the Priority Infrastructure Plan (PIP) and replace them with references to the new LGIP. The proposed charges resolution remains largely unchanged from the current resolution. In particular, it is noted that the charging areas, discounts and charging rates in the current resolution are proposed to remain unchanged in the new Charges Resolution.

The adoption of a new Charges Resolution does not affect the current Bundaberg Open for Development incentives scheme, nor does it preclude Council's ability to implement similar infrastructure charging incentives in the future. Also, Council may, at its discretion, apply these new charges to development where a request for an extension of time to an existing approval is sort.

Associated Person/Organization:

N/A

Consultation:

In accordance with Section 118 of the *Planning Act 2016*, Council must:

- (a) upload and keep the resolution on its website; and
- (b) attach the resolution to each copy of its planning scheme that it gives to, or publishes for, others.

Legal Implications:

The report and recommendation has been prepared in accordance with Sections 113 to 117 of the *Planning Act 2016*, *Planning Regulation 2017* and the *Minister's Guidelines and Rules* prepared by the Department of State Development, Manufacturing, Infrastructure and Planning.

Policy Implications:

There are changes to Council's charging policy proposed. The new Charges Resolution only seeks to update legislative references and some terminology.

Financial and Resource Implications:

There appears to be no financial or resource implications as the new charges resolution has the same charging areas, discounts and charging rates as the current resolution.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

- ☐ Yes
- ☒ No

Attachments:

- [↓](#)1 Bundaberg Regional Council Charges Resolution (No. 1) 2018

Recommendation:

That:

- A. Bundaberg Regional Council Charges Resolution (No 1) 2018 is adopted by Council pursuant to Section 113 of the *Planning Act 2016*, to take effect on 7 May 2018.**
- B. Bundaberg Regional Council Adopted Infrastructure Charges Resolution (No 1) 2015 is repealed and will cease to have effect on 7 May 2018.**

BUNDABERG REGIONAL COUNCIL
CHARGES RESOLUTION (NO. 1) 2018



BUNDABERG REGIONAL COUNCIL CHARGES RESOLUTION (NO. 1) 2018

This resolution is made under section 113 of the *Planning Act 2016*.

1. Relationship to planning schemes

This resolution is attached to Bundaberg Regional Council's Planning Scheme 2015.

To remove any doubt, it is declared that the details of the resolution are not part of the Local Government's planning schemes.

2. Effective date

This resolution has effect on and from Monday, 7 May 2018. This resolution amends and replaces Council's Adopted Infrastructure Charges Resolution (No. 1) 2015 which took effect Monday, 19 October 2015.

3. Comparison of planning scheme use categories and adopted charges schedule use categories

Table 1.1 of this resolution (refer Attachment 1) identifies the relationship between existing planning scheme use types and the use categories to which the adopted charges schedule (refer Attachment 2) apply.

To remove any doubt, where an existing planning scheme use type corresponds to more than one use in the adopted charges schedule, the applicable adopted charge will depend on the nature of the proposed use and will be determined by the Chief Executive Officer or Council's Group Manager Development, as Council's delegate.

4. Types of development that trigger a charge

The types of development that may trigger the levying of an adopted charge under this charges resolution are:-

- (a) reconfiguring a lot; and/or
- (b) material change of use of premises; and/or
- (c) building work.

5. Adopted charge

This resolution adopts a charge for particular development that is equal to or less than those listed in Schedule 16 Prescribed amount, *Planning Regulation 2017* and adopts different charges for particular development in different parts of the Bundaberg Regional Council local government area.

The *adopted charge* for reconfiguring a lot is the amount shown in Table 2.1 for the relevant infrastructure charge area. This charge will apply per additional lot created.



The *adopted charge* for a material change of use is the charge mentioned in Table 2.2 and/or Table 2.3 for the relevant infrastructure charge area.

The *adopted charge* for building work is the amount shown in Table 2.4 for the relevant infrastructure charge area.

Tables 2.1 to 2.4 are shown in Attachment 2.

6. Infrastructure charge area

An infrastructure charge area is the part of the local government area to which a charge applies. The infrastructure charge areas for Bundaberg Regional Council are as follows:

- (a) **Fully Serviced Infrastructure Charge Area** – covers development that is to be serviced either now or in the future by all of Council's infrastructure networks. This includes Bundaberg City, Bargara, Innes Park, Coral Cove, Elliott Heads, Gin Gin, Childers, Woodgate, and parts of Burnett Heads;
- (b) **Bundaberg Partially Serviced (no wastewater) Infrastructure Charge Area** – covers development that will not be serviced either now or in the future by Council's wastewater network, but are serviced by Council's other infrastructure networks (e.g., including but not limited to Moore Park and Gooburru);
- (c) **Bundaberg Partially Serviced (no wastewater and no water supply) Infrastructure Charge Area** – covers development that will not be serviced either now or in the future by Council's water supply and wastewater networks, but are serviced by Council's other infrastructure networks (e.g., including but not limited to parts of Branyan and Sharon).
- (d) **Hinterland Partially Serviced (no wastewater) Infrastructure Charge Area** – covers development that will not be serviced either now or in the future by Council's wastewater network, but are serviced by Council's other infrastructure networks (e.g., including but not limited to Redridge, Goodwood and Moore Park); and
- (e) **Hinterland Partially Serviced (no wastewater and no water supply) Infrastructure Charge Area** – covers development that will not be serviced either now or in the future by Council's water supply and wastewater networks, but are serviced by Council's other infrastructure networks (e.g., including but not limited to South Kolan, Avondale, Yandaran, Tirroan).

The infrastructure charge areas are shown in maps ICA-01 to ICA-33 (refer Attachment 3). These infrastructure charge areas align with Council's planning assumptions used in Part 4 of the Bundaberg Regional Council Planning Scheme 2015. If a development falls within a Partially Serviced Infrastructure Charge Area but proposes to be connected to infrastructure that is not planned for that area, then the development will be charged as if it falls within the infrastructure charge area that aligns with the number of infrastructure networks to be connected.



7. Discounts

Table 1 establishes the criteria and eligibility for discounts to Council's *adopted charge*, depending on the particular type and/or location of development within the Bundaberg Regional Council area. For developments that are eligible for a discount, the charge is the charge identified in Attachment 2 less any discount identified in Table 1.

Development that is ineligible for any discount pursuant to Table 1 will be subject to Council's *adopted charge* identified in Attachment 2 (less any applicable credits or offsets).

Where compliance with two or more of the discount categories in Table 1 is achieved, the highest discount category will apply. To remove any doubt, the discounts nominated in Table 1 are not accumulative.

Table 1 – Criteria and eligibility for discounts to adopted charge

Discount category	Criteria / areas covered	Amount of discount
Non-profit organisations ¹	Development is not on land owned or controlled by Bundaberg Regional Council	50%
	Development is on land owned or controlled by Bundaberg Regional Council	100%
Emergency Services Facilities		100%
Bundaberg Regional Council	Bundaberg Regional Council is the applicant and the development is for community use (i.e., it must be a not-for-profit development that will not be competing with other businesses in the region)	100%

8. Timing for payment of levied charge

As per section 122 of the *Planning Act 2016*, a levied charge becomes payable

-
- (a) if the charge applies for reconfiguring a lot — when the local government that levied the charge approves the plan of subdivision for the reconfiguration that, under the Land Title Act, is required to be given to the local government for approval; or
- (b) if the charge applies for building work — when the final inspection certificate for the building work, or the certificate of classification for the building, is given under the Building Act; or
- (c) if the charge applies for a material change of use — when the change happens; or
- (d) if the charge applies for other development — on the day stated in the infrastructure charges notice under which the charge is levied.

To remove any doubt, where a development has more than one type of development approval, payment shall be the earliest time of the applicable approvals.



9. Additional demand

Section 120 of the *Planning Act 2016* provides that a levied charge may be only for extra demand placed on trunk infrastructure that the development will generate. Therefore a charge for a particular development is to be credited to take into account the existing usage of trunk infrastructure by the premises on or in relation to which the development is carried out.

The credit is to be calculated in accordance with the following methodology:

- (a) The credit for the premises is the greater of –
 - (i) the amount stated for an *adopted charge* for reconfiguring a lot as per Table 2.1, for each existing lot within the premises, less any discount identified in Table 1ⁱⁱ;
 - (ii) the amount stated for an adopted charge in Table 2.2 and/or Table 2.3 for the lawful use, less any discount identified in Table 1ⁱⁱⁱ where:
 - a. the premises is subject to an existing lawful use;
 - b. a previous use that is no longer taking place on the premises if the use was lawful at the time the use was carried out;
 - c. other development on the premises if the development may be lawfully carried out without the need for a further development permit;
 - (iii) the monetary contributions for trunk infrastructure previously paid for the development of the premises, subject to Council being satisfied of appropriate evidence of payment.
- (b) The maximum amount of any credit calculated under (a) above is not to exceed the amount of the *adopted charge* for the proposed development.

10. Trunk Infrastructure and Priority Infrastructure Area

Part 4 of the Bundaberg Regional Council Planning Scheme 2015 (i.e., the Local Government Infrastructure Plan) contains the Priority Infrastructure Area (PIA), population assumptions, plans for trunk infrastructure (PFTI), PFTI establishment costs, and desired standards of service to be used in conjunction with this resolution. The PFTI and PIA are also available on Council's interactive mapping website:

- <http://www.bundaberg.qld.gov.au/services/interactive-mapping>.

11. Automatic increase provision

Charges are to automatically increase from the time the charge is levied to the time the charge is paid as per section 114 of the *Planning Act 2016*. This automatic increase provision is calculated as follows:

- (a) If the duration of time between the date the charge is levied to the date the charge is paid is less than or equal to one calendar year, then there is no



- automatic increase provision. Therefore the *adopted charge* payable is equal to the charge amount at the time the charge is levied; or
- (b) If the duration of time between the date the charge is levied to the date the charge is paid is greater than one calendar year, then the automatic increase provision is an amount representing the increase in the PPI index^{iv}. The increase in PPI index is calculated for the period starting on the day the charge is levied and ending on the day the charge is paid, adjusted by reference to the 3-yearly PPI index average. Where the 3-yearly PPI index average means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. Therefore the automatic increase provision is calculated as shown in equation 1 below:

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

Where

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

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

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

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

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

12. Method for recalculating the establishment cost

Under section 137 of the *Planning Act 2016*, an applicant can make a submission to Council to recalculate the establishment cost of trunk infrastructure that they have been conditioned to provide.

An applicant can make an application to have an establishment cost recalculated only up to the time that the original charge becomes payable (see Item 8). An applicant cannot initiate this process after the levied charge has been paid.

The method used to recalculate establishment cost when an application is made under section 116 of the *Planning Act 2016* is outlined below. This method is consistent with the *Minister's guidelines and rules (dated July 2017)* and contains the following steps:



- Step 1 – Applicant to recalculate trunk establishment cost
- Step 2 – Written Notice provided to Council
- Step 3 – Council Assessment

Each step is explained in more detail in the following section.

Step 1 – Applicant to recalculate trunk establishment cost

Cost of land is calculated as follows:

- (a) The applicant, at their cost, is to appoint a certified practicing valuer to provide a valuation report to Council. The valuation report must adhere to the parameters stated in section 2.2 of the *Minister's guidelines and rules (dated July 2017)* or
- (b) if the applicant prefers, the following land values will apply:
 - \$200,000/ha for land above Q100;
 - \$35,000/ha for land above Q20 and below Q100;
 - \$20,000/ha for land below Q20;

Cost for works is calculated as follows:

- (a) the applicant, at their cost, is to undertake a tender process for the design and construction of the work:
 - (i) including the following:
 - the cost of planning and designing the work;
 - the cost of survey and site investigation for the work;
 - a cost under a construction contract for the work;
 - a portable long service leave payment for a construction contract;
 - an insurance premium for the work;
 - a local government inspection fee for the commencement and end of the maintenance period for the work;
 - the cost of an approval for the work;
 - (ii) excluding the following:
 - a cost of carrying out temporary infrastructure;
 - a cost of carrying out other infrastructure which is not part of the trunk infrastructure contribution;
 - a cost of the decommissioning, removal and rehabilitation of infrastructure identified in paragraphs (a) and (b);
 - a part of the trunk infrastructure contribution provided by the local government or a person other than the person seeking the infrastructure offset;
 - a cost to the extent that GST is payable and an input tax credit can be claimed for the work.
- (b) the applicant is to include in the notice to Council the following additional information:
 - (i) the tender process that was conducted;
 - (ii) the tenders received;
 - (iii) the claimant's preferred tenderer;



- (iv) the claimants reason for the preferred tenderer;
- (v) the terms of the work contract;
- (vi) a plan for each infrastructure network clearly showing the extent of the work for which the infrastructure offset is sought;
- (vii) the claimant's calculation of the pre-construction estimate;

Step 2 – Written Notice provided to Council

Once the applicant has determined the new cost estimate for land and/or work, the applicant is to provide this to Council in a written notice and pay the fee for Council to assess the application for recalculation of establishment cost.

Step 3 – Council Assessment

If Council accepts the new cost estimate, the cost estimate is the establishment cost of the infrastructure.

If Council rejects the applicant's new cost estimate, it must provide written notice to the applicant and propose its revised cost estimate and its reasons for doing so.

The applicant may negotiate with Council and establish an agreed cost estimate. If agreement is reached, the agreed cost estimate is the establishment cost of the infrastructure. If agreement cannot be reached, Council's revised cost estimate is the establishment cost of the infrastructure.

Council will issue an amended Infrastructure Charges Notice (ICN) to the applicant stating to establishment cost.

13. Conversion criteria

Under section 139 of the *Planning Act 2016*, an applicant can apply to Council to convert non- trunk infrastructure that they have been conditioned to provide to trunk infrastructure (a conversion application). A fee is payable for Council to assess a conversion application. A conversion application cannot be made after the construction of non-trunk infrastructure has started.

The method used for deciding a conversion application under section 117 of the *Planning Act 2016* and is outlined below. This method is consistent with the *Minister's guidelines and rules (dated July 2017)*. For infrastructure to be considered trunk infrastructure, each of the following criteria must be met:

- (a) The infrastructure has capacity to service other future developments that are consistent with Council's assumed type, scale, location and timing of development as identified in Part 4 of the Bundaberg Regional Council Planning Scheme 2015;
- (b) The function and purpose of the infrastructure is consistent with other trunk infrastructure identified within the same infrastructure charge area;
- (c) The infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 145 of the *Planning Act 2016*; and

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- (d) The type, size and location of the infrastructure are the *most cost effective option* for servicing multiple users in the area. The *most cost effective option means* the least cost option based upon the life cycle cost of the infrastructure required to service future urban development within the infrastructure charge area at the desired standards of service outlined in Part 4 of the Bundaberg Regional Council Planning Scheme 2015.

14. Dictionary

Unless otherwise stated, the words and terms used in this resolution are defined in *Planning Act 2016*, *Planning Regulation 2017*, or *Minister's guidelines and rules (date July 2017)*.

15. Resolution Attachments

- Attachment 1 – Comparison of planning scheme use categories and development categories;
- Attachment 2 – Adopted charges schedule;
- Attachment 3 – Infrastructure charge areas.

This is certified as a true copy of Council's adopted infrastructure charges resolution made pursuant to section 113 of the *Planning Act 2016*.

Stephen Johnston
Chief Executive Officer

Dated:

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Endnotes / Explanatory Notes –

- ⁱ A non-profit organisation must have an Australian Business Number (ABN) and prove it has met the Australian Tax Office (ATO) requirements for non-profit organisations. This includes the following:
- (a) A non-profit organisation is an organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect. This applies both while the organisation is operating and when it winds up.
 - (b) Any profit made by a non-profit organisation goes back into the operation of the organisation to carry out its purposes and is not distributed to any of its members.
 - (c) A non-profit organisation's constituent or governing documents prevent it from distributing profits or assets for the benefit of particular people – both while it is operating and when it winds up.
- ⁱⁱ In calculating the credit for an existing lot or lawful use, Council will determine the most appropriate discount category in Table 1 having regard to (among other things) the location of the premises and whether the existing lot/development is connected to Council's water supply and/or sewerage networks.
- ⁱⁱⁱ For an existing lawful use, the use must be established (up and running) at the time the development application is made. Where a previous use of premises was more intensive, Council may, at its absolute discretion, calculate the discount or credit on the prior lawful use – suitable evidence may be required to determine the nature and scale of the former use and to demonstrate that the use was actually established and carried out lawfully. To remove any doubt, there is no credit simply due to a zoning or use right under a current or superseded planning scheme.
- Council will not credit an existing lawful use being carried out on a parent parcel against any vacant lot proposed to be created by reconfiguring a lot.
- ^{iv} The PPI index means the same as in *Planning Act 2016*. That is either:
- (a) generally—the producer price index for construction 6427.0 (ABS PPI) index number 3101—Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics;
 - (b) if an index described in paragraph (a) ceases to be published—another similar index prescribed by regulation.

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ATTACHMENT 1 – Comparison of planning scheme uses and prescribed amount uses

Table 1.1 – Comparison of planning scheme uses and prescribed amount uses

Bundaberg Regional Council Planning Scheme use definitions and activity group					Prescribed Amount (Schedule 16, Planning Regulation 2017)	
Use	Definition	Examples include	Does not include the following examples	Activity Group	Use category	Use
Adult store	Premises used as a shop where the primary purpose is for the display or sale of sexually explicit materials, products and devices associated with or used in a sexual practice or activity.	Sex shop	Shop, newsagent, registered pharmacist or video hire, where the primary use of these are concerned with: <ul style="list-style-type: none"> the sale, display or hire of printed or recorded matter (not of a sexually explicit nature) or the sale or display of underwear or lingerie or the sale or display of an article or thing primarily concerned with or used in association with a medically recognised purpose. 	Business activities	Commercial (retail)	Adult store
Agricultural supplies store	Premises used for the sale of agricultural products and supplies including agricultural chemicals and fertilisers, seeds, bulk veterinary supplies, farm clothing, saddlery, animal feed and irrigation materials.		Bulk landscape supplies, garden centre, outdoor sales, wholesale nursery	Business activities	Commercial (bulk goods)	Agricultural supplies store
Air services	Premises used for any of the following: <ul style="list-style-type: none"> the arrival and departure of aircraft 	Airport, airstrip, helipad, public or private airfield		Other activities	Other uses	Air service

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	<ul style="list-style-type: none"> the housing, servicing, refuelling, maintenance and repair of aircraft the assembly and dispersal of passengers or goods on or from an aircraft any ancillary activities directly serving the needs of passengers and visitors to the use associated training and education facilities aviation facilities. 					
Animal husbandry	<p>Premises used for production of animals or animal products on either native or improved pastures or vegetation.</p> <p>The use includes ancillary yards, stables and temporary holding facilities and the repair and servicing of machinery.</p>	Cattle studs, grazing of livestock, non-feedlot dairying	Animal keeping, intensive animal industry, aquaculture, feedlots, piggeries	Rural activities	Low impact rural	Animal husbandry
Animal keeping	<p>Premises used for boarding, breeding or training of animals.</p> <p>The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing of machinery.</p>	Aviaries, catteries, kennels, stables, wildlife refuge	Aquaculture, cattle studs, domestic pets, feedlots, grazing of livestock, non-feedlot dairying, piggeries, poultry meat and egg production, animal husbandry	Rural activities	Other uses	Animal keeping
Aquaculture	<p>Premises used for the cultivation of aquatic animals or plants in a confined area that may require the provision of food either mechanically or by hand.</p>	Pond farms, tank systems, hatcheries, raceway system, rack and line systems, sea cages	Intensive animal industry	Rural activities	High impact rural	Cultivating, in a confined area, aquatic animals or plants for sale
Bar	<p>Premises used primarily to sell liquor for consumption on the premises and that provides for a</p>		Club, hotel, nightclub entertainment facility, tavern	Business activities	Entertainment	Hotel

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	maximum capacity to seat sixty persons at any one time. The use may include ancillary sale of food for consumption on the premises and entertainment activities.					
Brothel	Premises made available for prostitution by two or more prostitutes at the premises.		Adult store, club, nightclub entertainment facility, shop	Other activities	Other uses	use not listed
Bulk landscape supplies	Premises used for bulk storage and sale of landscaping and gardening supplies, which may include soil, gravel, potting mix and mulch, where the majority of materials sold from the premises are not in pre-packaged form.		Garden centre, outdoor sales, wholesale nursery	Industry activities	Commercial (bulk goods)	Bulk landscape supplies
Caretaker's accommodation	A dwelling provided for a caretaker of a non-residential use on the same premises.		Dwelling house	Residential activities	Residential	Caretaker's accommodation
Car wash	Premises primarily used for commercially cleaning motor vehicles by an automatic or partly automatic process.		Service station	Business activities	Commercial (retail)	Service industry
Cemetery	Premises used for interment of bodies or ashes after death.	Burial ground, crypt, columbarium, lawn cemetery, pet cemetery, mausoleum	Crematorium, funeral parlour	Community activities	Minor uses	Cemetery
Child care centre	Premises used for minding, education and care, but not residence, of children.	Crèche, early childhood centre, kindergarten, outside hours school care	Educational establishment, home based child care, family day care	Community activities	Education facility	Childcare centre
Club	Premises used by persons associated for social, literary, political, sporting, athletic or other similar purposes for social interaction or entertainment.	Club house, guide and scout clubs, surf lifesaving club, RSL, bowls club	Hotel, nightclub entertainment facility, place of worship, theatre	Entertainment activities	Places of assembly	Club

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	The use may include the ancillary preparation and service of food and drink.					
Community care centre	Premises used to provide social support where no accommodation is provided. Medical care may be provided but is ancillary to the primary use.	Disability support services, drop in centre, respite centre, integrated Indigenous support centre	Childcare centre, family day care, home based child care, health care services, residential care facility	Community activities	Education facility	Community care centre
Community residence	Any dwelling used for accommodation for a maximum of six persons who require assistance or support with daily living needs, share communal spaces and who may be unrelated. The use may include a resident support worker engaged or employed in the management of the residence.	Hospice	Dwelling house, dwelling unit, hostel, residential care facility, short-term accommodation	Residential activities	Accommodation (long term)	Community residence
Community use	Premises used for providing artistic, social or cultural facilities and community support services to the public and may include the ancillary preparation and provision of food and drink.	Art gallery, community centre, community hall, library, museum	Cinema, club, hotel, nightclub entertainment facility, place of worship	Community activities	Places of assembly	Community use
Crematorium	Premises used for the cremation or aquamation of bodies.		Cemetery	Community activities	Other uses	Crematorium
Cropping	Premises used for growing plants or plant material for commercial purposes where dependant on the cultivation of soil. The use includes harvesting and the storage and packing of produce and plants grown on the site and the ancillary repair and servicing of machinery used on the site.	Fruit, nut, vegetable and grain production, forestry for wood production, fodder and pasture production, plant fibre production, sugar cane growing, vineyard	Permanent plantations, intensive horticulture, rural industry	Rural activities	Low impact rural	Cropping

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Detention facility	Premises used for the confinement of persons committed by a process of law.	Prison, detention centre		Community activities	Essential services	Correctional facility
Dual occupancy	Premises containing two dwellings on one lot (whether or not attached) for separate households.	Duplex	Dwelling house, multiple dwelling	Residential activities	Residential	Dual occupancy
Dwelling house	A residential use of premises for one household that contains a single dwelling. The use includes domestic outbuildings and works normally associated with a dwelling and may include a secondary dwelling.		Caretaker's accommodation, dual occupancy, rooming accommodation, short-term accommodation, student accommodation, multiple dwelling	Residential activities	Residential	Dwelling house
Dwelling unit	A single dwelling within premises containing non-residential use(s).	"Shop-top" apartment	Caretaker's accommodation, dwelling house	Residential activities	Residential	Dwelling Unit
Educational establishment	Premises used for training and instruction designed to impart knowledge and develop skills. The use may include outside hours school care for students or on-site student accommodation.	Pre-preparatory, preparatory and primary school, secondary school, special education, college, university, technical institute, outdoor education centres	Childcare centre, home based child care, family day care	Community activities	Education facility	Educational establishment other than for the Flying Start for Qld Children Program or Educational establishment for the Flying Start for Qld Children Program
Emergency services	Premises used by government bodies or community organisations to provide essential emergency services or disaster management services including management support facilities for the protection of persons, property and the environment.	State emergency service facility, ambulance station, rural fire brigade, auxiliary fire and rescue station, urban fire and rescue station, police station, emergency management support facility, evacuation centres	Community use, hospital, residential care facility	Community activities	Essential services	Emergency services

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Environment facility	Facilities used for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value	Nature-based attractions, walking tracks, seating, shelters, boardwalks, observation decks, bird hides		Recreation activities	Minor uses	Park
Extractive industry	Premises used for the extraction and/or processing of extractive resources and associated activities, including their transportation to market.	Quarry		Industry activities	Other uses	Extractive industry
Food and drink outlet	Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.	Bistro, café, coffee shop, drive-through facility, kiosk, milk bar, restaurant, snack bar, take-away, tea room	Bar, club, hotel, shop, theatre, nightclub	Business activities	Commercial (retail)	Food and drink outlet or Service station (food and drink outlet)
Function facility	Premises used for conducting receptions or functions that may include the preparation and provision of food and liquor for consumption on site.	Conference centre, reception centre	Community use, hotel	Entertainment activities	Places of assembly	Function facility
Funeral parlour	Premises used to arrange and conduct funerals, memorial services and the like, but do not include burial or cremation. The use includes a mortuary and the storage and preparation of bodies for burial or cremation.		Cemetery, crematorium, place of worship	Community activities	Places of assembly	Funeral parlour
Garden centre	Premises used primarily for the sale of plants and may include sale of gardening and landscape products and supplies where these are sold mainly in pre-packaged form. The use may include an ancillary food and drink outlet.	Retail plant nursery	Bulk landscape supplies, wholesale nursery, outdoor sales	Business activities	Commercial (bulk goods)	Garden centre
Hardware and trade supplies	Premises used for the sale, display or hire of hardware and trade		Shop, showroom, outdoor sales and warehouse	Business activities	Commercial (bulk goods)	Hardware and trade supplies

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	supplies including household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like.					
Health care services	Premises for medical, paramedical, alternative therapies and general health care and treatment of persons that involves no overnight accommodation.	Dental clinics, medical centres, natural medicine practices, nursing services, physiotherapy clinic	Community care centre, hospital	Community activities	Essential services	Health care services
High impact industry	<p>Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:</p> <ul style="list-style-type: none"> • potential for significant impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise • potential for significant offsite impacts in the event of fire, explosion or toxic release • generates high traffic flows in the context of the locality or the road network • generates a significant demand on the local infrastructure network • the use may involve night time and outdoor activities • onsite controls are required for emissions and dangerous goods risks. 	Abattoirs, alcohol distilling, sugar milling or refining, concrete batching plant, boiler making, engineering and metal foundry	Tanneries, rendering plants, oil refineries, waste incineration, manufacturing or storing explosives, power plants, manufacturing fertilisers, service industry, low impact industry, medium impact industry, special industry	Industry activities	High impact industry	High impact industry

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Home based business	A dwelling used for a business activity where subordinate to the residential use.	Bed and breakfast, home office, home based childcare	Hobby, office, shop, warehouse, transport depot	Residential activities	Minor uses	Home-based business
Hospital	Premises used for medical or surgical care or treatment of patients whether or not involving overnight accommodation. The use may include ancillary accommodation for employees and ancillary activities directly serving the needs of patients and visitors.		Health care services, residential care facility	Community activities	Essential services	Hospital
Hotel	Premises used primarily to sell liquor for consumption. The use may include short-term accommodation, dining and entertainment activities and facilities.	Pub, tavern	Nightclub entertainment facility	Entertainment activities	Entertainment	Hotel
					Accommodation (short term)	Hotel
Indoor sport and recreation	Premises used for leisure, sport or recreation conducted wholly or mainly indoors.	Amusement parlour, bowling alley, gymnasium, squash courts, enclosed tennis courts	Cinema, hotel, nightclub entertainment facility, theatre	Recreation activities	Indoor sport and recreational facility	Indoor sport and recreation (court area), and/or Indoor sport and recreation (other than court area)
Intensive animal industry	Premises used for the intensive production of animals or animal products in an enclosure that requires the provision of food and water either mechanically or by hand. The use includes the ancillary storage and packing of feed and produce.	Feedlots, piggeries, poultry and egg production	Animal husbandry, aquaculture, drought feeding, milking sheds, shearing sheds, weaning pens	Rural activities	High impact rural	Intensive animal industries
Intensive horticulture	Premises used for the intensive production of plants or plant material on imported media and located within a building or structure or where outdoors.	Greenhouse and shade house plant production, hydroponic farms, mushroom farms	Wholesale nursery	Rural activities	High impact rural	Intensive horticulture

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	artificial lights or containers are used. The use includes the storage and packing of produce and plants grown on the subject site.					
Landing	A structure for mooring, launching, storage and retrieval of vessels where passengers embark and disembark	Boat ramp, jetty, pontoon	Marina	Other activities	Minor uses	Landing
Low impact industry	Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes: <ul style="list-style-type: none"> negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise minimal traffic generation and heavy-vehicle usage demands imposed upon the local infrastructure network consistent with surrounding uses the use generally operates during the day (e.g. 7am to 6pm) offsite impacts from storage of dangerous goods are negligible the use is primarily undertaken indoors. 	Repairing motor vehicles, fitting and turning workshop	Panel beating, spray painting or surface coating, tyre recycling, drum re-conditioning, wooden and laminated product manufacturing, service industry, medium impact industry, high impact industry, special industry	Industry activities	Other Industry	Low impact industry
Major electricity infrastructure	All aspects of development for either the transmission grid or electricity supply networks as	Powerlines greater than 66kV	Minor electricity infrastructure, substation	Other activities	Other uses	Utility installation

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	defined under the <i>Electricity Act 1994</i> . The use may include ancillary telecommunication facilities.					
Major sport, recreation and entertainment facility	Premises with large scale built facilities designed to cater for large scale events including major sporting, recreation, conference and entertainment events.	Convention and exhibition centres, entertainment centres, sports stadiums, horse racing	Indoor sport and recreation, local sporting field, motor sport, park, outdoor sport and recreation	Recreation activities	Other uses	Major sport, recreation and entertainment facility
Marine industry	Premises used for waterfront based marine industries involved in any activity relating to the manufacturing, storage, repair or servicing of vessels and maritime infrastructure. The use may include the provision of fuel and disposal of waste.	Boat building, boat storage, dry dock	Marina	Industry activities	Other Industry	Marine industry
Market	Premises used for the sale of goods to the public on a regular basis, where goods are primarily sold from temporary structures such as stalls, booths or trestle tables. The use may include entertainment provided for the enjoyment of customers.	Flea market, farmers market, car boot sales	Shop, roadside stall	Business activities	Minor uses	Market
Medium impact industry	Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes: <ul style="list-style-type: none">potential for noticeable impacts on sensitive land uses due to offsite emissions including	Spray painting and surface coating, transport depot, wooden and laminated product manufacturing (including cabinet making, joining, timber truss making or wood working)	Concrete batching, tyre manufacturing and retreading, metal recovery (involving a fragmentiser), textile manufacture, chemically treating timber and plastic product manufacture, service industry, low impact industry, high impact industry, special industry	Industry activities	Other Industry	Medium impact industry

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	<p>aerosol, fume, particle, smoke, odour and noise</p> <ul style="list-style-type: none"> • potential for noticeable offsite impacts in the event of fire, explosion or toxic release • generates high traffic flows in the context of the locality or the road network • generates an elevated demand on the local infrastructure network • onsite controls are required for emissions and dangerous goods risks • the use is primarily undertaken indoors • evening or night activities are undertaken indoors and not outdoors. 					
Motor sport facility	Premises used for organised or recreational motor sports whether on or off-road, which may include permanent, temporary or informal provision for spectators and other supporting uses.	Go-karting, lawn mower race tracks, trail bike parks, 4WD and all terrain parks, motocross tracks, off road motorcycle facility, motorcycle or car race tracks	Major sport, recreation and entertainment facility, outdoor sport and recreation	Recreation activities	Other uses	Motor sport facility
Multiple dwelling	Premises containing three or more dwellings for separate households.	Apartments, flats, units, townhouses, row housing, triplex	Rooming accommodation, dual occupancy, duplex, granny flat, residential care facility, retirement facility	Residential activities	Residential	Multiple dwelling
Nature-based tourism	The use of land or premises for a tourism activity, including tourist and visitor short-term accommodation, that is intended for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and	Environmentally responsible accommodation facilities including lodges, cabins, huts and tented camps		Residential activities	Accommodation (short term)	Tourist park – caravan or tent, and/or Tourist park – cabins, and/or Short-term accommodation

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	<p>attributes of the natural environment.</p> <p>Nature-based tourism activities typically:</p> <ul style="list-style-type: none"> • maintain a nature based focus or product • promote environmental awareness, education and conservation • carry out sustainable practices. 					
Nightclub entertainment facility	<p>Premises used to provide entertainment, which may include cabaret, dancing and music.</p> <p>The use generally includes the sale of liquor and food for consumption on site.</p>		Bar, club, hotel, tavern, pub, indoor sport and recreation, theatre, concert hall	Entertainment activities	Entertainment	Nightclub
Non-resident workforce accommodation	<p>Premises used to provide accommodation for non-resident workers.</p> <p>The use may include provision of recreational and entertainment facilities for the exclusive use of residents and their visitors.</p>	Contractor's camp, construction camp, single person's quarters, temporary workers' accommodation	Relocatable home park, short-term accommodation, tourist park	Residential activities	Other uses	Non-resident workforce accommodation
Office	<p>Premises used for an administrative, secretarial or management service or the practice of a profession, where no goods or materials are made, sold or hired and where the principal activity provides for one or more of the following:</p> <ul style="list-style-type: none"> • business or professional advice • service of goods that are not physically on the premises • office based administrative functions of an organisation. 	Bank, real estate agent, administration building	Home based business, home office, shop, outdoor sales	Business activities	Commercial (office)	Office

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Outdoor sales	Premises used for the display, sale, hire or lease of products where the use is conducted wholly or predominantly outdoors and may include construction, industrial or farm plant and equipment, vehicles, boats and caravans. The use may include ancillary repair or servicing activities and sale or fitting of accessories.	Agricultural machinery sales yard, motor vehicles sales yard	Bulk landscape supplies, market	Business activities	Commercial (bulk goods)	Outdoor sales
Outdoor sport and recreation	Premises used for a recreation or sport activity that is carried on outside a building and requires areas of open space and may include ancillary works necessary for safety and sustainability. The use may include ancillary food and drink outlet(s) and the provision of ancillary facilities or amenities conducted indoors such as changing rooms and storage facilities.	Driving range, golf course, swimming pool, tennis courts, football ground, cricket oval	Major sport, recreation and entertainment facility, motor sport, park, community use	Recreation activities	Other uses	Outdoor sport and recreation
Outstation	Premises used for cultural and/or recreational activities undertaken by Aboriginal and Torres Strait Islander people. The use provides for intermittent short stay and/or long term camping. The use may involve permanent low scale built infrastructure.	Indigenous camp site	Dwelling house, rooming accommodation, multiple dwelling, relocatable home park, short term accommodation, tourist park	Other activities	Accommodation (short term)	Tourist park – caravan or tent, and/or Tourist park – cabins, and/or Short-term accommodation
Park	Premises accessible to the public generally for free sport, recreation and leisure, and may be used for community events or other community activities.	Urban common	Tourist attraction, outdoor sport and recreation	Recreation activities	Minor uses	Park

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	Facilities may include children's playground equipment, informal sports fields and ancillary vehicle parking and other public conveniences.					
Parking station	Premises used for parking vehicles where the parking is not ancillary to another use.	Car park, 'park and ride', bicycle parking		Other activities	Other uses	Car park
Permanent plantation	Premises used for growing plants not intended to be harvested.	Permanent plantations for carbon sequestration, biodiversity or natural resource management	Forestry for wood production, biofuel production	Rural activities	Low impact rural	Permanent plantations
Place of worship	Premises used by an organised group for worship and religious activities. The use may include ancillary facilities for social, educational and associated charitable activities.	Church, chapel, mosque, synagogue, temple	Community use, child care centre, funeral parlour, crematorium	Community activities	Places of assembly	Place of worship
Port services	Premises used for the following: <ul style="list-style-type: none"> the arrival and departure of vessels the movement of passengers or goods on or off vessels any ancillary activities directly serving the needs of passengers and visitors or the housing, servicing, maintenance and repair of vessels. 	Marina, ferry terminal	Landing	Other activities	Other uses	Port service
Relocatable home park	Premises used for relocatable dwellings (whether they are permanently located or not) that provides long-term residential accommodation. The use may include a manager's residence and office, ancillary food and drink outlet, kiosk, amenity		Tourist park	Residential activities	Accommodation (long term)	Relocatable home park

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	buildings and the provision of recreation facilities for the exclusive use of residents.					
Renewable energy facility	Premises used for the generation of electricity or energy from renewable (naturally reoccurring) sources.	Solar farm, wind farm, tidal power	Wind turbine or solar panels supplying energy to domestic or rural activities on the same site	Other activities	Other uses	Utility installation
Research and technology industry	Premises used for innovative and emerging technological industries involved in research design, manufacture, assembly, testing, maintenance and storage of machinery, equipment and components. The use may include emerging industries such as energy, aerospace, and biotechnology.	Aeronautical engineering, computer component manufacturing, medical laboratories, computer server facility		Industry activities	Other Industry	Research and technology industry
Residential care facility	A residential use of premises for supervised accommodation where the use includes medical and other support facilities for residents who cannot live independently and require regular nursing or personal care.	Convalescent home, nursing home	Community residence, dwelling house, dual occupancy, hospital, multiple dwelling, retirement facility	Residential activities	Essential services	Residential care facility
Resort complex	Premises used for tourist and visitor short-term accommodation that include integrated leisure facilities including: <ul style="list-style-type: none"> • restaurants and bars • meeting and function facilities • sporting and fitness facilities • staff accommodation • transport facilities directly associated with the tourist facility such as a ferry terminal and air services. 	Island resort		Residential activities	Other uses	use not listed

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Retirement facility	A residential use of premises for an integrated community and specifically built and designed for older people. The use includes independent living units and may include serviced units where residents require some support with health care and daily living needs. The use may also include a manager's residence and office, food and drink outlet, amenity buildings, communal facilities and accommodation for staff.	Retirement village	Residential care facility	Residential activities	Accommodation (long term)	Retirement facility
Roadside stall	Premises used for the roadside display and sale of goods in rural areas.	Produce stall	Market	Rural activities	Minor uses	Roadside stalls
Rooming accommodation	Premises used for the accommodation of one or more than one households where each resident: <ul style="list-style-type: none"> • has a right to occupy one or more rooms • does not have a right to occupy the whole of the premises in which the rooms are situated • may be provided with separate facilities for private use • may share communal facilities or communal space with one or more of the other residents. The use may include: <ul style="list-style-type: none"> • rooms not in the same building on site 	Boarding house, hostel, monastery, off-site student accommodation	Hospice, community residence, dwelling house, short-term accommodation, multiple dwelling	Residential activities	Accommodation (long term)	Rooming accommodation

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	<ul style="list-style-type: none"> provision of a food or other service on site management or staff and associated accommodation. <p>Facilities includes furniture and equipment as defined in the <i>Residential Tenancies and Rooming Accommodation Act 2008</i></p>					
Rural industry	<p>Premises used for storage, processing and packaging of products from a rural use.</p> <p>The use includes processing, packaging and sale of products produced as a result of a rural use where these activities are ancillary to a rural use on or adjacent to the site.</p>	Packing shed	Intensive animal husbandry, intensive horticulture, roadside stall, wholesale nursery, winery, abattoir, agricultural supplies store	Rural activities	Other Industry	Rural industry
Rural workers' accommodation	Any premises used as quarters for staff employed in the use of land for rural purposes, such as agriculture, intensive animal husbandry and forestry, conducted on a lot in the same ownership whether or not such quarters are self-contained.	Farm workers' accommodation	Short-term accommodation, caretaker's accommodation, dual occupancy, dwelling house, nature or rural-based tourist accommodation, non-resident workers accommodation, multiple dwellings	Residential activities	Other uses	use not listed
Sales office	<p>The temporary use of premises for displaying a land parcel or buildings that can be built for sale or can be won as a prize.</p> <p>The use may include a caravan or relocatable dwelling or structure.</p>	Display dwelling, temporary on site sales office	Bank, office	Business activities	Commercial (office)	Sales office
Service industry	Premises used for industrial activities that have no external air, noise or odour emissions from the site and can be suitably located with other non-industrial uses.	Audio visual equipment repair, film processing, bicycle repairs, clock and watch repairs, computer repairs, dry cleaning, hand engraving, jewellery making.	Small engine mechanical repair workshop, cabinet making, shop fitting, sign writing, tyre depot, low impact industry, medium impact industry, high	Industry activities	Commercial (retail)	Service industry (other)

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		laundromat, locksmith, picture framing, shoe repairs, tailor	impact industry, special industry			
Service station	Premises used for the sale of fuel including petrol, liquid petroleum gas, automotive distillate and alternative fuels. The use may include, where ancillary, a shop, food and drink outlet, maintenance, repair servicing and washing of vehicles, the hire of trailers, and supply of compressed air.		Car wash	Business activities	Commercial (retail)	Service station (fuel pumps), and/or Service station (shop component), and/or Service station (vehicle repair shop), and/or Service station (food and drink outlet)
Shop	Premises used for the display, sale or hire of goods or the provision of personal services or betting to the public.	Hairdresser, liquor store, department store, discount department store, discount variety stores, betting agencies, full line supermarket, major full line supermarket, corner store	Adult shop, food and drink outlet, showroom, market	Business activities	Commercial (retail)	Shop
Shopping centre	Premises comprising two or more individual tenancies that is comprised primarily of shops, and that function as an integrated complex.			Business activities	Commercial (retail)	Shopping centre (small = 0 - 30,000m ² GFA), and/or Shopping centre (medium = 30,001 - 60,000m ² GFA), and/or Shopping centre (large = 60,001 + m ² GFA)
Short-term accommodation	Premises used to provide short-term accommodation for tourists or travellers for a temporary period of	Motel, backpackers, cabins, serviced apartments, accommodation hotel, nature-	Hostel, rooming accommodation, tourist park	Residential activities	Accommodation (short term)	Short-term accommodation

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	time (typically not exceeding three consecutive months) and may be self-contained. The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.	based tourism, rural based tourism, farm stay				
Showroom	Premises used primarily for the sale of goods of a related product line that are of a size, shape or weight that requires: <ul style="list-style-type: none"> a large area for handling, display or storage direct vehicle access to the building by members of the public for loading and unloading items purchased or hired. 	Bulky goods sales, motor vehicles sales showroom, bulk stationery supplies	Food and drink outlet, shop, outdoor sales	Business activities	Commercial (bulk goods)	Showroom
Special industry	Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes: <ul style="list-style-type: none"> potential for extreme impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise potential for extreme offsite impacts in the event of fire, explosion or toxic release onsite controls are required for emissions and dangerous goods risks 	Tanneries, rendering plants, oil refineries, waste incineration, manufacturing or storing explosives, power plants, manufacturing fertilisers Note—additional examples are listed in Table SC1.3.1 (Industry thresholds).	Low impact industry, medium impact industry, high impact industry, service industry	Industry activities	High impact industry	Special Industry

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	<ul style="list-style-type: none"> the use generally involves night time and outdoor activities the use may involve the storage and handling of large volumes of dangerous goods requires significant separation from non-industrial uses. 					
Substation	<p>Premises forming part of a transmission grid or supply network under the <i>Electricity Act 1994</i>, and used for:</p> <ul style="list-style-type: none"> converting or transforming electrical energy from one voltage to another regulating voltage in an electrical circuit controlling electrical circuits switching electrical current between circuits a switchyard or communication facilities for 'operating works' as defined under the <i>Electricity Act 1994</i> or for workforce operational and safety communications. 	Substations, switching yards	Major electricity infrastructure, minor electricity infrastructure	Other activities	Minor uses	Substation
Telecommunications facility	Premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled.	Telecommunication tower, broadcasting station, television station	Aviation facility, 'low-impact telecommunications facility' as defined under the <i>Telecommunications Act 1997</i>	Other activities	Minor uses	Telecommunications facility
Theatre	Premises used for presenting movies, live entertainment or music to the public and may include	Cinema, movie house, concert hall, dance hall, film studio, music recording studio	Community hall, hotel, indoor sport and recreation facility, temporary film studio	Entertainment activities	Entertainment	Theatre

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	provision of food and liquor for consumption on the site. The use may include the production of film or music, including associated ancillary facilities, which are associated with the production, such as sound stages, wardrobe and laundry facilities, makeup facilities, set construction workshops, editing and post-production facilities.					
Tourist attraction	Premises used for providing on-site entertainment, recreation or similar facilities for the general public. The use may include provision of food and drink for consumption on site.	Theme park, zoo	Hotel, major sport, recreation and entertainment facility, nightclub entertainment facility	Entertainment activities	Other uses	Tourist attraction
Tourist park	Premises used to provide for accommodation in caravans, self-contained cabins, tents and similar structures for the public for short term holiday purposes. The use may include, where ancillary, a manager's residence and office, kiosk, amenity buildings, food and drink outlet, or the provision of recreation facilities for the use of occupants of the tourist park and their visitors, and accommodation for staff.	Camping ground, caravan park, holiday cabins	Relocatable home park, tourist attraction, short-term accommodation, non-resident workforce accommodation	Residential activities	Accommodation (short term)	Tourist park – caravan or tent, and/or Tourist park – cabins, and/or Short-term accommodation
Transport depot	Premises used for the storage, for commercial or public purposes, of more than one motor vehicle. The use includes premises for the storage of taxis, buses, trucks, heavy machinery and uses of a like nature. The term may include the ancillary servicing, repair and	Contractor's depot, bus depot, truck yard, heavy machinery yard	Home based business, warehouse, low impact industry, service industry	Industry activities	Other Industry	Transport Depot

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	cleaning of vehicles stored on the premises.					
Utility installation	<p>Premises used to provide the public with the following services:</p> <ul style="list-style-type: none"> • supply or treatment of water, hydraulic power or gas • sewerage, drainage or stormwater services • transport services including road, rail or water • waste management facilities or • network infrastructure. <p>The use includes maintenance and storage depots and other facilities for the operation of the use.</p>	Sewage treatment plant, mail depot, pumping station, water treatment plant	Telecommunications tower, major electricity infrastructure, minor electricity infrastructure, substation, renewable energy facility, transport depot	Other activities	Other uses	Utility installation
Veterinary services	Premises used for veterinary care, surgery and treatment of animals that may include provision for the short-term accommodation of the animals on the premises.		Animal keeping	Business activities	Essential services	Veterinary services
Warehouse	<p>Premises used for the storage and distribution of goods, whether or not in a building, including self-storage facilities or storage yards.</p> <p>The use may include sale of goods by wholesale where ancillary to storage.</p> <p>The use does not include retail sales from the premises or industrial uses.</p>	Self storage sheds	Hardware and trade supplies, outdoor sales, showroom, shop	Industry activities	Other Industry	Warehouse
Wholesale nursery	Premises used for the sale of plants, but not to the general public, where the plants are grown on or adjacent to the site.		Bulk landscape supplies, garden centre	Rural activities	High impact rural	Wholesale nursery

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	The use may include sale of gardening materials where these are ancillary to the primary use.					
Winery	Premises used for manufacturing of wine, which may include the sale of wine manufactured on site.		Rural industry	Rural activities	High impact rural	Winery

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ATTACHMENT 2 – Adopted charges schedule

Table 2.1 - Adopted charge for reconfiguring a lot

Column 1 Infrastructure Charge Area	Column 2 ROL Charge per lot
Fully Serviced	\$25,200.00
Bundaberg Partially Serviced (no wastewater)	\$22,680.00
Bundaberg Partially Serviced (no wastewater and no water supply)	\$20,160.00
Hinterland Partially Serviced (no wastewater)	\$15,000.00
Hinterland Partially Serviced (no wastewater and no water supply)	\$10,000.00

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Table 2.2 – Adopted charge for material change of use - Residential

Column 1 Use category	Column 2 Use	Column 3 Charge category	Infrastructure Charge Area				
			Column 4 Charge for Fully Serviced	Column 5 Charge for Bundaberg Partially Serviced (no wastewater)	Column 6 Charge for Bundaberg Partially Serviced (no wastewater and no water supply)	Column 7 Charge for Hinterland Partially Serviced (no wastewater)	Column 8 Charge for Hinterland Partially Serviced (no wastewater and no water supply)
Residential	Dwelling house	\$ per 2 bedroom dwelling	\$18,000.00	\$16,200.00	\$14,400.00	\$11,000.00	\$7,000.00
		\$ per 3 or more bedroom dwelling	\$25,200.00	\$22,680.00	\$20,160.00	\$15,000.00	\$10,000.00
	Dwelling Unit	\$ per 1 bedroom dwelling	\$15,000.00	\$13,500.00	\$12,000.00	\$8,930.00	\$5,950.00
	Caretaker's accommodation	\$ per 2 bedroom dwelling	\$18,000.00	\$16,200.00	\$14,400.00	\$11,000.00	\$7,000.00
	Multiple dwelling	\$ per 3 or more bedroom dwelling	\$25,200.00	\$22,680.00	\$20,160.00	\$15,000.00	\$10,000.00
	Dual occupancy						
Accommodation (short term)	Hotel	\$ per 1 bedroom	\$7,500.00	\$6,750.00	\$6,000.00	\$4,580.00	\$2,920.00
		\$ per 2 bedrooms in a suite	\$9,000.00	\$8,100.00	\$7,200.00	\$5,500.00	\$3,500.00
		\$ per 3 or more bedrooms in a suite	\$12,600.00	\$11,340.00	\$10,080.00	\$7,700.00	\$4,900.00
	Short-term accommodation	\$ per 1 bedroom (<6 beds per room)	\$7,500.00	\$6,750.00	\$6,000.00	\$4,580.00	\$2,920.00
		\$ per 1 bedroom (6+ beds per room)	\$9,000.00	\$8,100.00	\$7,200.00	\$5,500.00	\$3,500.00
		\$ per 2 bedrooms in a suite	\$9,000.00	\$8,100.00	\$7,200.00	\$5,500.00	\$3,500.00

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BUNDABERG REGIONAL COUNCIL
CHARGES RESOLUTION (NO. 1) 2018



Column 1 Use category	Column 2 Use	Column 3 Charge category	Infrastructure Charge Area				
			Column 4 Charge for Fully Serviced	Column 5 Charge for Bundaberg Partially Serviced (no wastewater)	Column 6 Charge for Bundaberg Partially Serviced (no wastewater and no water supply)	Column 7 Charge for Hinterland Partially Serviced (no wastewater)	Column 8 Charge for Hinterland Partially Serviced (no wastewater and no water supply)
		\$ per 3 or more bedrooms in a suite	\$12,600.00	\$11,340.00	\$10,080.00	\$7,700.00	\$4,900.00
	Tourist park – caravan or tent	\$ per 1 caravan or tent site	\$4,200.00	\$3,780.00	\$3,360.00	\$2,570.00	\$1,630.00
	Tourist park – cabins	\$ per cabin site	\$9,000.00	\$8,100.00	\$7,200.00	\$5,500.00	\$3,500.00
Accommodation (long term)	Community residence	\$ per 1 bedroom dwelling	\$13,000.00	\$11,700.00	\$10,400.00	\$8,450.00	\$5,850.00
	Relocatable home park	\$ per 2 bedrooms in a dwelling	\$15,000.00	\$13,500.00	\$12,000.00	\$9,750.00	\$6,750.00
	Retirement facility	\$ per 3 or more bedrooms in a dwelling	\$19,000.00	\$17,100.00	\$15,200.00	\$12,350.00	\$8,550.00
	Rooming accommodation	\$ per 1 bedroom (<6 beds per room)	\$13,000.00	\$11,700.00	\$10,400.00	\$8,450.00	\$5,850.00
		\$ per 1 bedroom (6 + beds per room)	\$15,000.00	\$13,500.00	\$12,000.00	\$9,750.00	\$6,750.00
		\$ per 2 bedrooms in a suite	\$15,000.00	\$13,500.00	\$12,000.00	\$9,750.00	\$6,750.00
		\$ per 3 or more bedrooms in a suite	\$19,000.00	\$17,100.00	\$15,200.00	\$12,350.00	\$8,550.00

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CHARGES RESOLUTION (NO. 1) 2018



Table 2.3 – Adopted charge for material change of use – Non-residential

Column 1 Use category	Column 2 Use	Infrastructure Charge Area									
		Fully Serviced		Bundaberg Partially Serviced (no wastewater)		Bundaberg Partially Serviced (no wastewater and no water supply)		Hinterland Partially Serviced (no wastewater)		Hinterland Partially Serviced (no wastewater and no water supply)	
		Column 3 Charge per m ² GFA	Column 4 Charge per m ² impervious area	Column 5 Charge per m ² GFA	Column 6 Charge per m ² impervious area	Column 7 Charge per m ² GFA	Column 8 Charge per m ² impervious area	Column 9 Charge per m ² GFA	Column 10 Charge per m ² impervious area	Column 11 Charge per m ² GFA	Column 12 Charge per m ² impervious area
Places of assembly	Club										
	Community use										
	Function facility	\$63.00	\$9.00	\$56.00	\$8.00	\$49.00	\$7.00	\$38.50	\$5.50	\$24.50	\$3.50
	Funeral parlour										
	Place of worship										
Commercial (bulk goods)	Agricultural supplies store										
	Bulk landscape supplies	\$126.00	\$9.00	\$112.00	\$8.00	\$98.00	\$7.00	\$77.00	\$5.50	\$49.00	\$3.50
	Garden centre										
	Hardware and trade supplies										
	Outdoor sales										

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CHARGES RESOLUTION (NO. 1) 2018



Column 1 Use category	Column 2 Use	Infrastructure Charge Area									
		Fully Serviced		Bundaberg Partially Serviced (no wastewater)		Bundaberg Partially Serviced (no wastewater and no water supply)		Hinterland Partially Serviced (no wastewater)		Hinterland Partially Serviced (no wastewater and no water supply)	
		Column 3 Charge per m ² GFA	Column 4 Charge per m ² impervious area	Column 5 Charge per m ² GFA	Column 6 Charge per m ² impervious area	Column 7 Charge per m ² GFA	Column 8 Charge per m ² impervious area	Column 9 Charge per m ² GFA	Column 10 Charge per m ² impervious area	Column 11 Charge per m ² GFA	Column 12 Charge per m ² impervious area
	Showroom										
Commercial (retail)	Adult store										
	Food and drink outlet										
	Service industry	\$162.00	\$9.00	\$144.00	\$8.00	\$126.00	\$7.00	\$99.00	\$5.50	\$63.00	\$3.50
	Service station (shop component)										
	Service station (fuel pumps)	Nil									
	Service station (vehicle repair shop)	\$43.00	\$9.00	\$38.70	\$8.00	\$34.40	\$7.00	\$30.00	\$5.50	\$26.00	\$3.50
	Service station (food and drink outlet)										
	Shop	\$162.00	\$9.00	\$144.00	\$8.00	\$126.00	\$7.00	\$99.00	\$5.50	\$63.00	\$3.50
	Shopping centre (small =										

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BUNDABERG REGIONAL COUNCIL
CHARGES RESOLUTION (NO. 1) 2018



Column 1 Use category	Column 2 Use	Infrastructure Charge Area									
		Fully Serviced		Bundaberg Partially Serviced (no wastewater)		Bundaberg Partially Serviced (no wastewater and no water supply)		Hinterland Partially Serviced (no wastewater)		Hinterland Partially Serviced (no wastewater and no water supply)	
		Column 3 Charge per m ² GFA	Column 4 Charge per m ² impervious area	Column 5 Charge per m ² GFA	Column 6 Charge per m ² impervious area	Column 7 Charge per m ² GFA	Column 8 Charge per m ² impervious area	Column 9 Charge per m ² GFA	Column 10 Charge per m ² impervious area	Column 11 Charge per m ² GFA	Column 12 Charge per m ² impervious area
	0 - 30,000m ² GFA)										
	Shopping centre (medium= 30,001 - 60,000m ² GFA)	\$152.00	\$9.00	\$134.00	\$8.00	\$116.00	\$7.00	\$89.00	\$5.50	\$53.00	\$3.50
	Shopping centre (large = 60,001 + m ² GFA)	\$142.00	\$9.00	\$124.00	\$8.00	\$106.00	\$7.00	\$79.00	\$5.50	\$43.00	\$3.50
Commercial (office)	Office	\$126.00	\$9.00	\$112.00	\$8.00	\$98.00	\$7.00	\$77.00	\$5.50	\$49.00	\$3.50
	Sales office										
Education facility	Childcare centre	\$126.00	\$9.00	\$112.00	\$8.00	\$98.00	\$7.00	\$77.00	\$5.50	\$49.00	\$3.50
	Community care centre										
	Educational establishment other than for the Flying										

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BUNDABERG REGIONAL COUNCIL
CHARGES RESOLUTION (NO. 1) 2018



Column 1 Use category	Column 2 Use	Infrastructure Charge Area									
		Fully Serviced		Bundaberg Partially Serviced (no wastewater)		Bundaberg Partially Serviced (no wastewater and no water supply)		Hinterland Partially Serviced (no wastewater)		Hinterland Partially Serviced (no wastewater and no water supply)	
		Column 3 Charge per m ² GFA	Column 4 Charge per m ² impervious area	Column 5 Charge per m ² GFA	Column 6 Charge per m ² impervious area	Column 7 Charge per m ² GFA	Column 8 Charge per m ² impervious area	Column 9 Charge per m ² GFA	Column 10 Charge per m ² impervious area	Column 11 Charge per m ² GFA	Column 12 Charge per m ² impervious area
	Start for Queensland Children Program										
	Educational establishment for the Flying Start for Queensland Children Program	Nil charge									
Entertainment	Hotel										
	Nightclub entertainment facility	\$180.00	\$9.00	\$160.00	\$8.00	\$140.00	\$7.00	\$110.00	\$5.50	\$70.00	\$3.50
	Theatre										
	Resort complex										
Indoor sport and recreation	Indoor sport and recreation (court areas)	\$18.00	\$9.00	\$16.00	\$8.00	\$14.00	\$7.00	\$11.00	\$5.50	\$7.00	\$3.50

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BUNDABERG REGIONAL COUNCIL
CHARGES RESOLUTION (NO. 1) 2018



Column 1 Use category	Column 2 Use	Infrastructure Charge Area									
		Fully Served		Bundaberg Partially Served (no wastewater)		Bundaberg Partially Served (no wastewater and no water supply)		Hinterland Partially Served (no wastewater)		Hinterland Partially Served (no wastewater and no water supply)	
		Column 3 Charge per m ² GFA	Column 4 Charge per m ² impervious area	Column 5 Charge per m ² GFA	Column 6 Charge per m ² impervious area	Column 7 Charge per m ² GFA	Column 8 Charge per m ² impervious area	Column 9 Charge per m ² GFA	Column 10 Charge per m ² impervious area	Column 11 Charge per m ² GFA	Column 12 Charge per m ² impervious area
	Indoor sport and recreation (other than court area)	\$180.00	\$9.00	\$160.00	\$8.00	\$140.00	\$7.00	\$110.00	\$5.50	\$70.00	\$3.50
High impact industry or special industry	High impact industry	\$63.00	\$9.00	\$56.00	\$8.00	\$49.00	\$7.00	\$38.50	\$5.50	\$24.50	\$3.50
	Special Industry										
Other industry	Low impact industry	\$45.00	\$9.00	\$40.00	\$8.00	\$35.00	\$7.00	\$27.50	\$5.50	\$17.50	\$3.50
	Medium impact industry										
	Research and technology industry										
	Rural industry										
	Warehouse										
	Marine industry										

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BUNDABERG REGIONAL COUNCIL
CHARGES RESOLUTION (NO. 1) 2018



Column 1 Use category	Column 2 Use	Infrastructure Charge Area									
		Fully Serviced		Bundaberg Partially Serviced (no wastewater)		Bundaberg Partially Serviced (no wastewater and no water supply)		Hinterland Partially Serviced (no wastewater)		Hinterland Partially Serviced (no wastewater and no water supply)	
		Column 3 Charge per m² GFA	Column 4 Charge per m² impervious area	Column 5 Charge per m² GFA	Column 6 Charge per m² impervious area	Column 7 Charge per m² GFA	Column 8 Charge per m² impervious area	Column 9 Charge per m² GFA	Column 10 Charge per m² impervious area	Column 11 Charge per m² GFA	Column 12 Charge per m² impervious area
High impact rural	Cultivating, in a confined area, aquatic animals or plants for sale	\$18.00	\$9.00	\$16.00	\$8.00	\$14.00	\$7.00	\$11.00	\$5.50	\$7.00	\$3.50
	Intensive animal industries										
	Intensive horticulture										
	Wholesale nursery										
	Winery										
Low impact rural	Animal husbandry	Nil charge									
	Cropping										
	Permanent plantations										
	Wind farm										
Essential services	Correctional facility	\$126.00	\$9.00	\$112.00	\$8.00	\$98.00	\$7.00	\$77.00	\$5.50	\$49.00	\$3.50

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CHARGES RESOLUTION (NO. 1) 2018



Column 1 Use category	Column 2 Use	Infrastructure Charge Area									
		Fully Served		Bundaberg Partially Served (no wastewater)		Bundaberg Partially Served (no wastewater and no water supply)		Hinterland Partially Served (no wastewater)		Hinterland Partially Served (no wastewater and no water supply)	
		Column 3 Charge per m ² GFA	Column 4 Charge per m ² impervious area	Column 5 Charge per m ² GFA	Column 6 Charge per m ² impervious area	Column 7 Charge per m ² GFA	Column 8 Charge per m ² impervious area	Column 9 Charge per m ² GFA	Column 10 Charge per m ² impervious area	Column 11 Charge per m ² GFA	Column 12 Charge per m ² impervious area
	Emergency services										
	Health care services										
	Hospital										
	Residential care facility										
	Veterinary services										
Minor uses	Advertising device	Nil charge									
	Cemetery										
	Home-based business										
	Landing										
	Market										
	Outdoor lighting										

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CHARGES RESOLUTION (NO. 1) 2018



Column 1 Use category	Column 2 Use	Infrastructure Charge Area									
		Fully Served		Bundaberg Partially Served (no wastewater)		Bundaberg Partially Served (no wastewater and no water supply)		Hinterland Partially Served (no wastewater)		Hinterland Partially Served (no wastewater and no water supply)	
		Column 3 Charge per m ² GFA	Column 4 Charge per m ² impervious area	Column 5 Charge per m ² GFA	Column 6 Charge per m ² impervious area	Column 7 Charge per m ² GFA	Column 8 Charge per m ² impervious area	Column 9 Charge per m ² GFA	Column 10 Charge per m ² impervious area	Column 11 Charge per m ² GFA	Column 12 Charge per m ² impervious area
	Park										
	Roadside stall										
	Telecommunications facility										
	Temporary uses										
Other uses	Air service	The charge amount for another similar use listed in column 2 (other than this row) that Council decides to apply to the use									
	Animal keeping										
	Car park										
	Crematorium										
	Extractive industry										
	Major sport, recreation and entertainment facility										
	Motor sport facility										

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CHARGES RESOLUTION (NO. 1) 2018



Column 1 Use category	Column 2 Use	Infrastructure Charge Area									
		Fully Served		Bundaberg Partially Served (no wastewater)		Bundaberg Partially Served (no wastewater and no water supply)		Hinterland Partially Served (no wastewater)		Hinterland Partially Served (no wastewater and no water supply)	
		Column 3 Charge per m ² GFA	Column 4 Charge per m ² impervious area	Column 5 Charge per m ² GFA	Column 6 Charge per m ² impervious area	Column 7 Charge per m ² GFA	Column 8 Charge per m ² impervious area	Column 9 Charge per m ² GFA	Column 10 Charge per m ² impervious area	Column 11 Charge per m ² GFA	Column 12 Charge per m ² impervious area
	Non-resident workforce accommodation										
	Outdoor sport and recreation										
	Port service										
	Tourist attraction										
	Utility installation										
	Any other use not listed in column 2, including a use that is unknown										

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CHARGES RESOLUTION (NO. 1) 2018



Table 2.4 – Adopted infrastructure charge for building work

Column 1 Use category	Column 2 Use	Column 3 Charge category	Infrastructure Charge Area				
			Column 4 Charge for Fully Serviced	Column 5 Charge for Bundaberg Partially Serviced (no wastewater)	Column 6 Charge for Bundaberg Partially Serviced (no wastewater and no water supply)	Column 7 Charge for Hinterland Partially Serviced (no wastewater)	Column 8 Charge for Hinterland Partially Serviced (no wastewater and no water supply)
Residential	Dual occupancy	\$ per 1 bedroom dwelling	\$15,000.00	\$13,500.00	\$12,000.00	\$8,930.00	\$5,950.00
		\$ per 2 bedroom dwelling	\$18,000.00	\$16,200.00	\$14,400.00	\$11,000.00	\$7,000.00
		\$ per 3 or more bedroom dwelling	\$25,200.00	\$22,680.00	\$20,160.00	\$15,000.00	\$10,000.00
Other uses	A use not otherwise listed in column 2	Nil charge					

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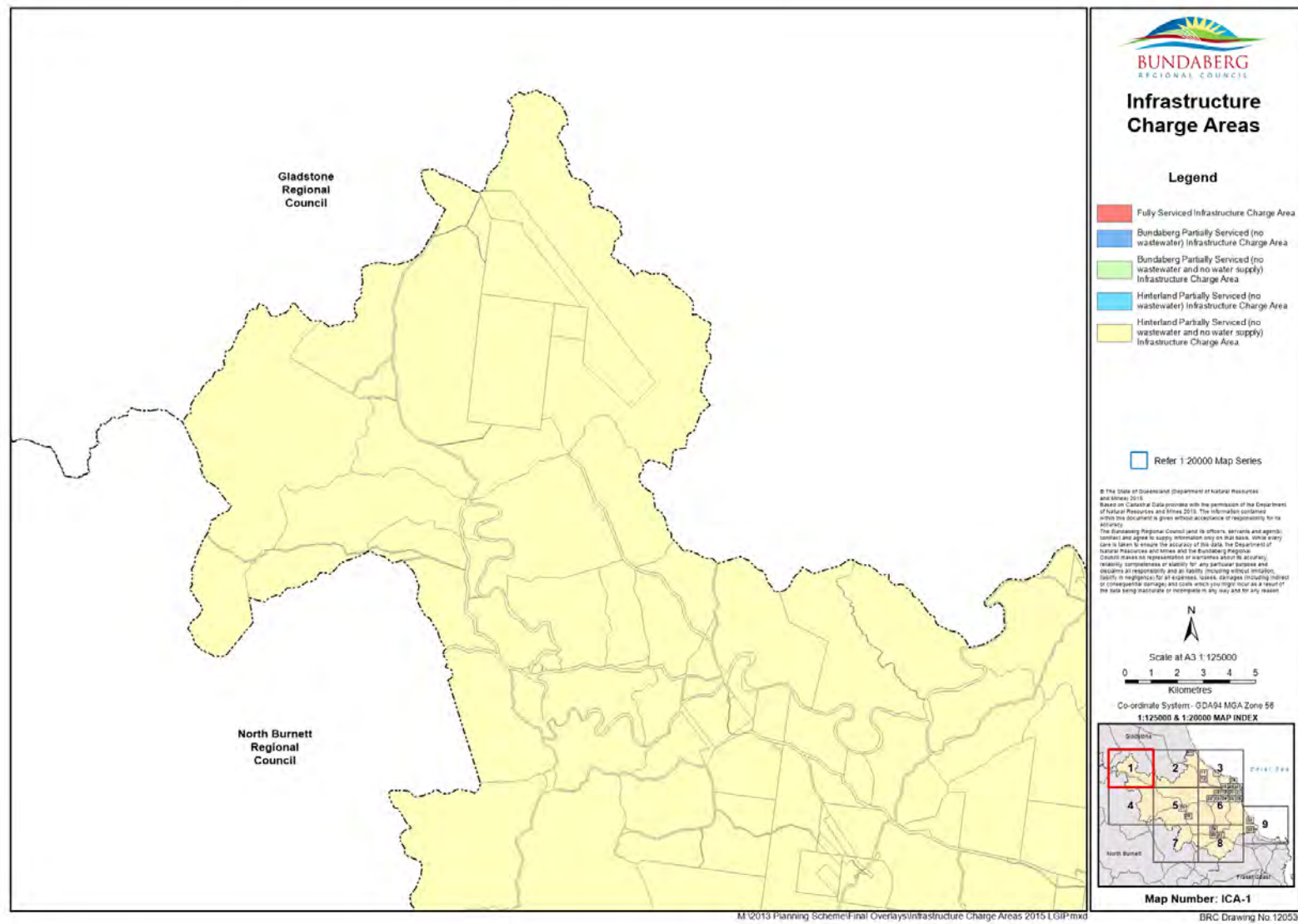
BUNDABERG REGIONAL COUNCIL
CHARGES RESOLUTION (NO. 1) 2018

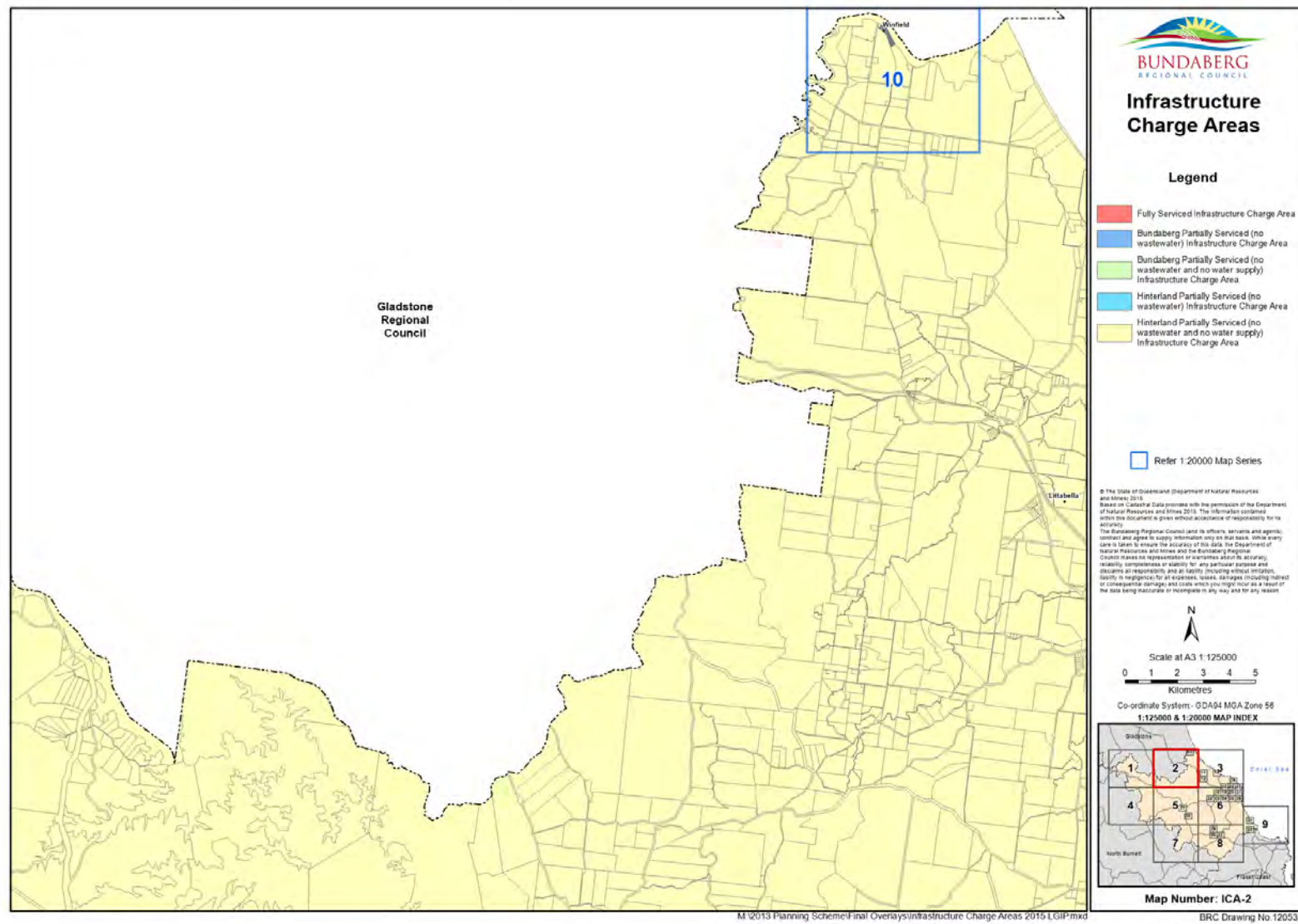


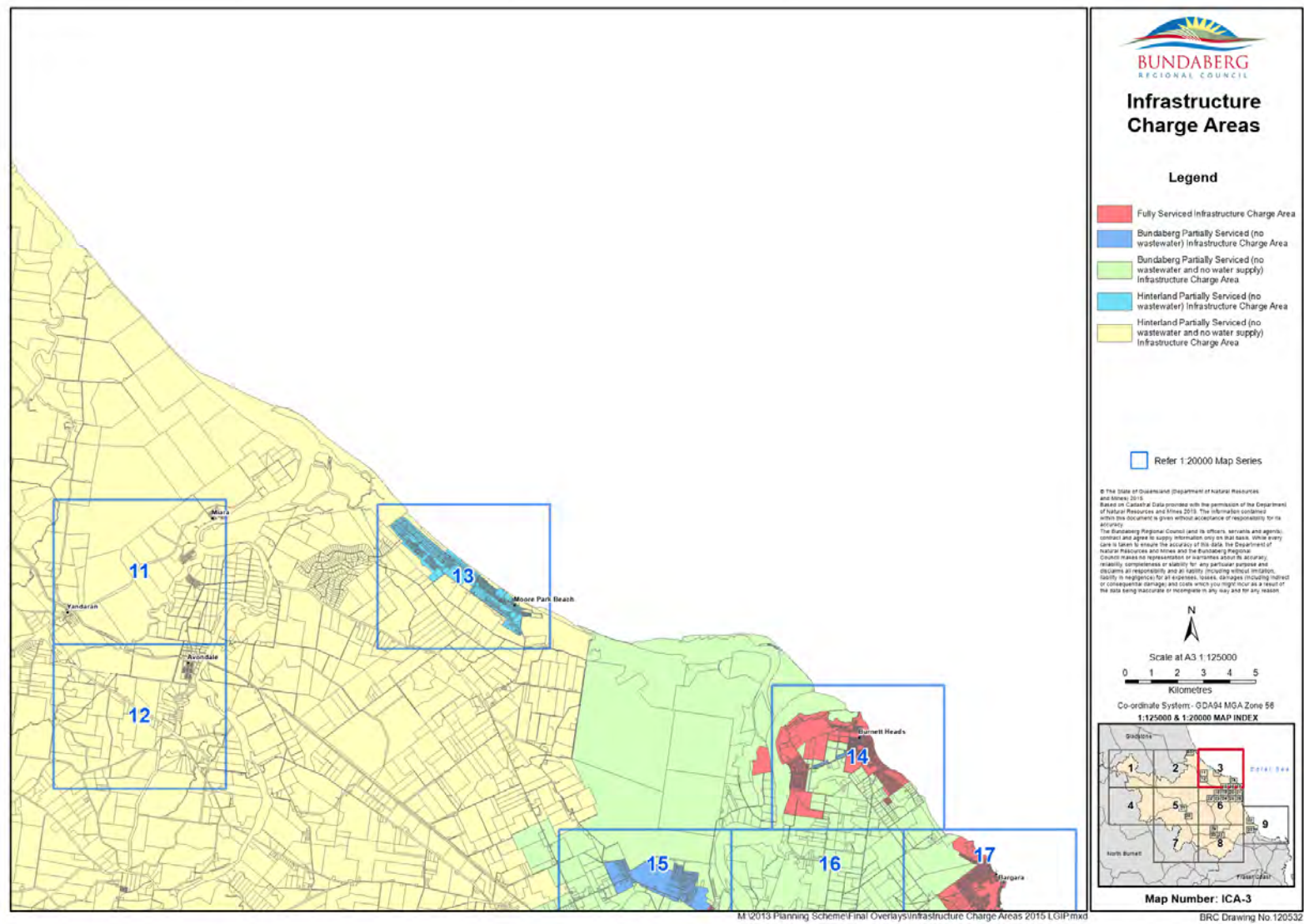
ATTACHMENT 3 – Infrastructure charge areas

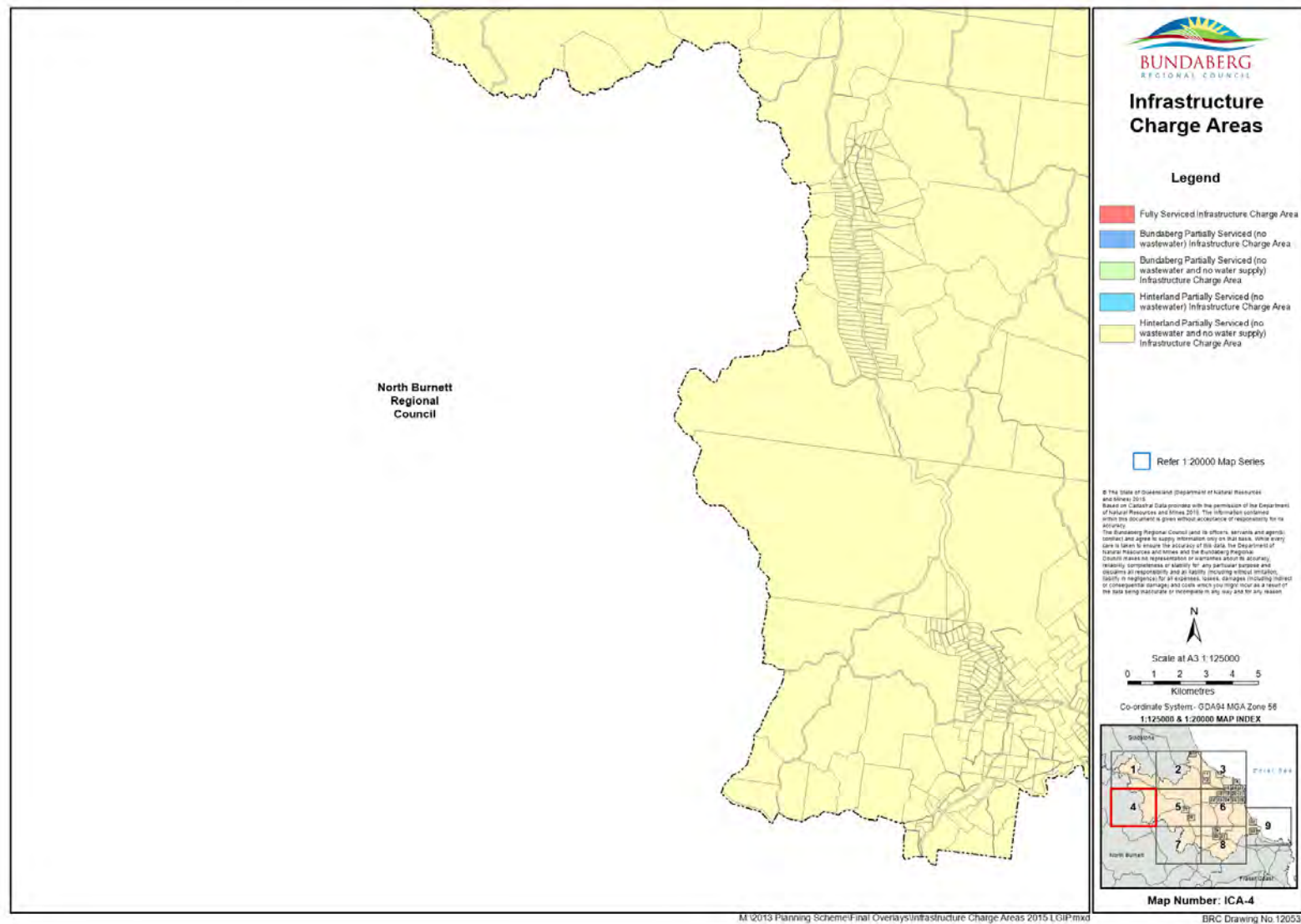
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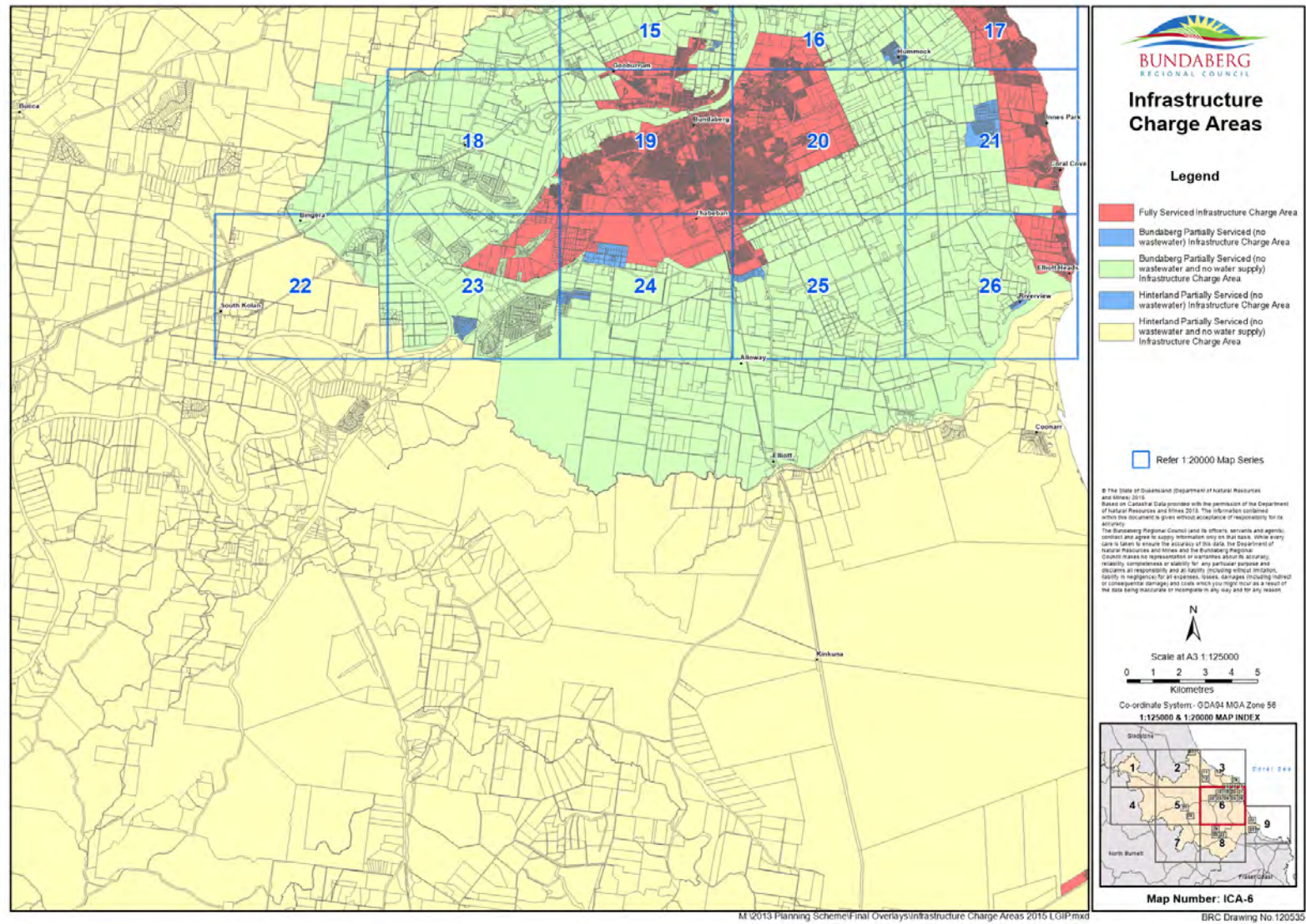


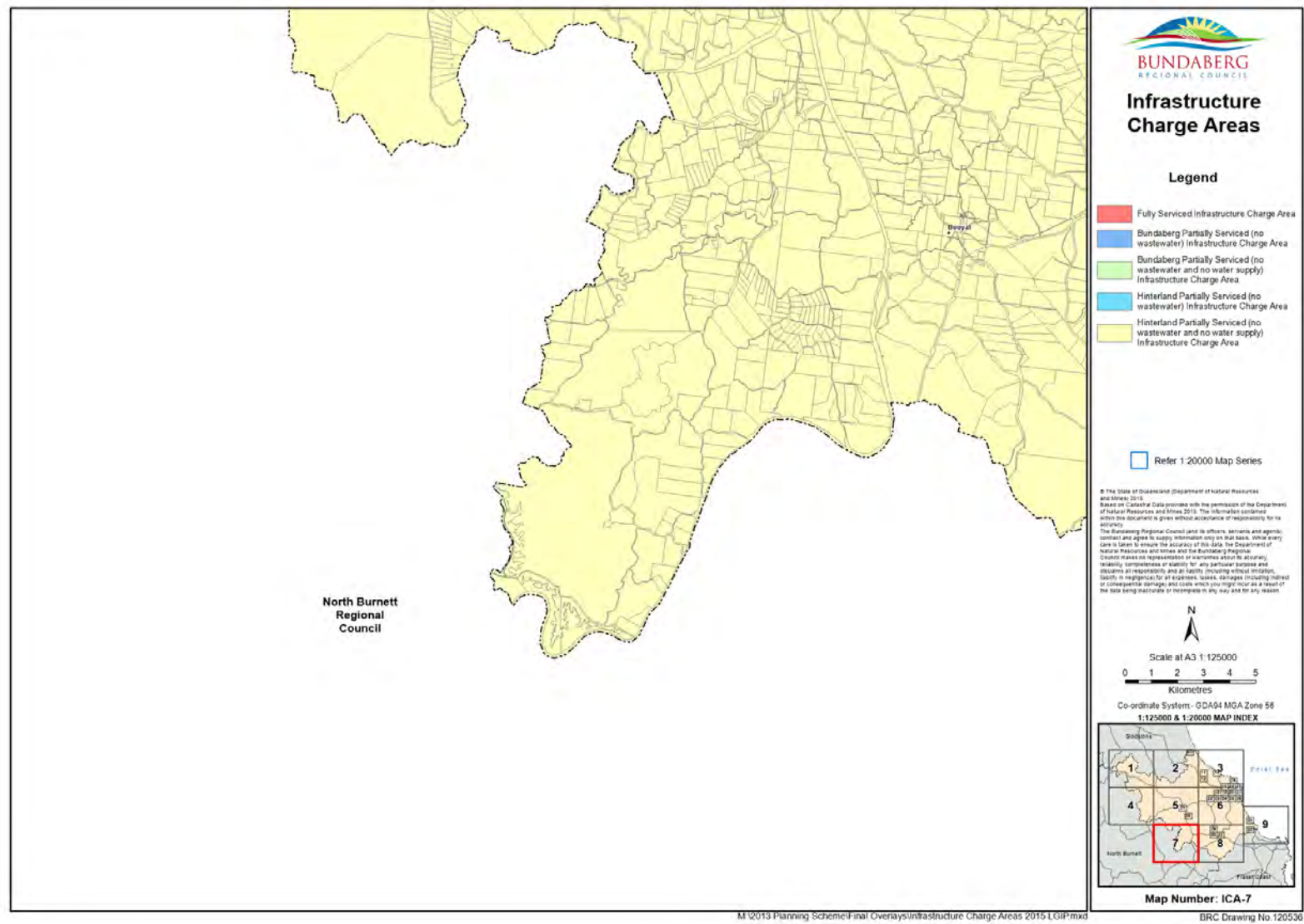


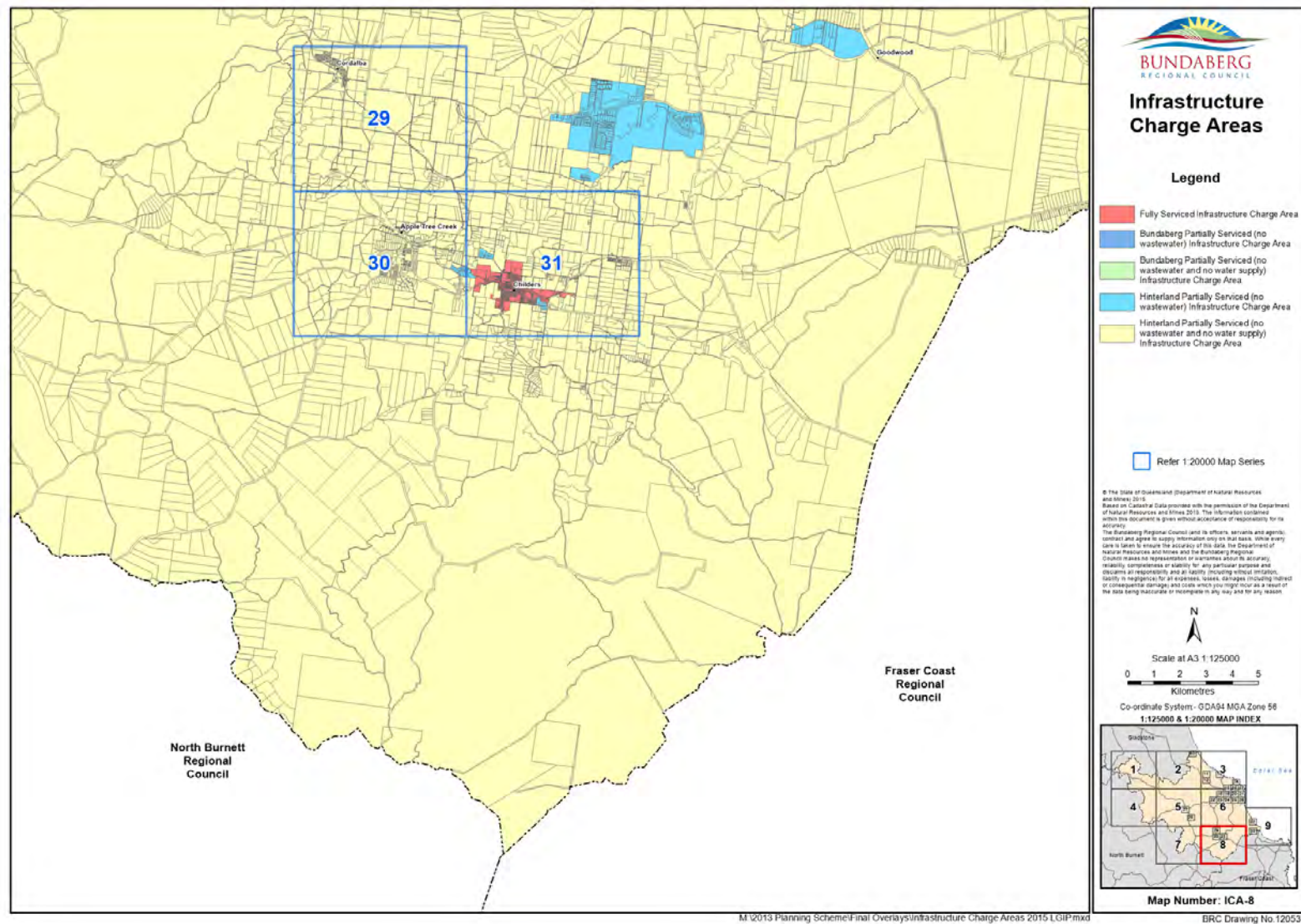


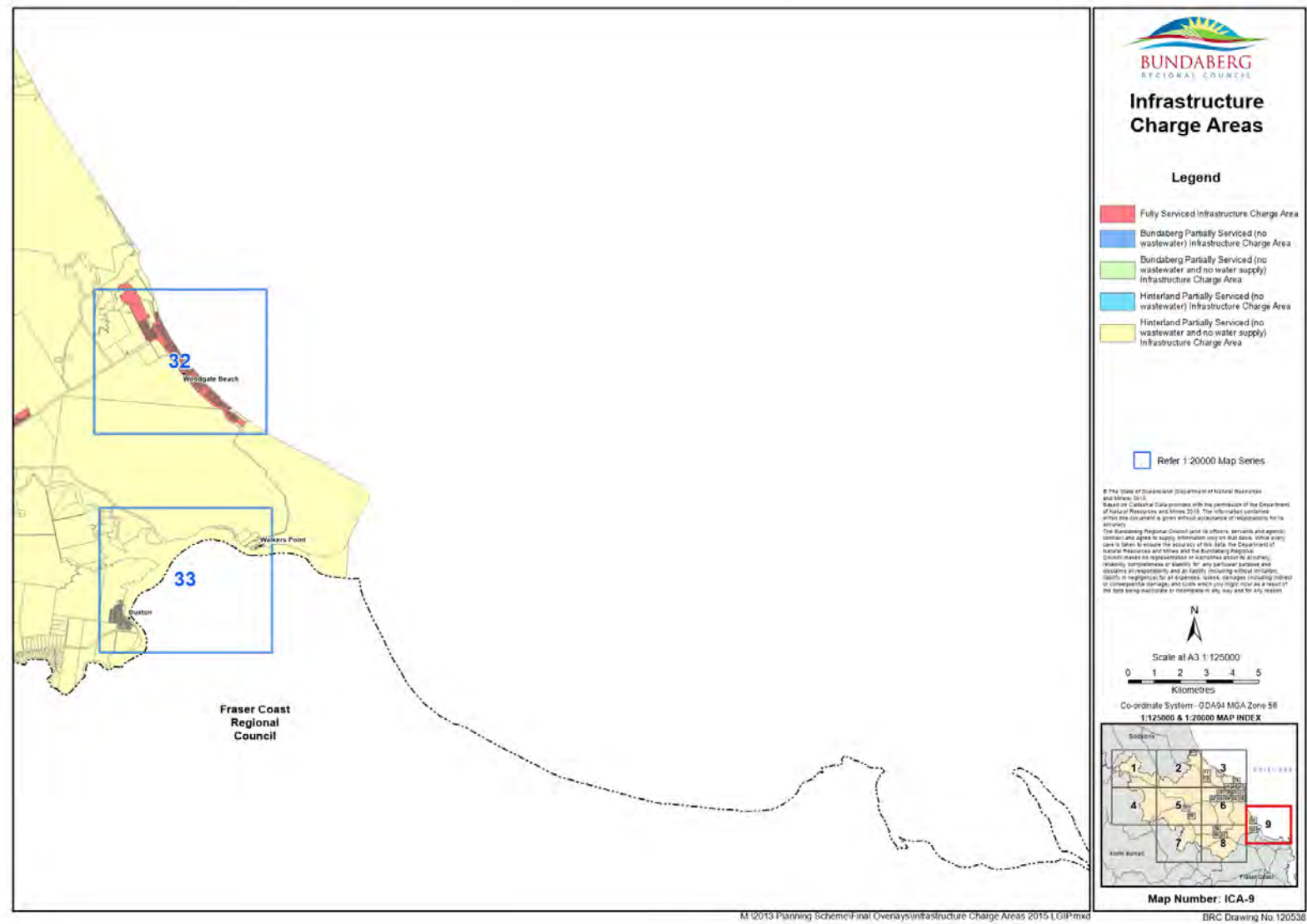


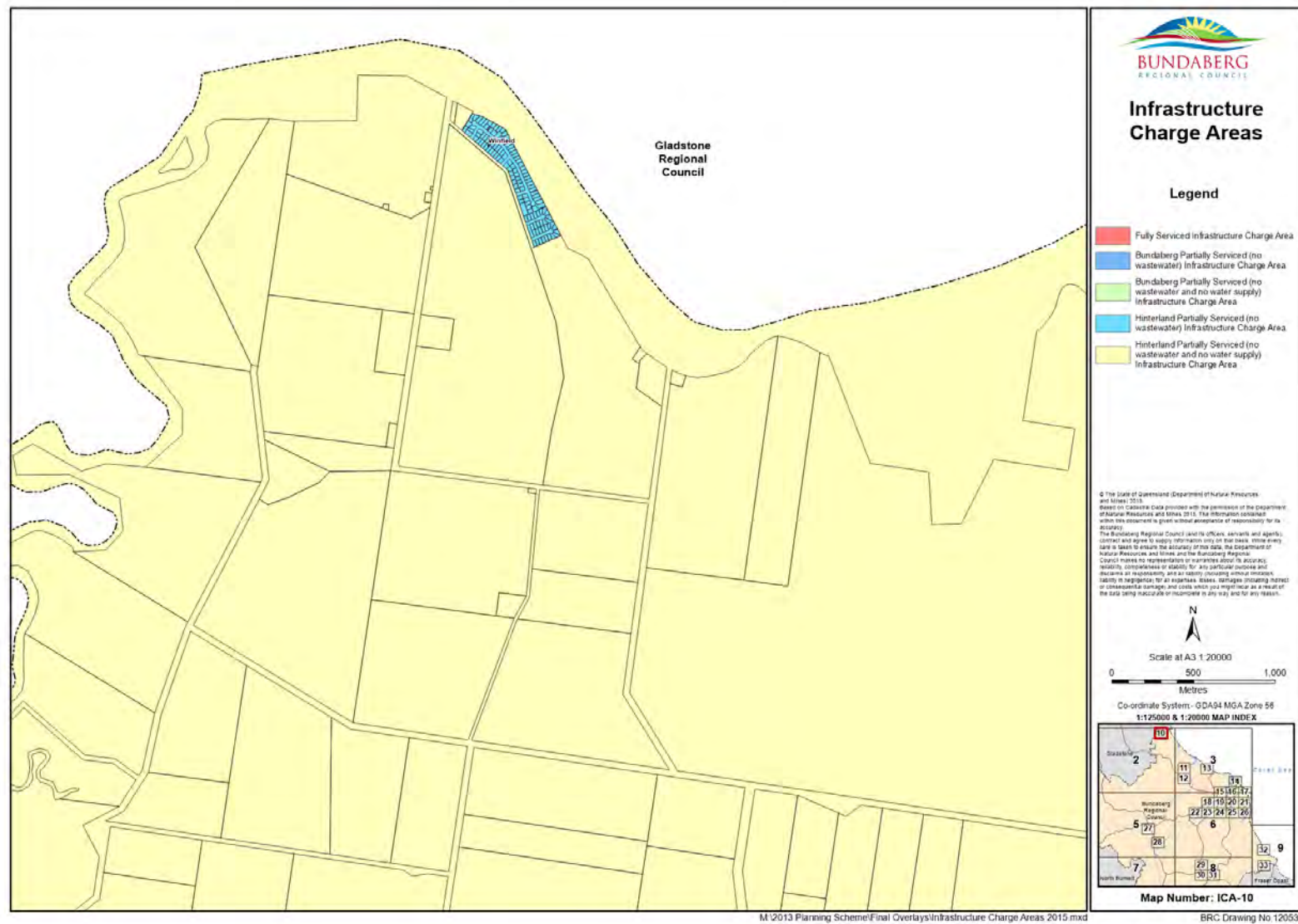


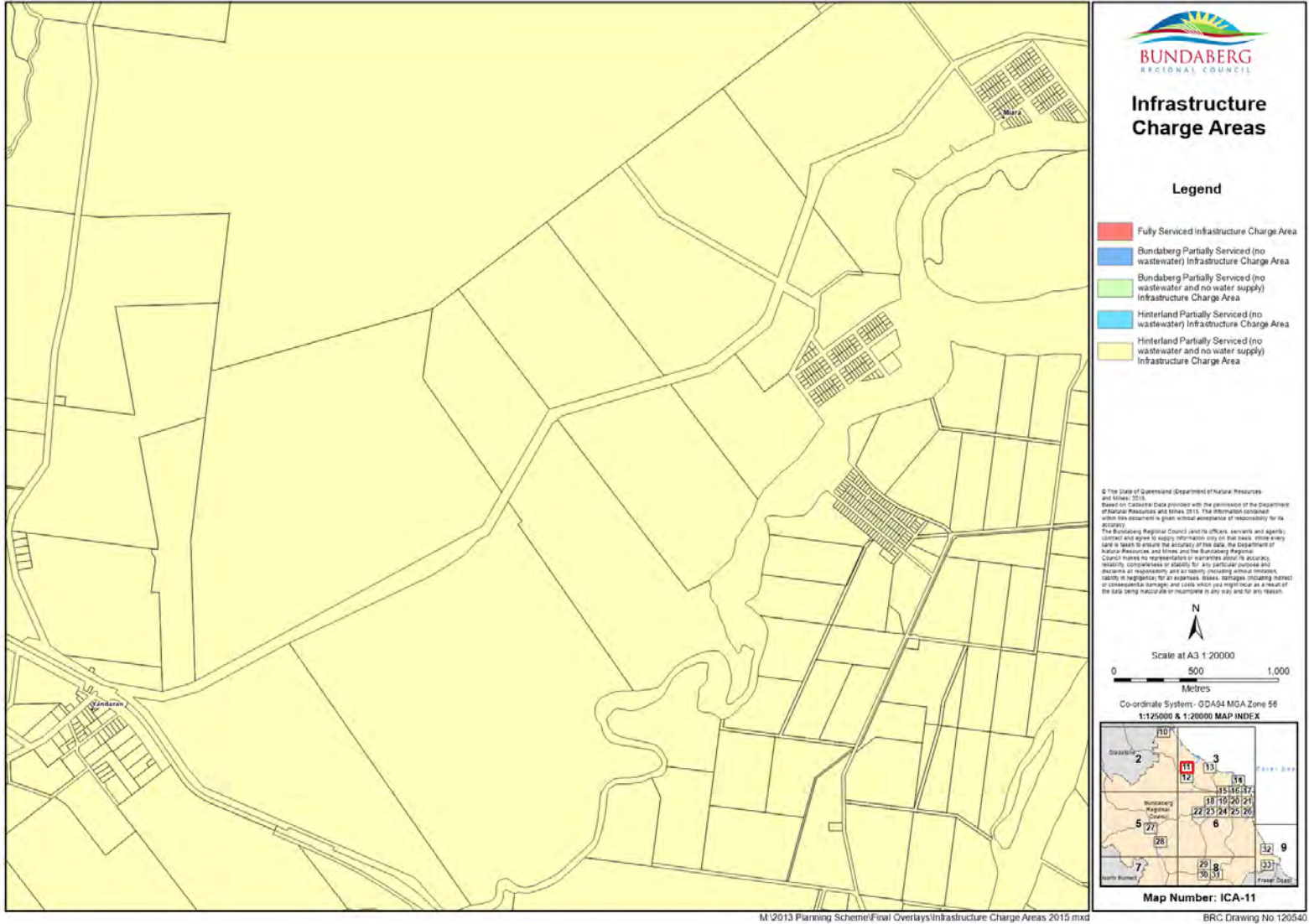


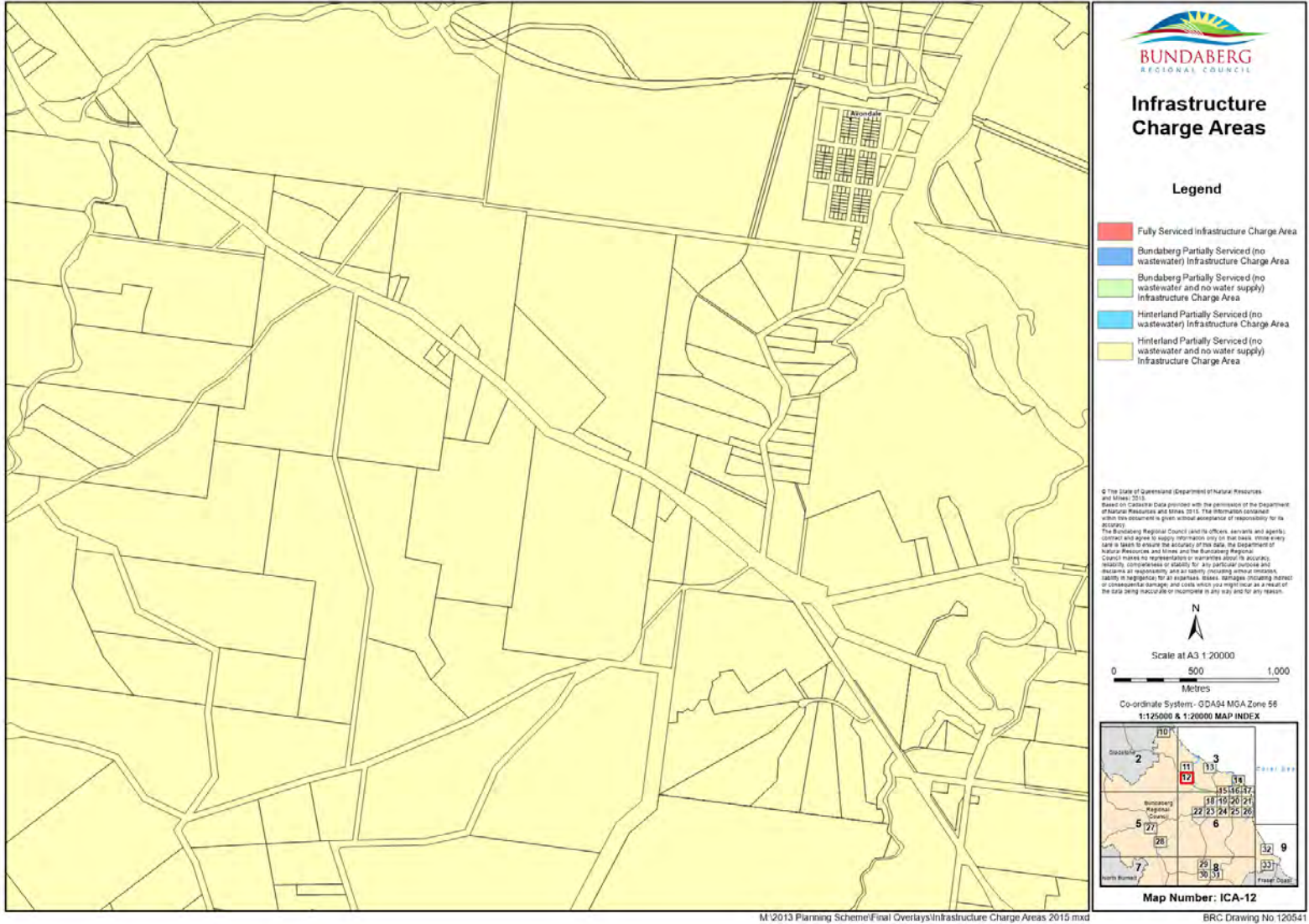


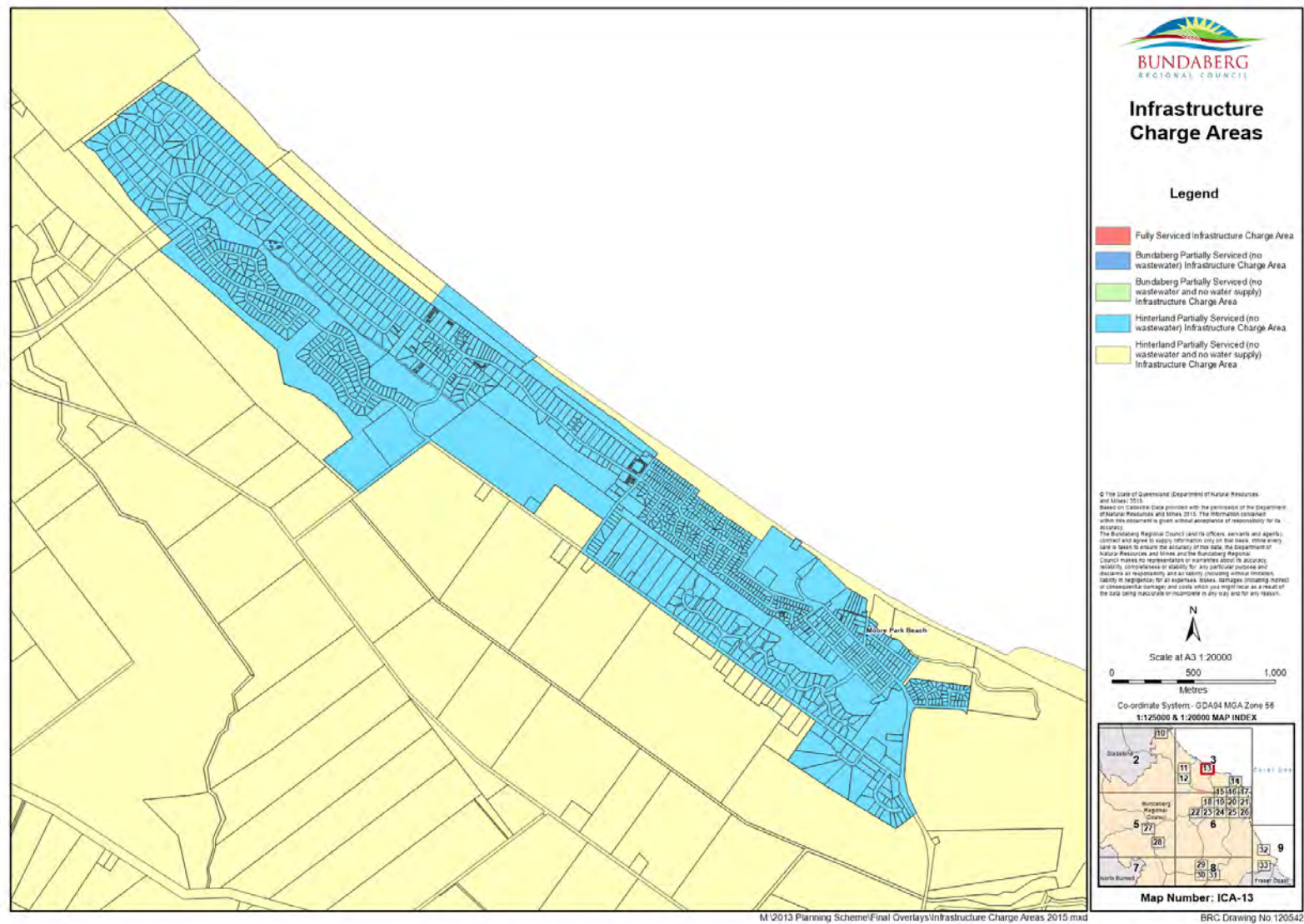


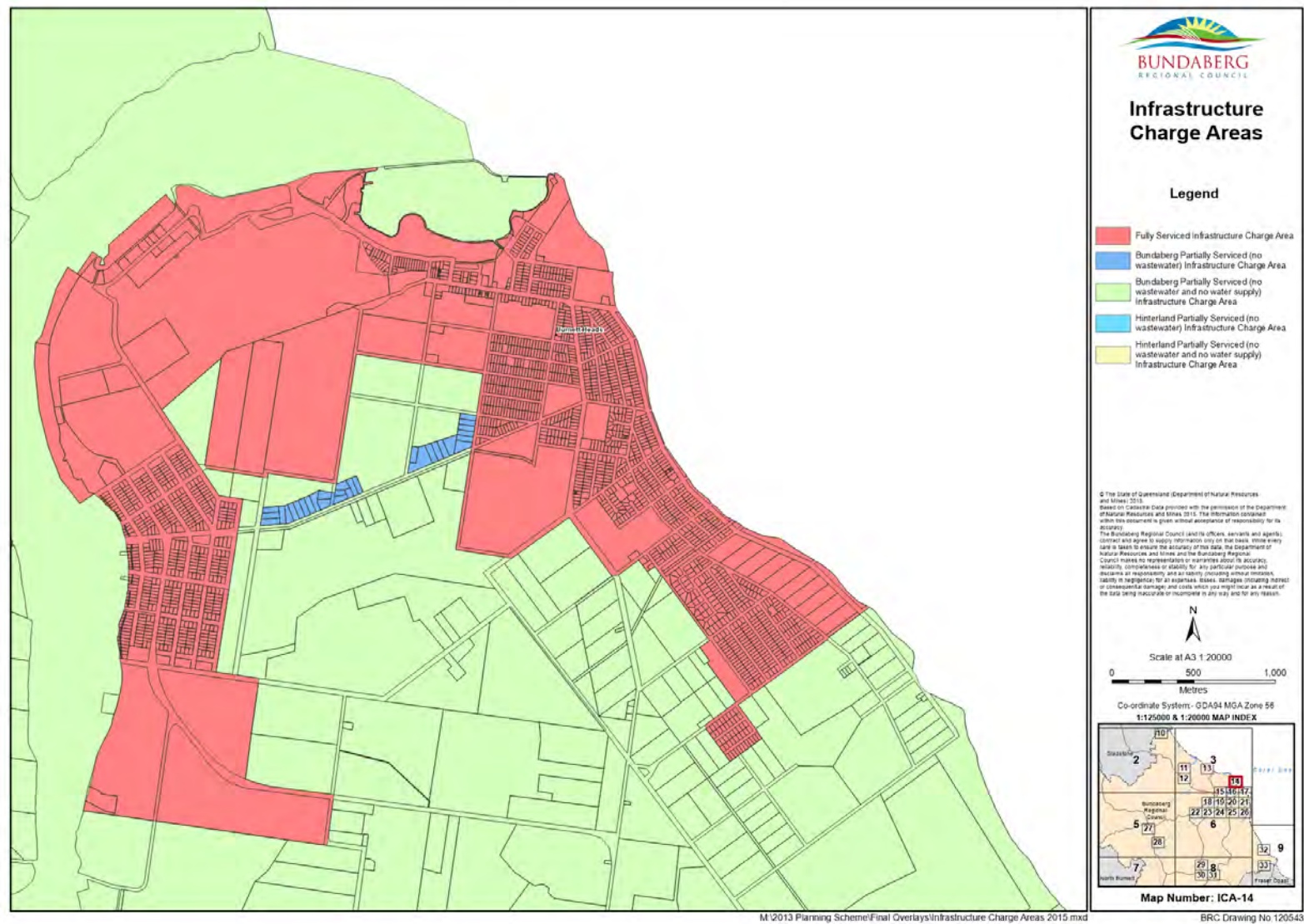


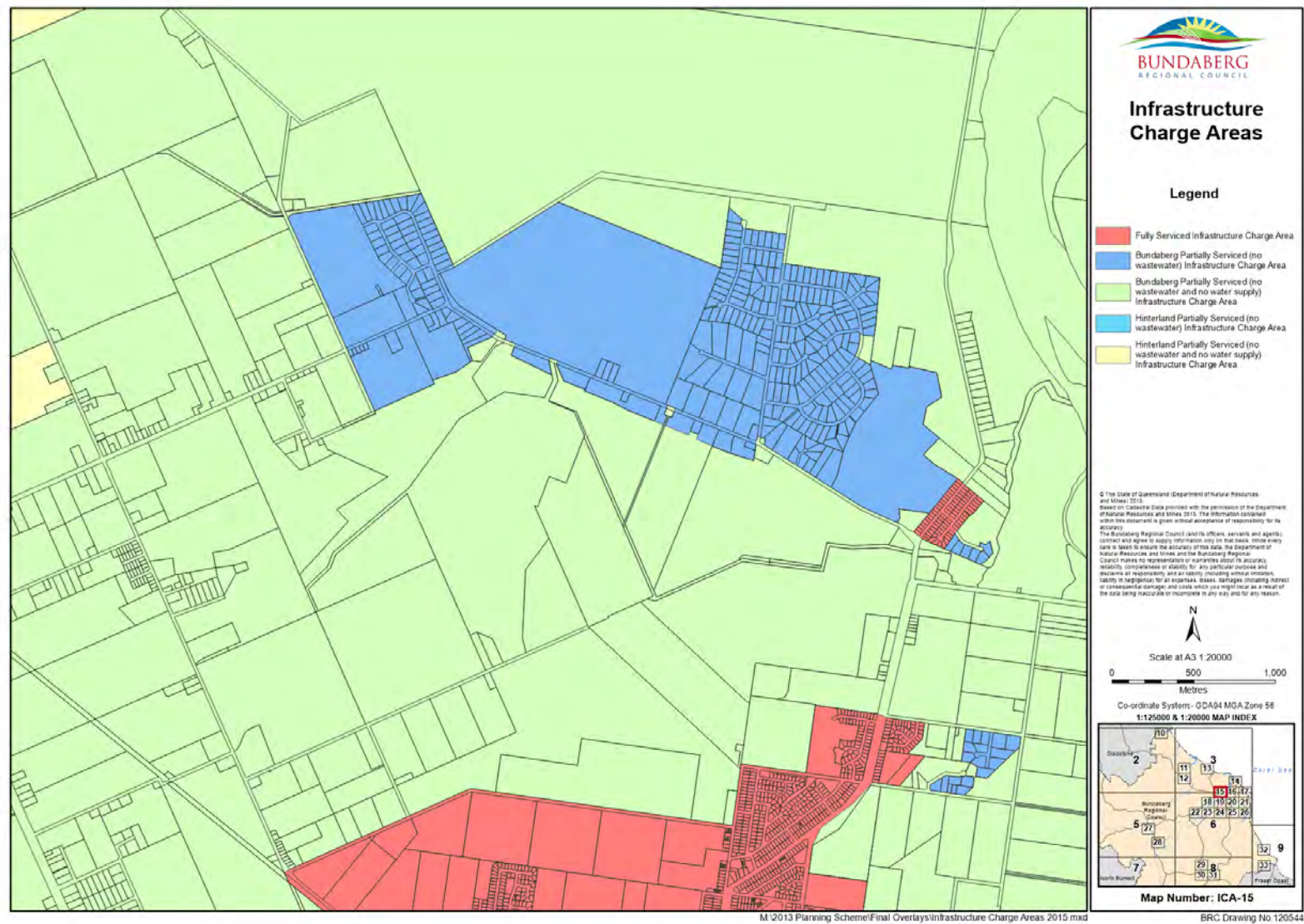


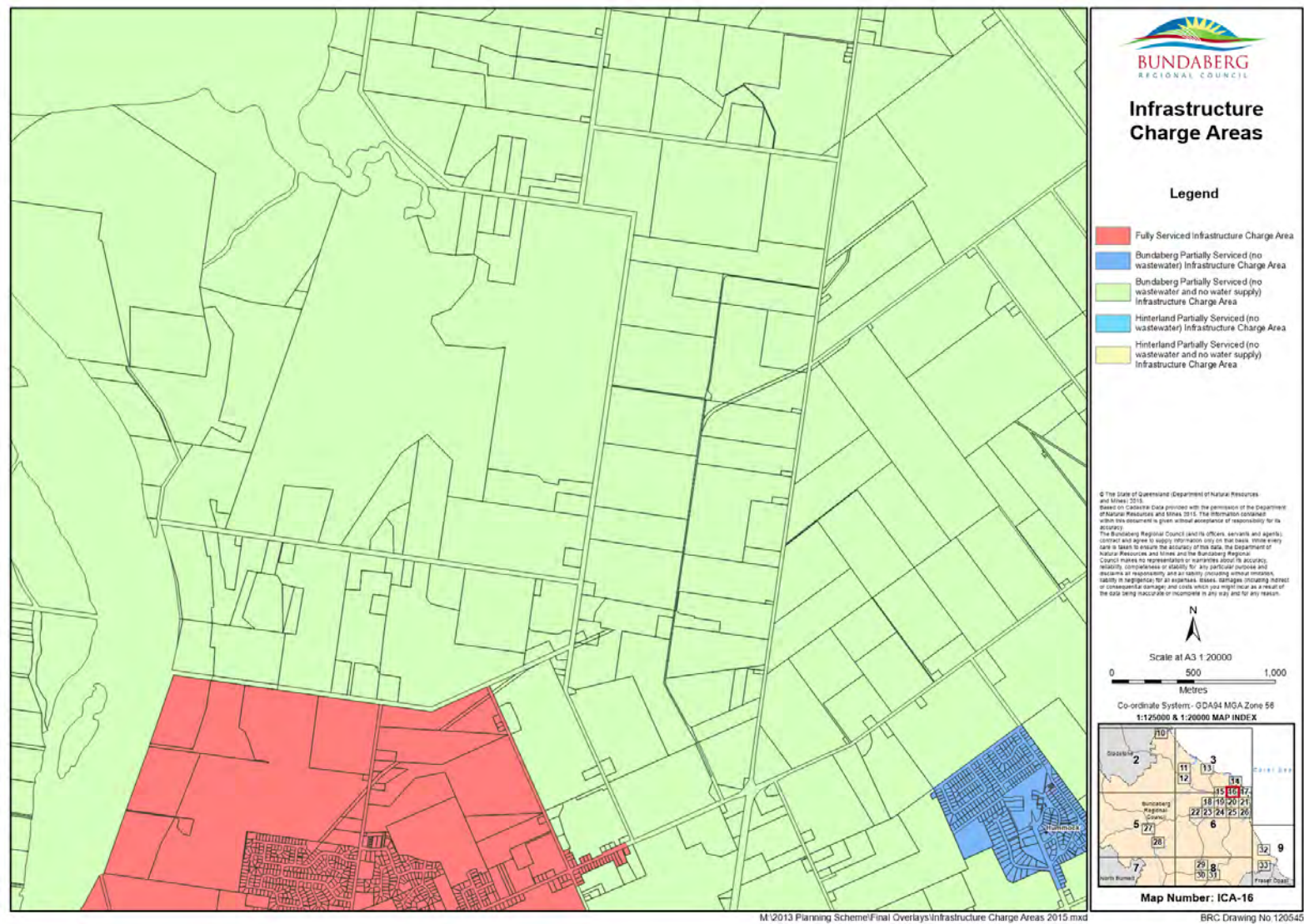


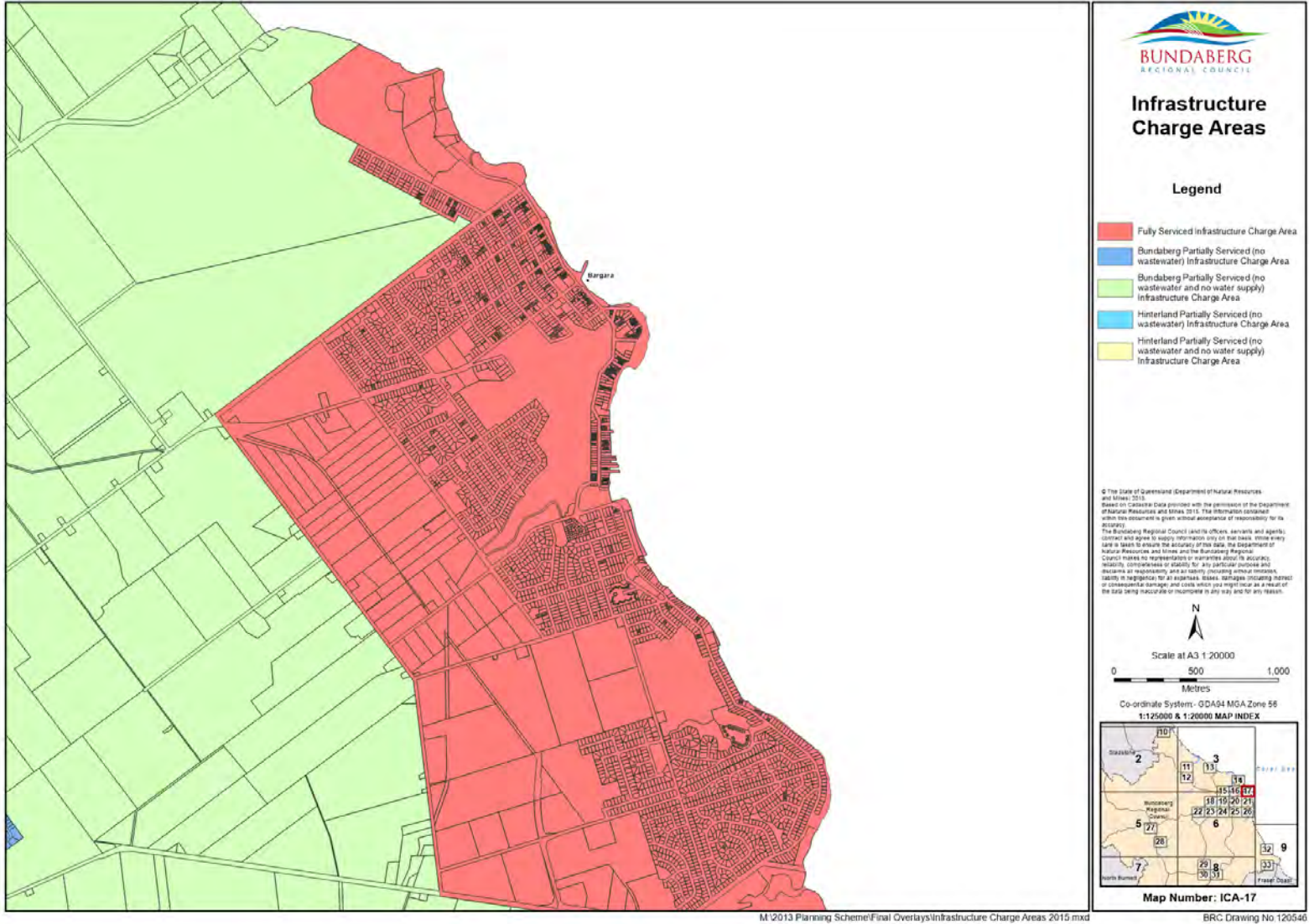


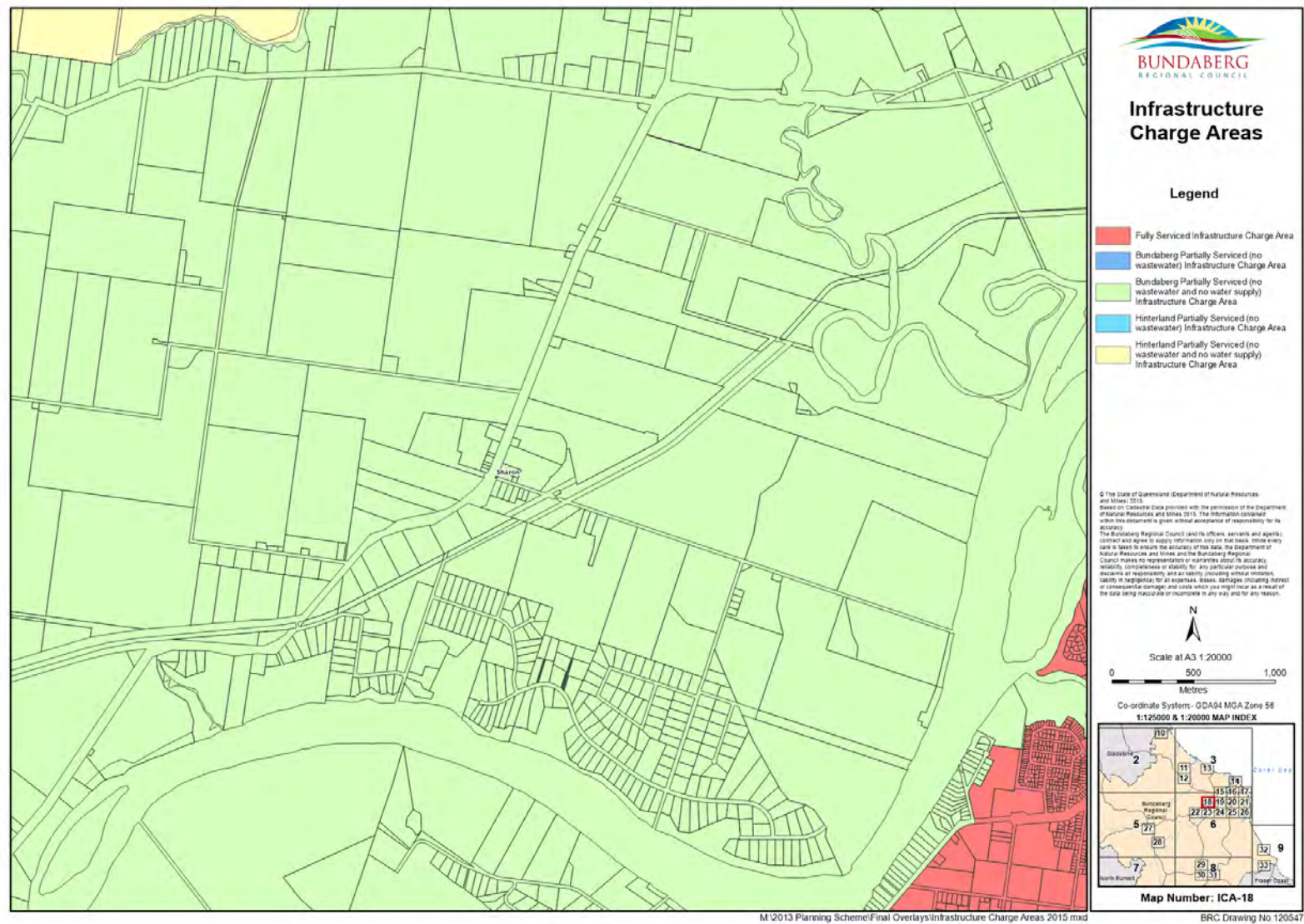


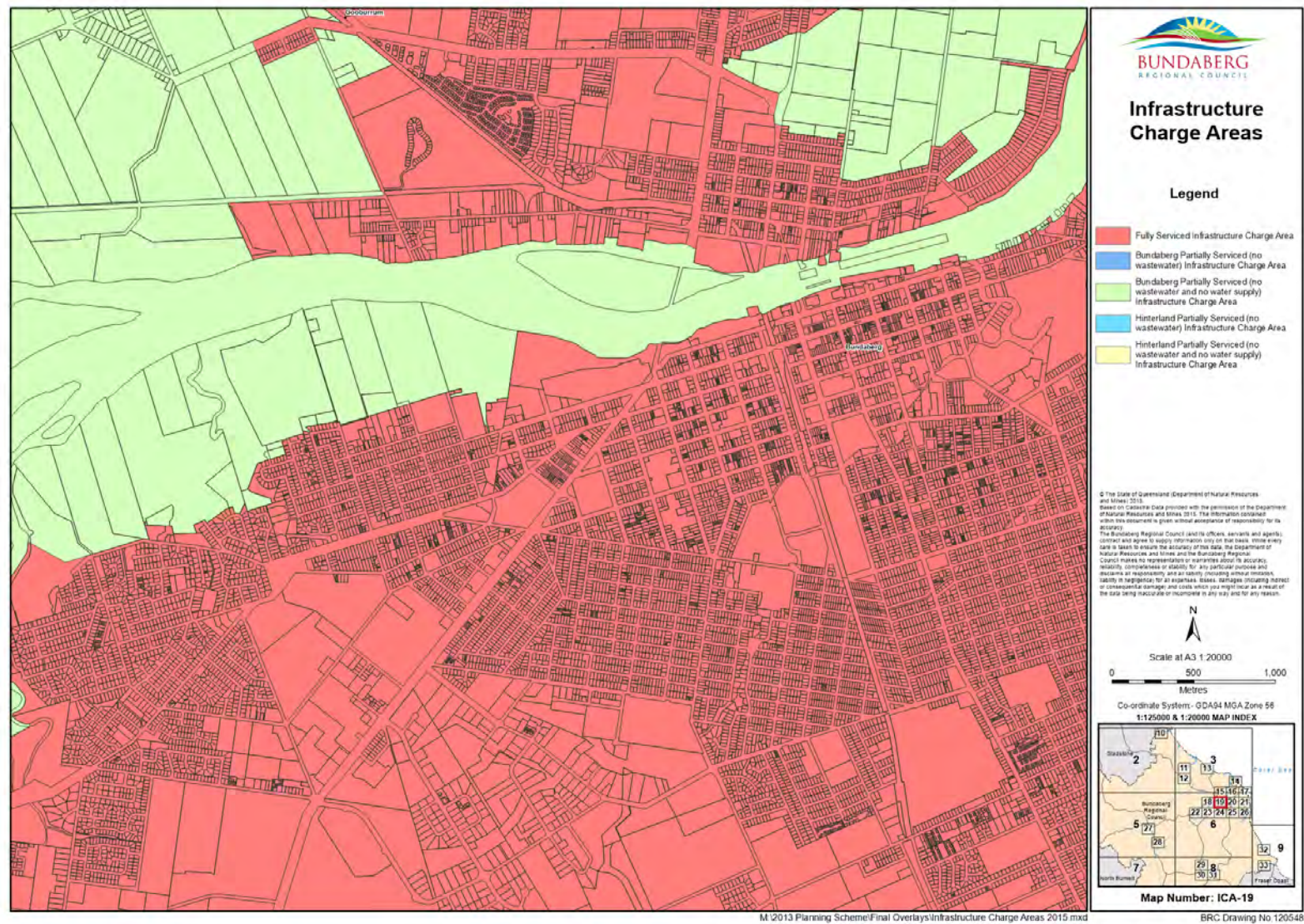


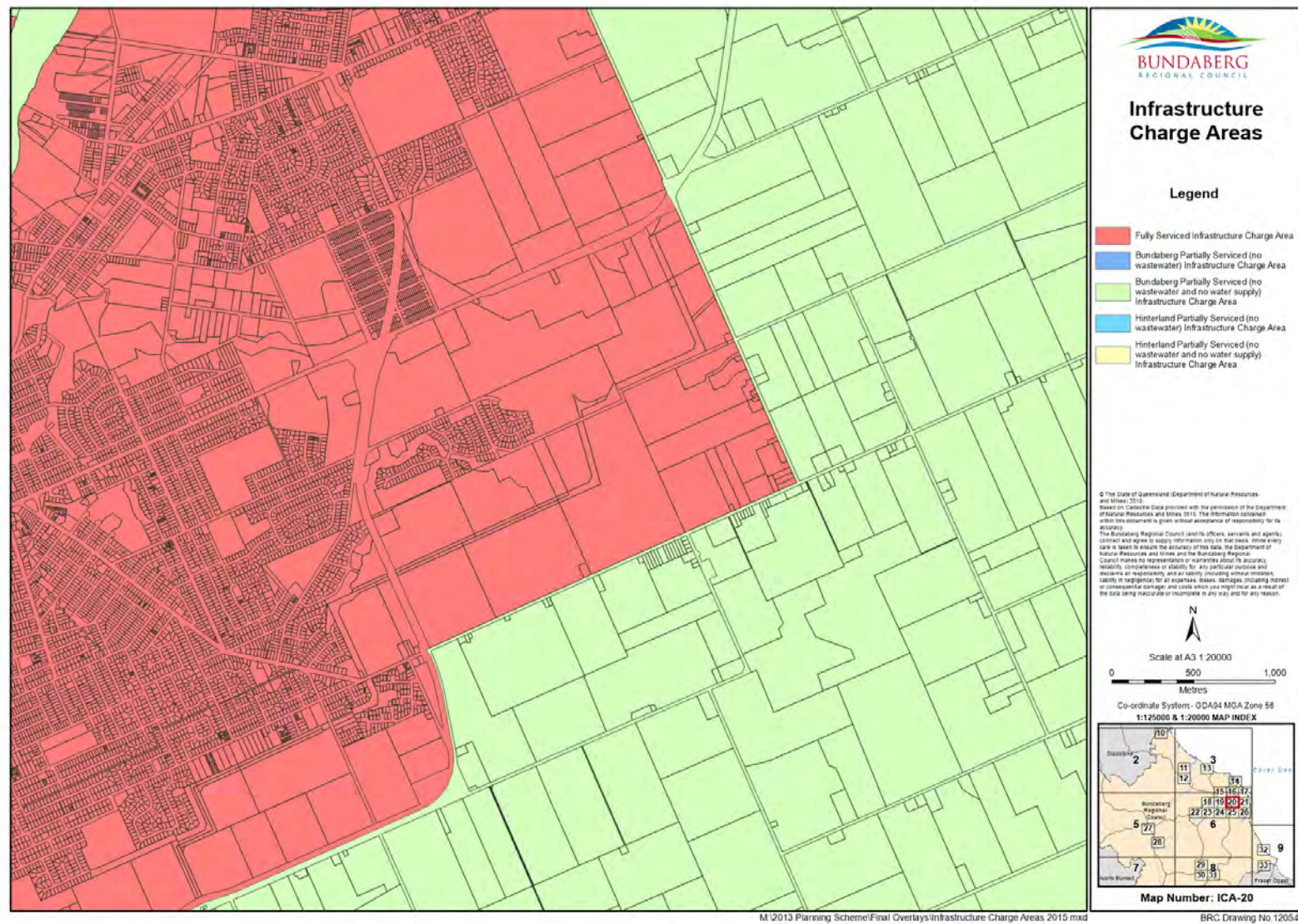


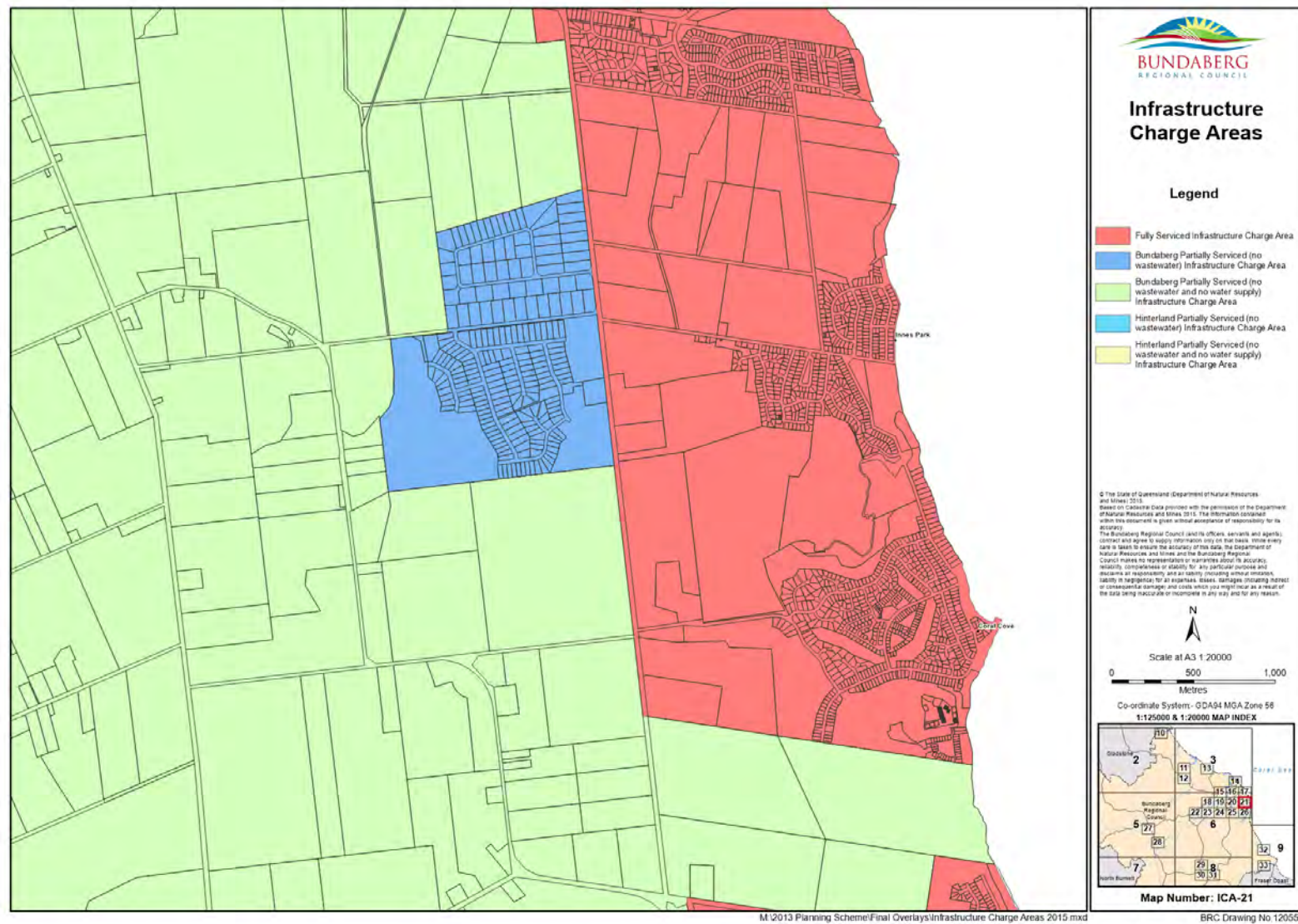


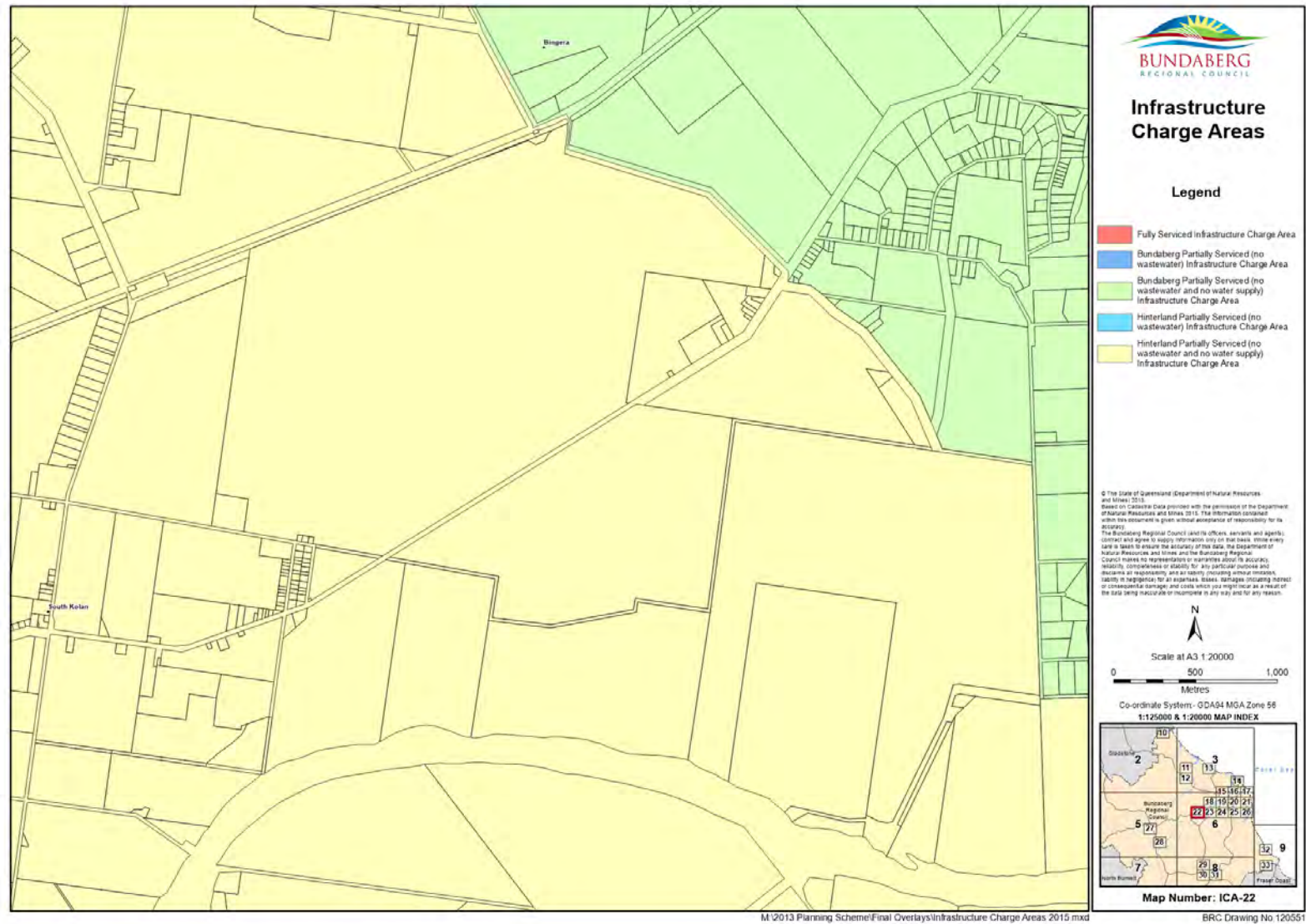


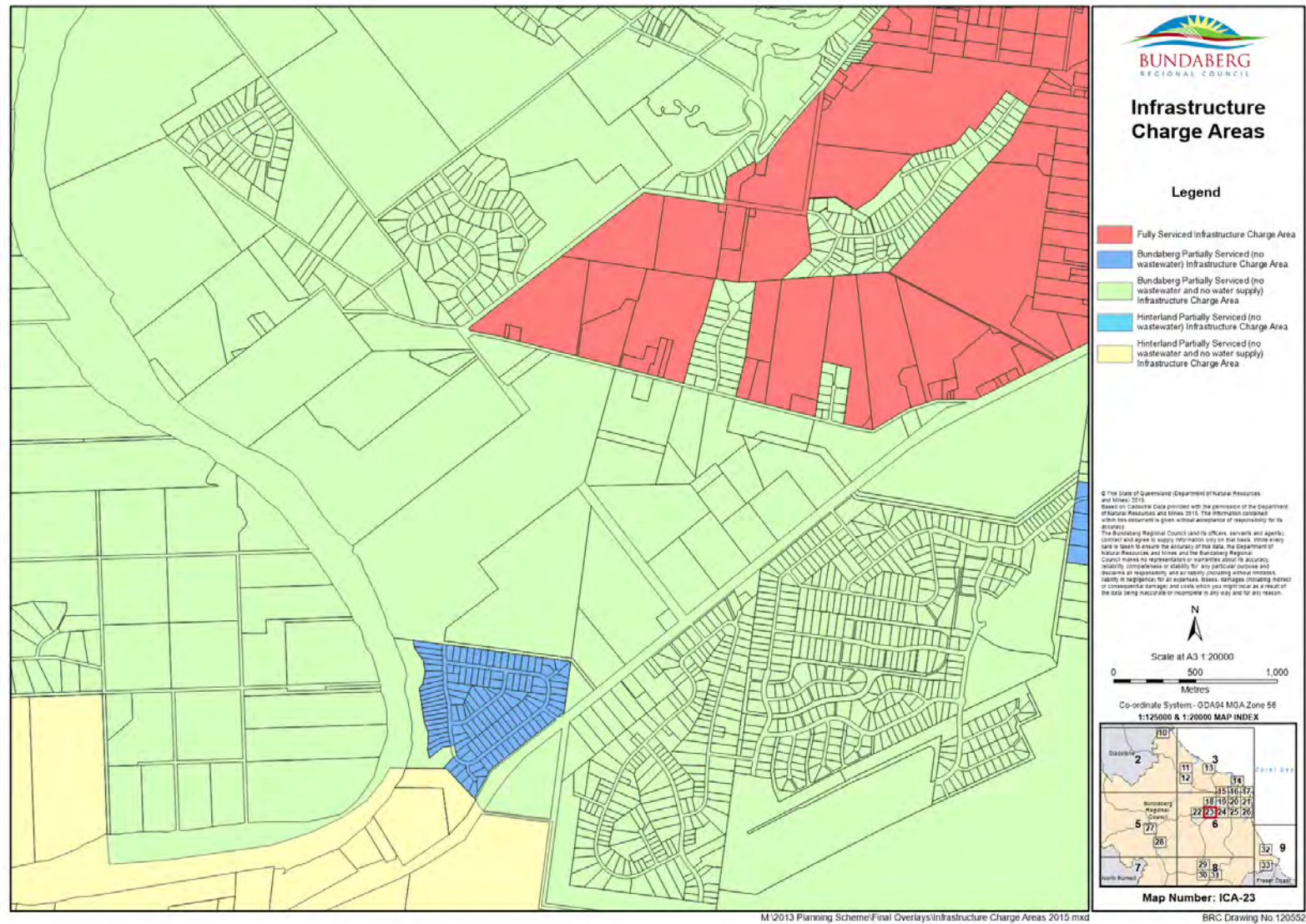


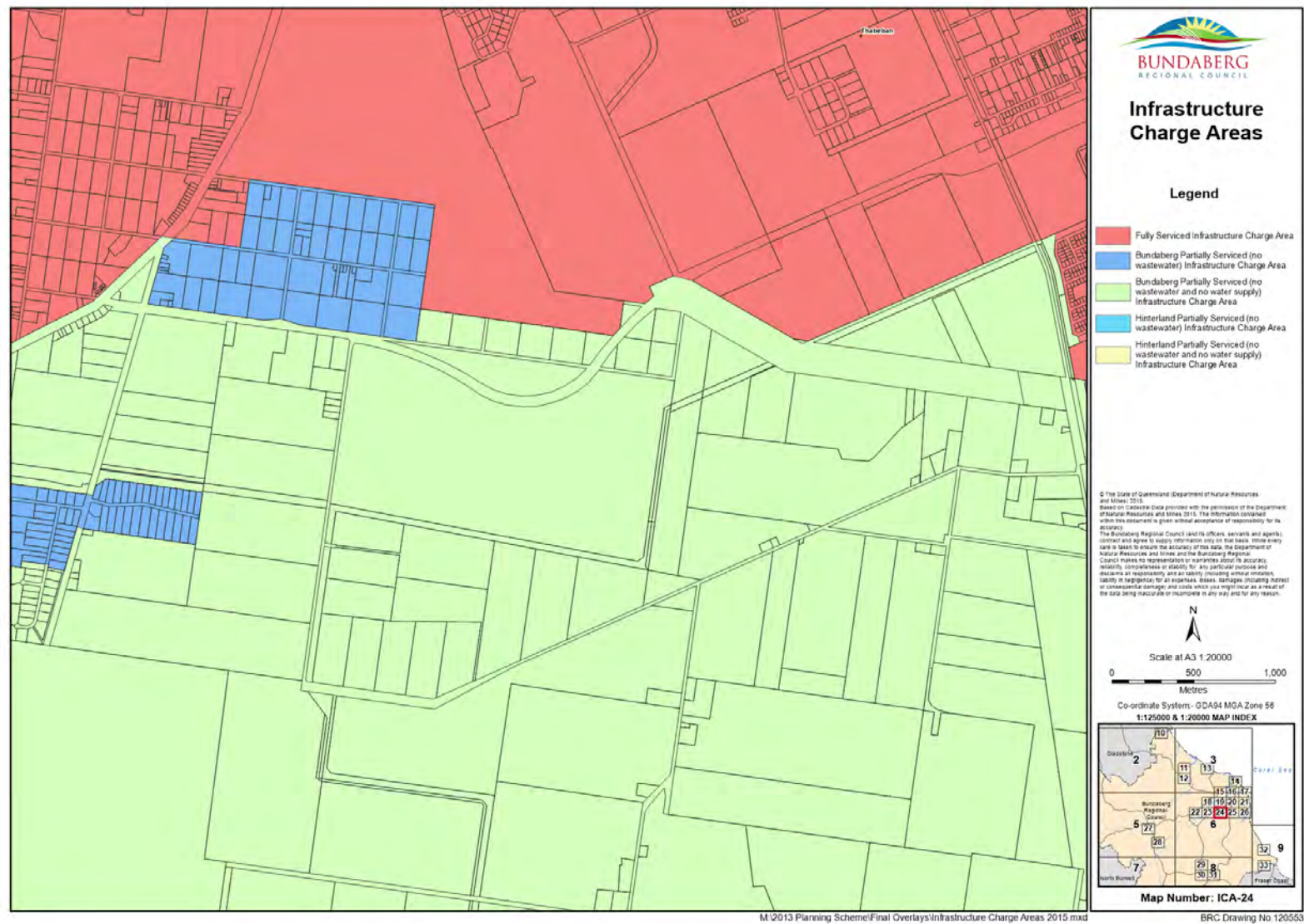




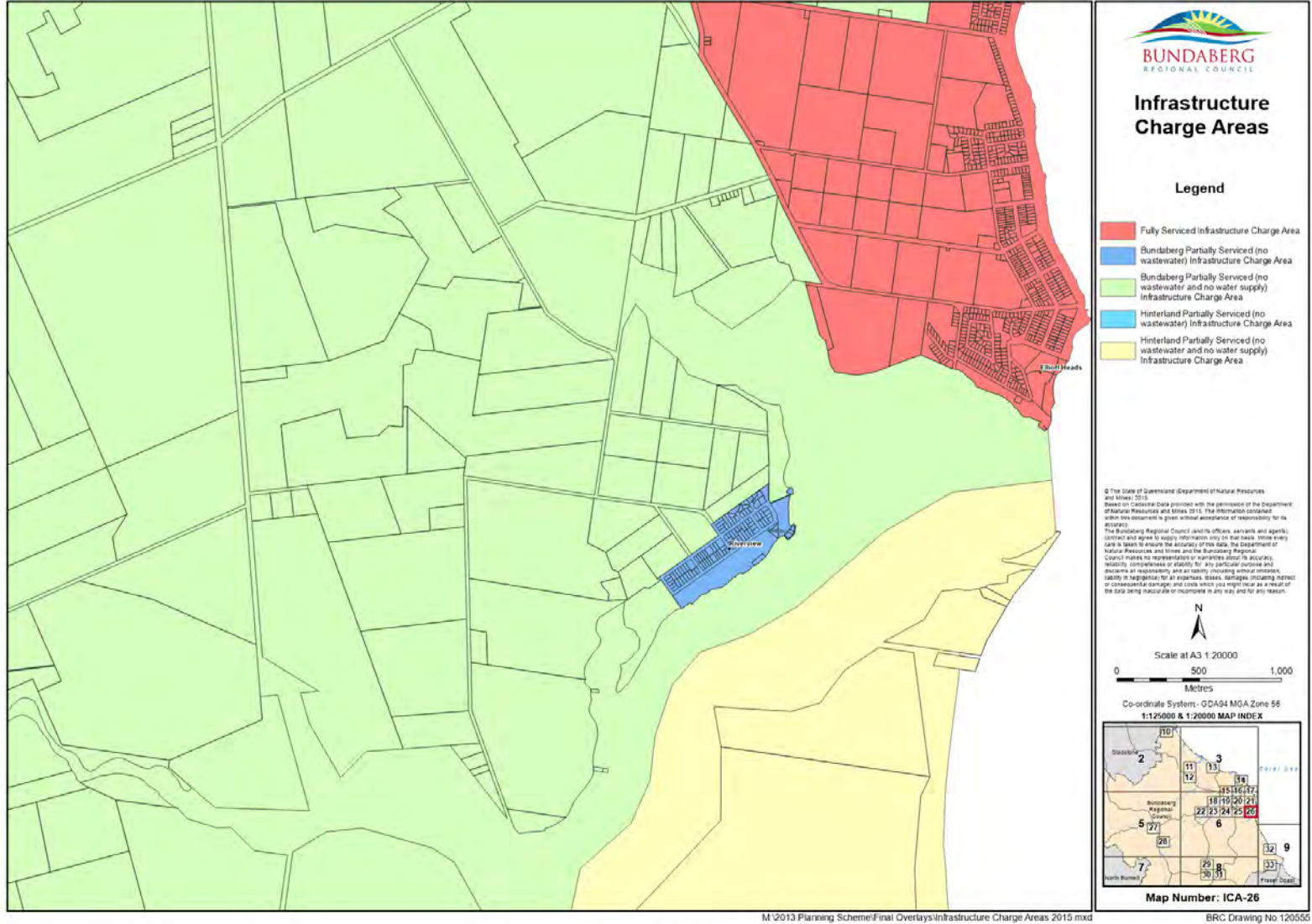


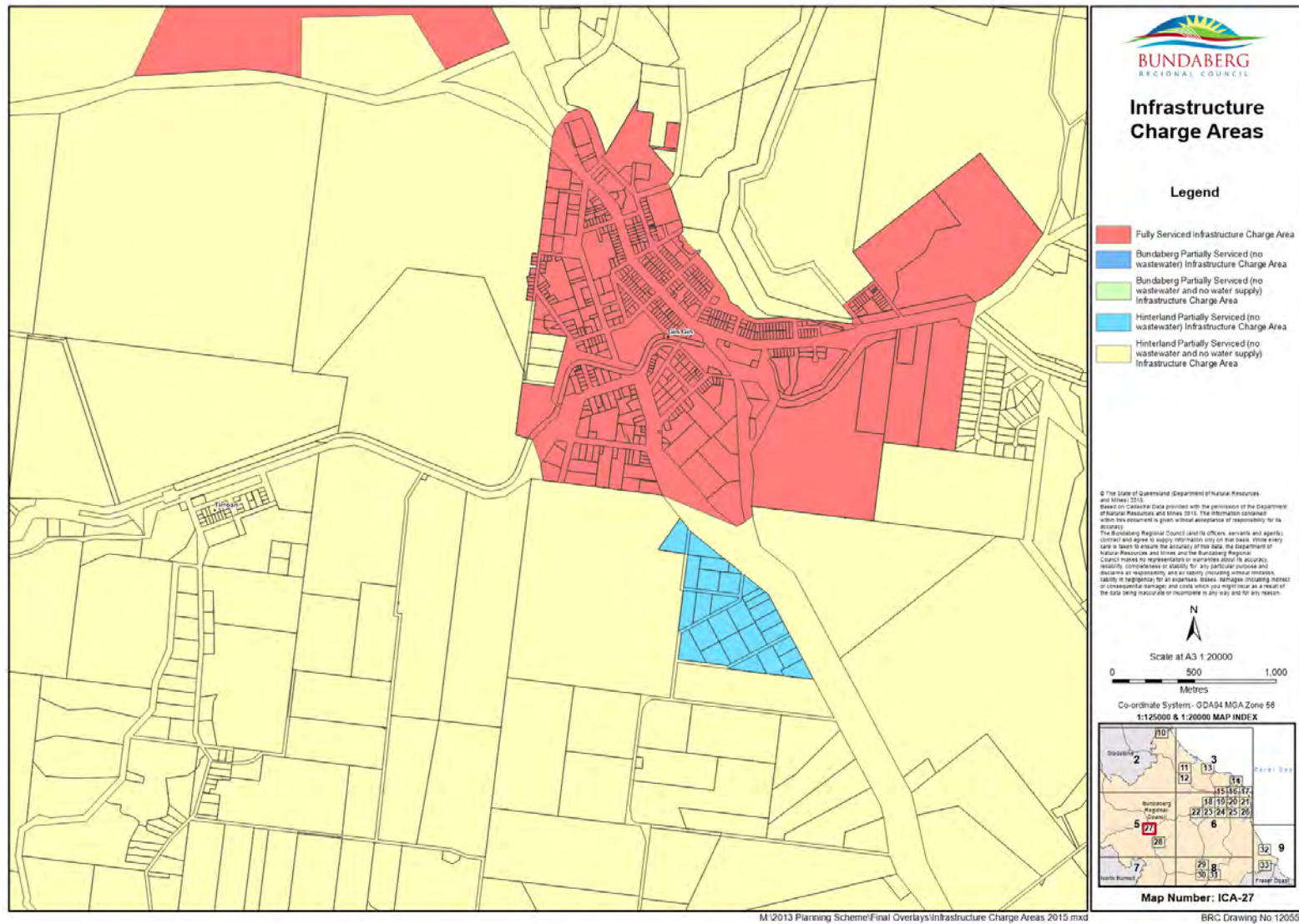


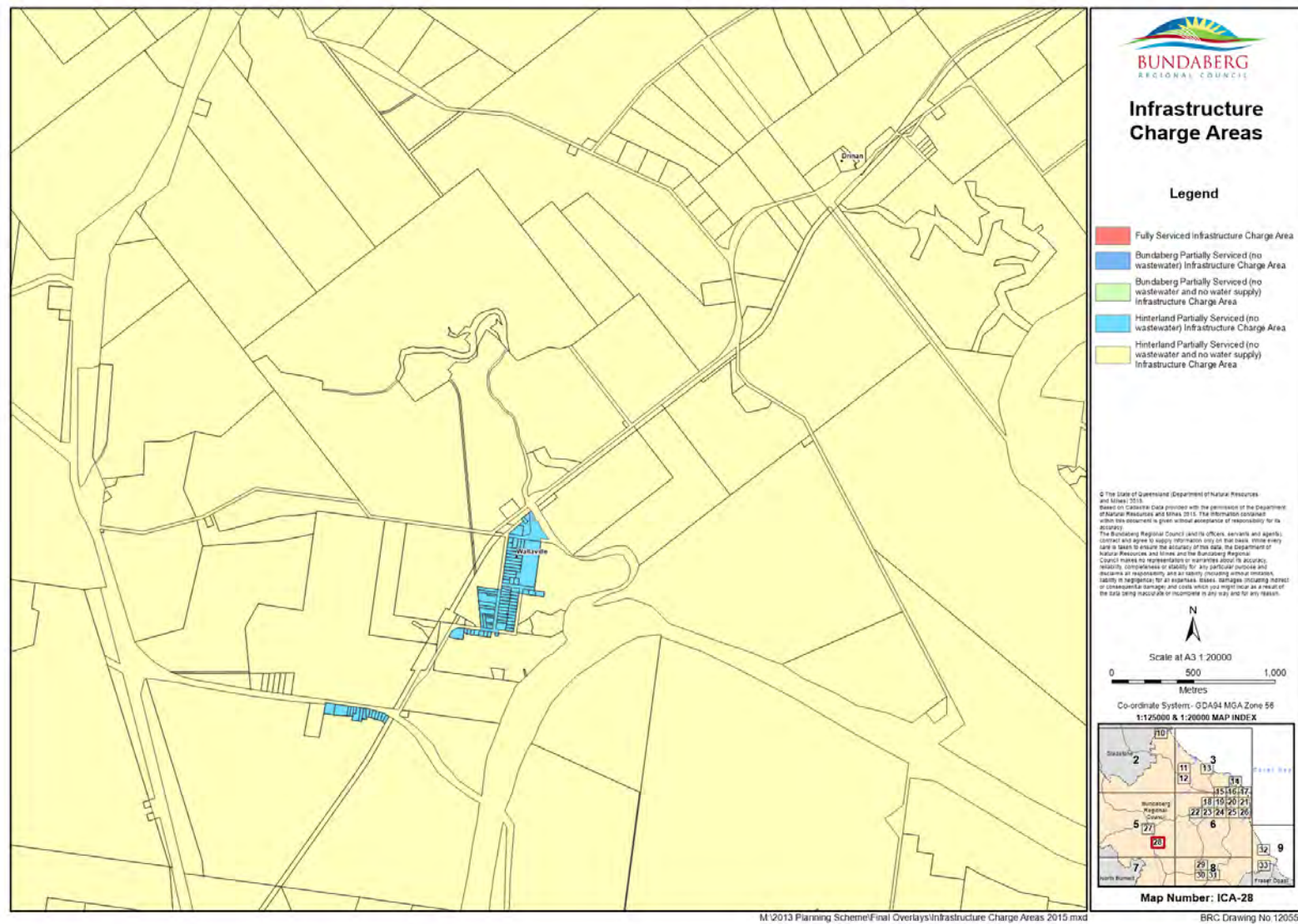




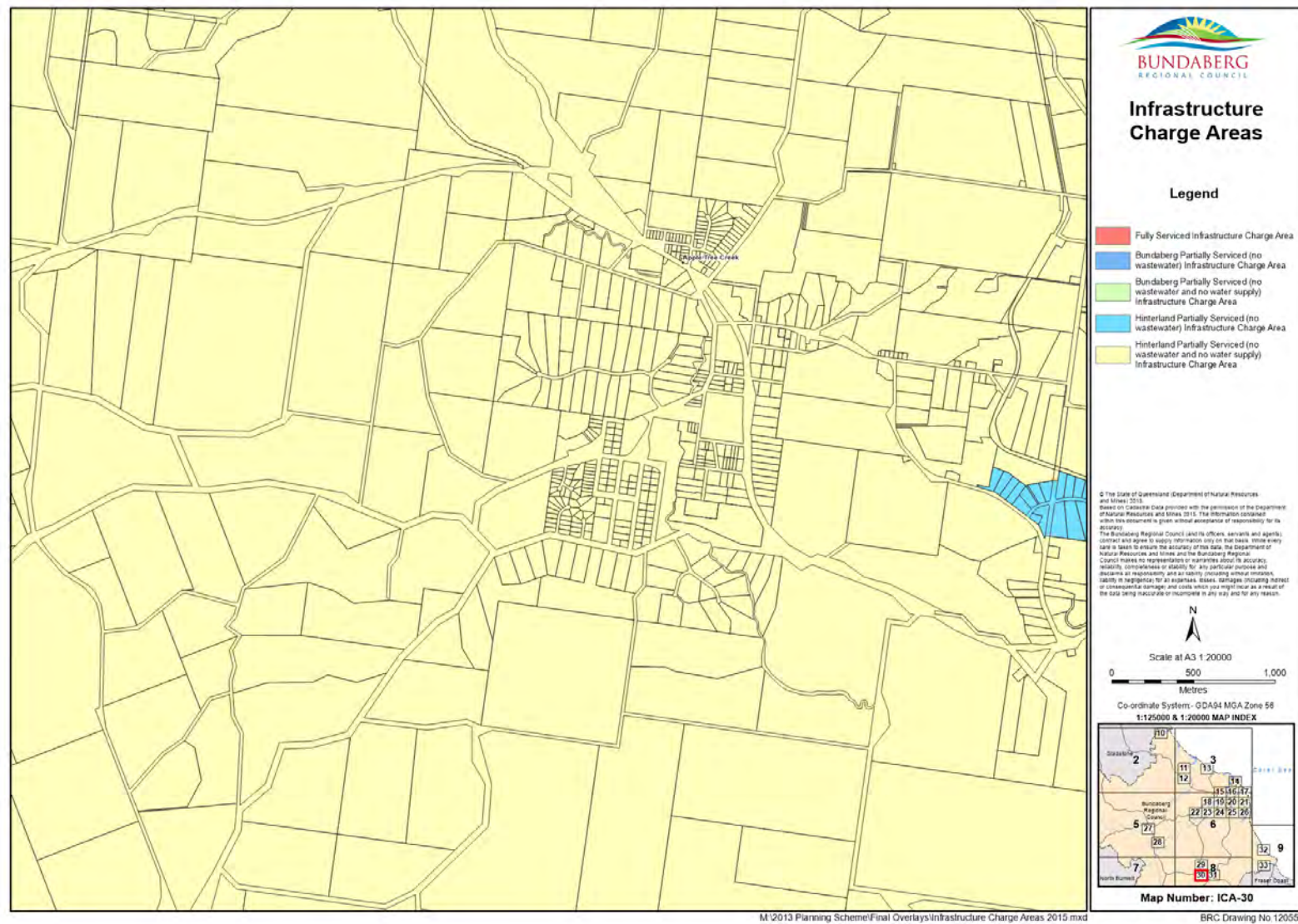


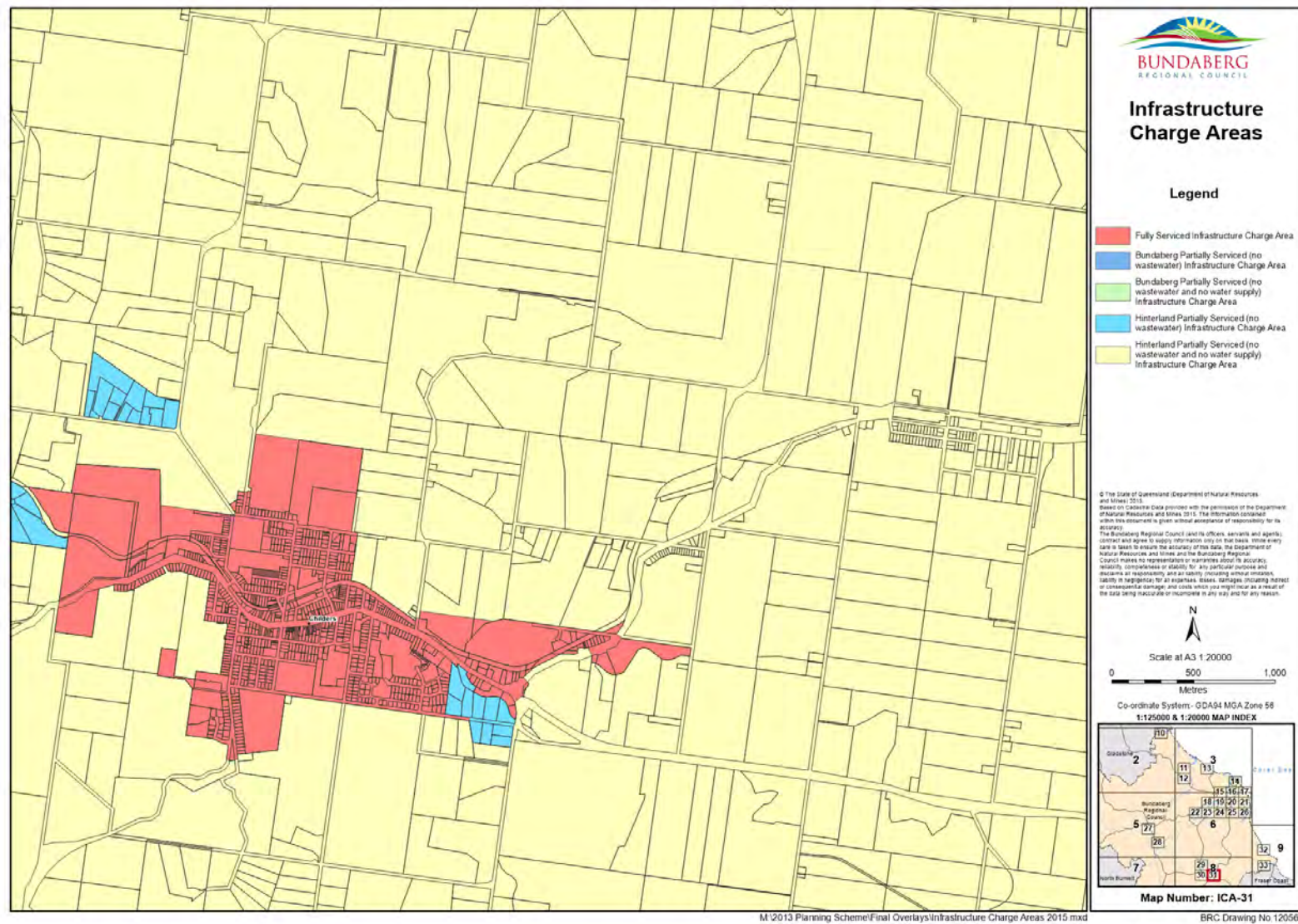


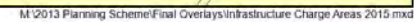


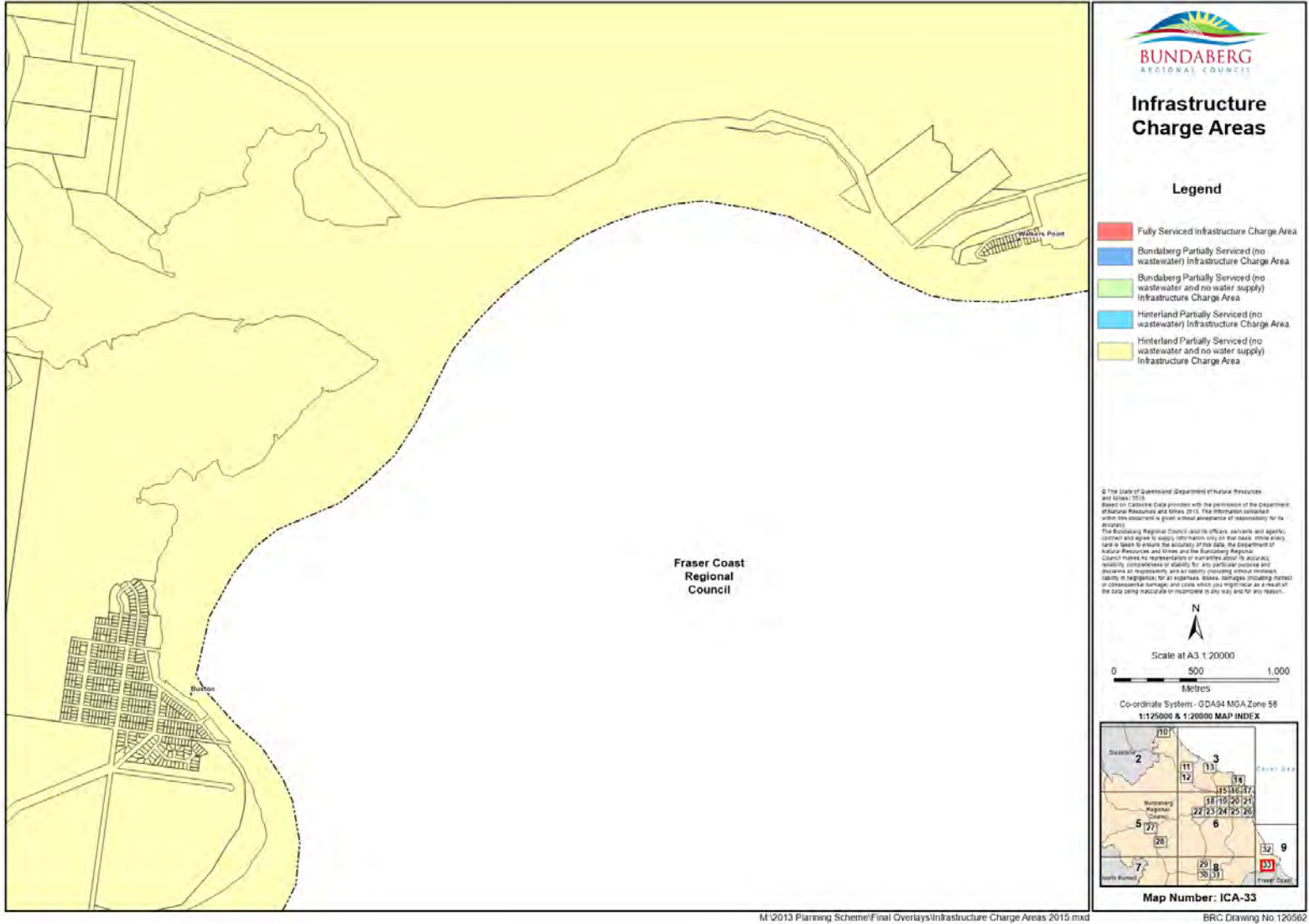












**Item****24 April 2018****Item Number:**

J4

File Number:

339.2018.22.1

Part:

PLANNING

Portfolio:

Planning & Development Services

Subject:

15 Homann Street Buxton – Request for Street Name

Report Author:

Dean Catorall, Para Planner

Authorised by:

Richard Jenner, Development Assessment Manager

Link to Corporate Plan:

Our Environment - 2.2 Sustainable built environments and local projects that support our growing population and promote economic investment and development.

Background:

APPLICATION NO.	339.2018.22.1
PROPOSAL	Request for Street Name Two (2) into Eight (8) lots
APPLICANT	Big Dad Investments Pty Ltd
LOCATION	Buxton
ESTATE NAME	N/A
RELATED APPROVAL	521.2017.11.1
DATE OF REQUEST	02 February 2018
EXISTING NAME	Homann Street
NO. OF SUBMITTERS	N/A

1. BACKGROUND

This is a request by the Applicant to rename the existing road as a part of a reconfiguration of a lot application and as required by the conditions of approval. Homann Street had originally been intended to continue through the proposed allotments, however, the development approval alters the road corridor and as such a new road name is required for the northern cul-de-sac.

The Applicant, Reuben Bauer (of Big Dad Investments Pty Ltd), is seeking to name new Road A. The developer has provided three (3) preferences for the new road.

Road A will service four (4) new allotments. The applicant has chosen a mix of historical names and natural flora/fauna as preferences for Road A which are unique to the Buxton locality.

The first preference of road name is Henry Court. Henry refers to Mr Henry Smith who in 1881 took up a selection of land of approximately 750 acres of land known as Portion 793, County of Cook, Parish of Isis in the District of Bundaberg (RP24482) which is now known as Buxton.

The second preference of name is Oyster Court. This is in reference to the large quantity of oysters that were consumed by the original Australians in the area. Oyster middens are still evident currently on the banks of the Burrum River.

The third preference of name is Mangrove Court. This is due to the abundance of Mangrove trees that can be found along the Burrum River.

Table 1 provides a summary of the street names, proposed by the Applicant, for consideration.

Table 1 - Suggested Street Name/s

Road	Street Names Register – suggested by Developer	Alternative Names – suggested by Developer
	Name	Name
Road	1.	1. Henry Court
	2.	2 Oyster Court
	3.	3. Mangrove Court

2. ASSESSMENT

2.1 Street Names

	Yes	No	N/A
Does the proposal reflect aspects of the area in which it is located, including historical names?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the proposal part of a theme for a development?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the name a noun and generally contain one (1) word? If a composite word, does the word supplement the primary name?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Where in an urban locality, are the proposed names unique to that locality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Where in a rural area, is the proposed name unique to the Bundaberg region?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
For extensions to existing streets, does the extension retain the name of the street extended?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is considered that the request does comply with the requirements of the Street and Park Naming Governance Policy.

Associated Person/Organization:

Not applicable.

Consultation:

Not applicable.

Chief Legal Officer's Comments:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

- ☐ Required.
- ☒ Not required.

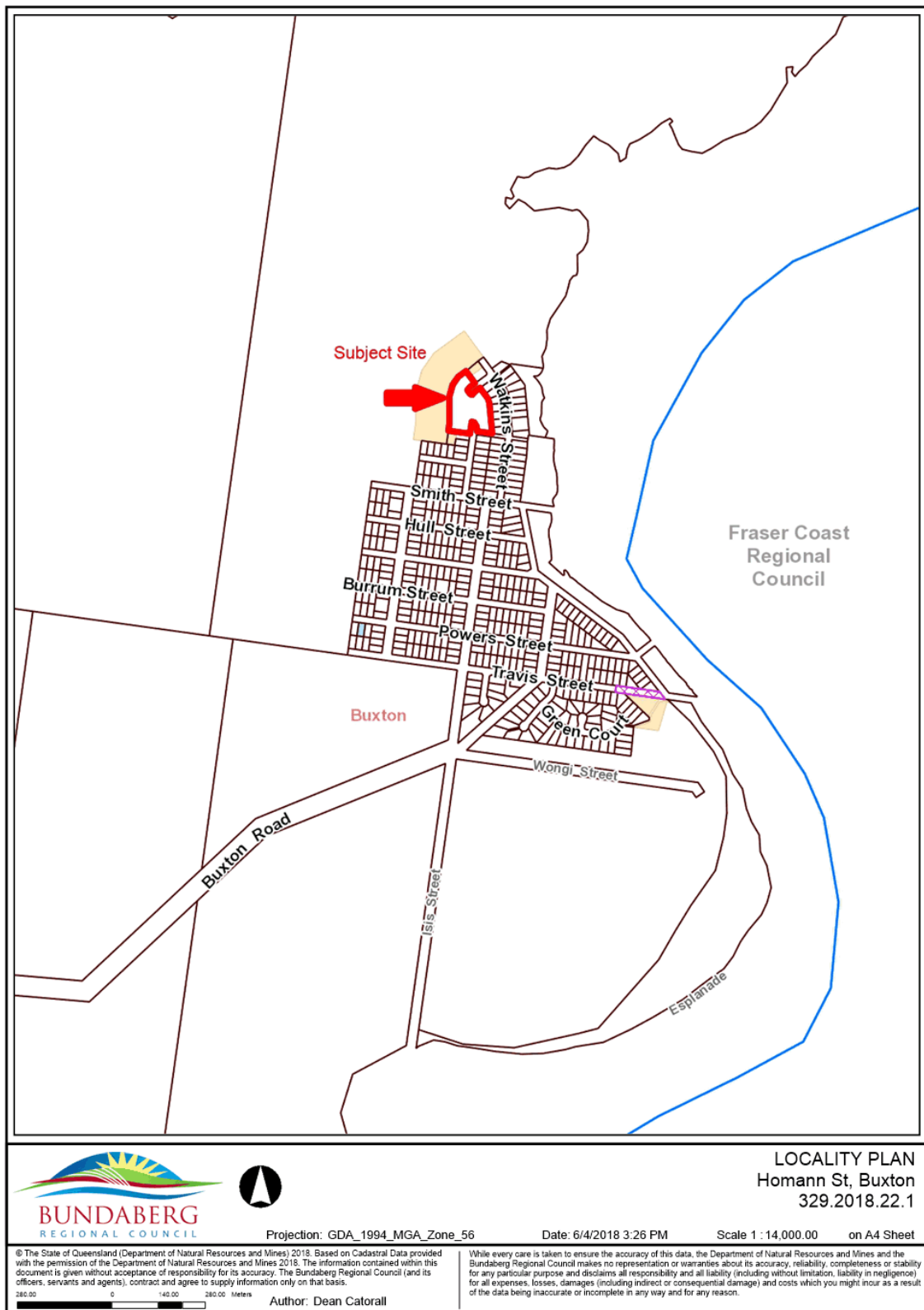
Attachments:

- [↓1](#) Locality Plan
- [↓2](#) Site Plan
- [↓3](#) Road Layout Plan

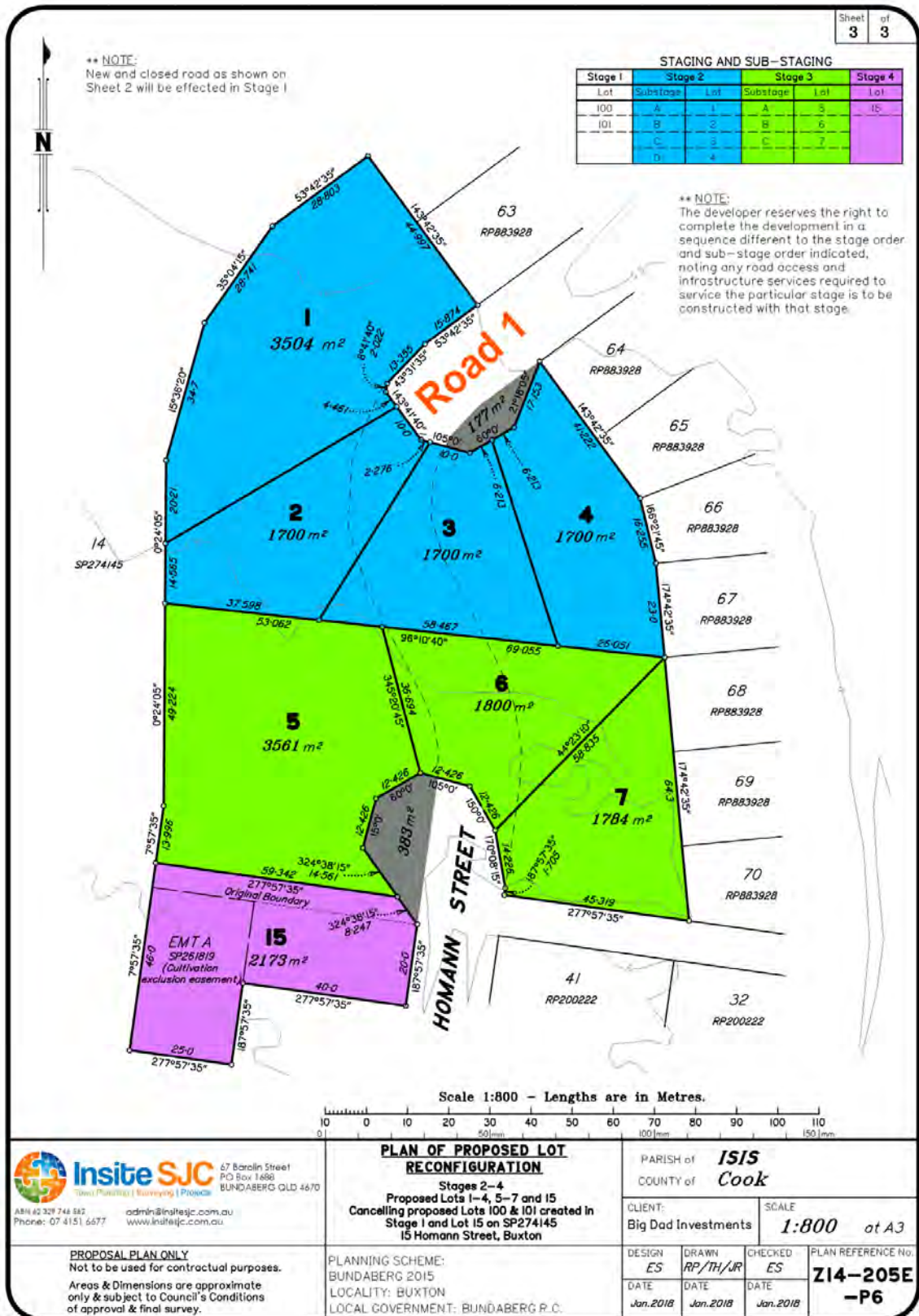
Recommendation:

That road Road A in the development located at Homann Street and approved under development approval 521.2017.11.1, be named as follows:

- **Road A – Henry Court**







**Item****24 April 2018****Item Number:**

J5

File Number:

339.2018.24.1

Part:

PLANNING

Portfolio:

Planning & Development Services

Subject:

2 Childers Road, Kensington – Request for Street Name

Report Author:

Renee Dewhurst, Para Planner

Authorised by:

Richard Jenner, Development Assessment Manager

Link to Corporate Plan:

Our Environment - 2.4 Delivery of cost-effective and efficient essential services to support our growing population.

Background:

APPLICATION NO.	339.2018.24.1
PROPOSAL	Request for Street Name – BRC Airport
APPLICANT	Bundaberg Regional Council, C/- Cameron Bisley
LOCATION	2 Childers Road, Kensington
ESTATE NAME	N/A
RELATED APPROVAL	N/A
DATE OF REQUEST	19 February 2018
EXISTING NAME	Airport Road
NO. OF SUBMITTERS	N/A

1. BACKGROUND

This is a request by the Applicant to name internal roads servicing the Bundaberg Regional Council Airport. This request has been made for identification purposes for the pending availability of NBN in the suburb of Kensington, inclusive of the airport precinct. Airport Operations has been contacted by a number of on-airport tenants to provide a street address as required by the Internet Service Providers.

While there is an existing Airport Road indicated on GTX it is considered too close to Airport Drive (an existing adjacent road) and propose this name be changed as part of this application. Roads A and B will service the Bundaberg Regional Council Airport and associated tenancies.

This matter was raised with Council recently at the Consultation Day on the 19 February 2018 and it was determined that Councillors be provided with an opportunity to put forward suggestions through to the CEO. These suggestions have been considered and collated. Following due consideration of the options provided and assessment of exclusivity, the Airport Team have provided their recommendation to Council's Development Assessment Officers, which is reflected below.

The following table lists the street names proposed for the internal roads.

Road	Street Names Register – suggested by Councillors
	Name
Road A	1. Squadron Drive
Road B	1. Avro Avenue

2. ASSESSMENT

2.1 Street Names

	Yes	N/A
Does the proposal reflect aspects of the area in which it is located, including historical names?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the proposal part of a theme for a development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the name a noun and generally contain one (1) word? If a composite word, does the word supplement the primary name?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where in an urban locality, are the proposed names unique to that locality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where in a rural area, is the proposed name unique to the Bundaberg region?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
For extensions to existing streets, does the extension retain the name of the street extended?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is considered that the request does comply with the requirements of the Street and Park Naming Governance Policy.

Associated Person/Organization:

N/A

Consultation:

N/A

Chief Legal Officer's Comments:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

[Explanation of section – In addressing this section, the Communications Team must be consulted on all reports to determine whether a communication strategy is required]

Communications Team consulted.

- ☐ Yes
- ☒ No

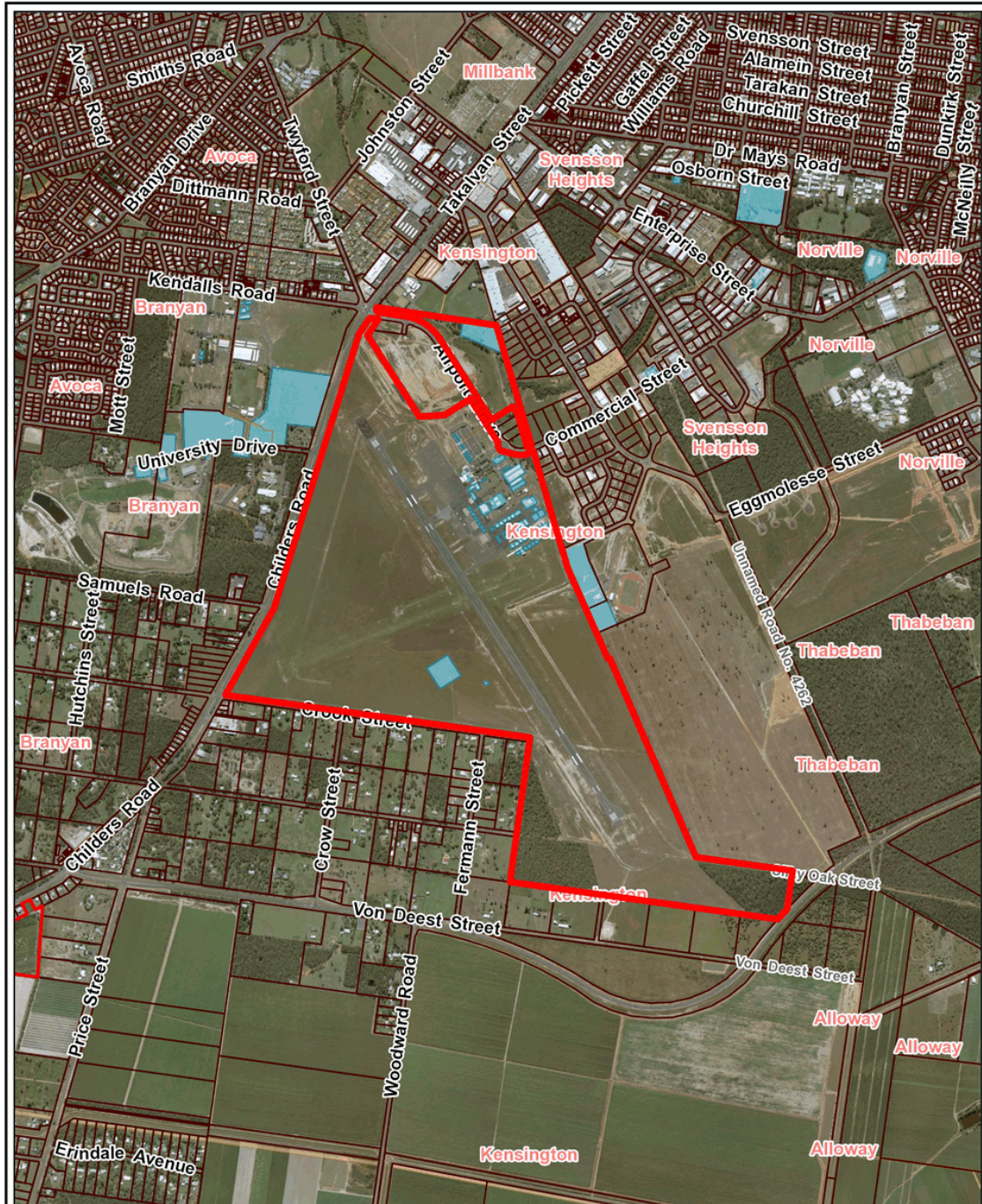
Attachments:

- [↓1](#) Aerial Photo
- [↓2](#) Locality Plan
- [↓3](#) Road Layout Plan

Recommendation:

That roads A & B in the development identified at the Bundaberg Regional Council Airport at 2 Childers Road be named as follows:

- Road A – Squadron Drive; and
- Road B – Avro Avenue;



Projection: GDA_1994_MGA_Zone_56

Date: 10/4/2018 2:39 PM

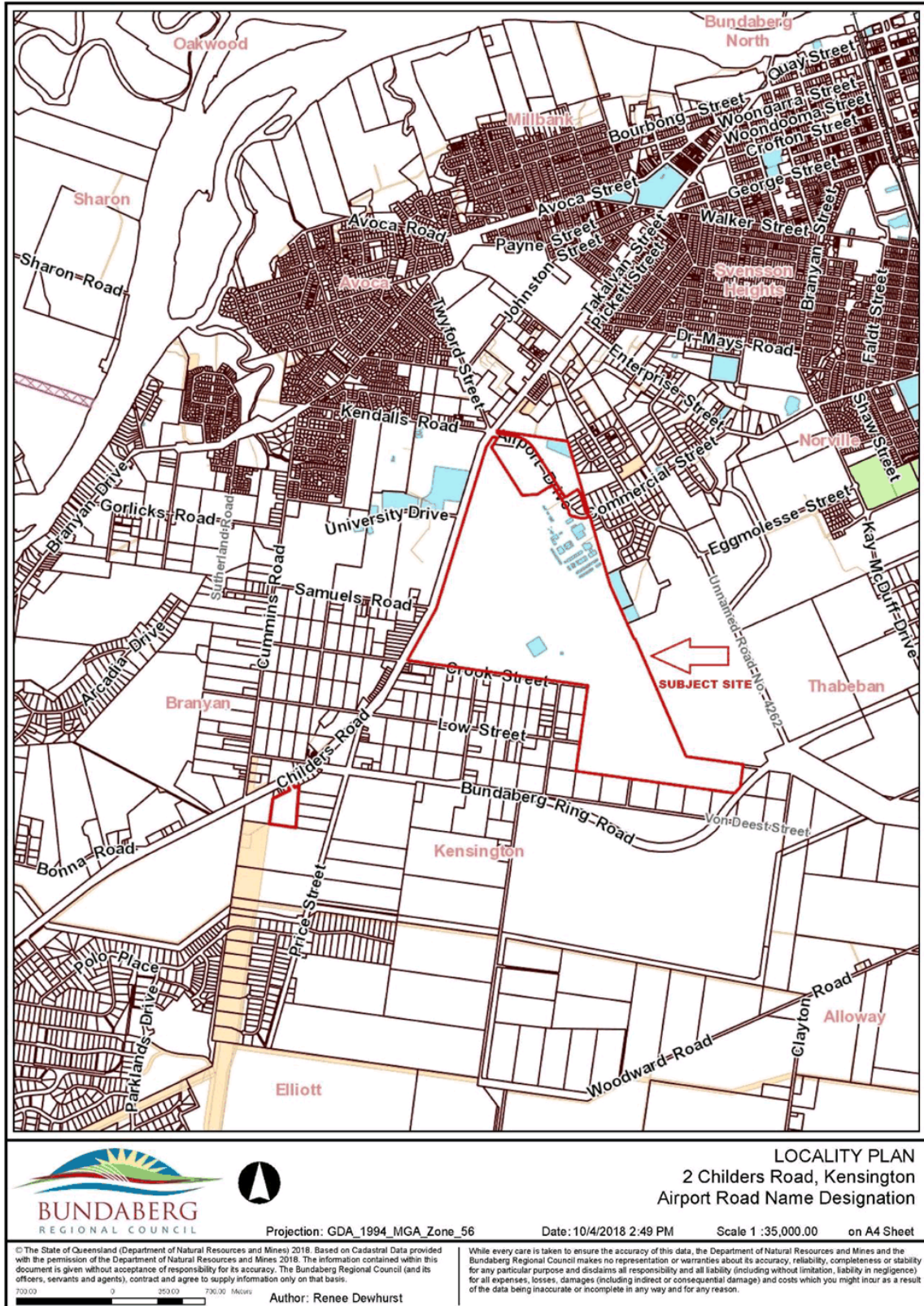
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Author: Renee Dewhurst





**Item****24 April 2018****Item Number:**

M1

File Number:

.

Part:HEALTH & REGULATORY
SERVICES**Portfolio:**

Community & Environment

Subject:

Bundaberg Regional Council Biosecurity Surveillance Program 2018-2019

Report Author:

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

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Our Environment - 2.6 Our lifestyle and environments protected and maintained through environmental health programs and administration of regulatory responsibilities.

Background:

Council is required to develop a surveillance program in accordance with s235 of the *Biosecurity Act 2014*. This establishes authority for Council in undertaking the weeds and pest animal enforcement program, with particular regard to accessing properties. This is an annual requirement of Biosecurity QLD for Council's undertaking enforcement and monitoring programs.

Associated Person/Organization:

Department of Agriculture and Fisheries - Biosecurity QLD

Consultation:

No consultation required

Legal Implications:

This is a requirement of the *Biosecurity Act 2014* for the purpose of Council authorised officers accessing all lands within the region for the purpose of carrying out pest plant and animal enforcement activities.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

- ☐ Yes
☒ No

Attachments:

- [↓](#) 1 Bundaberg Regional Council Biosecurity Surveillance Program 2018

Recommendation:

That Council approves Bundaberg Regional Council Biosecurity Surveillance Program 2018-2019 in accordance with section 235 of the *Biosecurity Act 2014*.

Bundaberg Regional Council Biosecurity Surveillance Program 2018-2019

(a)

Surveillance Program for Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium under the *Biosecurity Act 2014*

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1.

1. Biosecurity program

1.1 PROGRAM NAME

The surveillance program (biosecurity program) for Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium will be known as the **Bundaberg Regional Council Biosecurity Surveillance Program 2018-2019**.

2. Requirement for a surveillance program

2.1 PURPOSE AND RATIONALE

The *Biosecurity Act 2014* (the Act) provides for the establishment of surveillance programs. Surveillance programs are directed at any of the following—

- (a) monitoring compliance with the Act in relation to a particular matter to which the Act applies;
- (b) confirming the presence, or finding out the extent of the presence, in the State or the parts of the State to which the program applies, of the biosecurity matter to which the program relates;
- (c) confirming the absence, in the State or the parts of the State to which the program applies, of the biosecurity matter to which the program relates;
- (d) monitoring the effects of measures taken in response to a biosecurity risk;
- (e) monitoring compliance with requirements about prohibited matter or restricted matter;
- (f) monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier.

The objectives of the Bundaberg Regional Council Surveillance Program for Declared Pest Plants 2018-2019 (the Program) are:

- (a) To confirm the presence and extent of Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium in the Bundaberg Regional Council area
- (b) To ensure the pest plants Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium are being managed as required under the *Biosecurity Act 2014*
- (c) To monitor compliance under the Biosecurity Act 2014 for the control of the pest plants Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium
- (d) Bundaberg Regional Council has ongoing programs for the control of the Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium this program is designed to ensure that all landowners continue to manage their obligations under the Biosecurity Act 2014
- (e) Under the *Biosecurity Act 2014* Local Governments are required to administer the control of restricted invasive plant and animal species within their local government area.

2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

The key activities undertaken by the Program include but are not limited to:

- On ground property inspections by Bundaberg Regional Council Land Protection Officers or contractors authorised by Bundaberg Regional Council using a variety of transport such as but not limited to quad bikes, UTV, utilities & boats to monitor the objectives of the Surveillance Program.

- Pest information will be gathered using GIS mapping equipment.

_ 2.3 POWERS OF AUTHORISED OFFICERS

_Entry of place

The Act provides that authorised officers appointed under the Act may, at reasonable times, enter a place situated in an area to which a biosecurity program applies, to take any action authorised by the biosecurity program¹³¹. These activities must be done in a timely and efficient manner to ensure that the measures are as effective as possible. The Program will authorise entry into places to allow these measures to be undertaken.

In accordance with the Act a reasonable attempt will be made to locate an occupier¹³² and obtain the occupier's consent to the entry prior to an authorised officer entering a place to undertake activities under the Program. Nevertheless, an authorised officer may enter the place if¹³³—

- (a) the authorised officer is unable to locate an occupier after making a reasonable attempt to do so; or
- (b) the occupier refuses to consent to the entry.

If after entering a place an authorised officer finds an occupier present or the occupier refuses to consent to the entry—an authorised officer will make reasonable attempts to produce an identity card for inspection and inform the occupier of the reason for entering and the authorisation under the Act to enter without the permission of the occupier. An authorised officer under the biosecurity program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken, and if steps have been taken or are to be taken, that it is an offence to do anything that interferes with a step taken or to be taken.

An authorised officer must leave a notice in a conspicuous position and in a reasonably secure way. This notice must state the date and time of entry and information addressing the reason for entry, authorisation to enter a place and the steps undertaken by the authorised officer after entry.

_Power to carry out aerial controls measures

The power to carry out aerial control measures is authorised by a Biosecurity program under the Act¹³⁴.

_Obligations

N/A

_General powers of authorised officers

Nothing in the Program or its associated Authorisation limits the powers of authorised officers under Chapter 10 of the Act.

¹³¹ See section 261 (Power to enter a place under biosecurity program) of the Act.

¹³² The Act defines an **occupier**, of a place, generally to include the person who apparently occupies the place (or, if more than 1 person apparently occupies the place, any of the persons); any person at the place who is apparently acting with the authority of a person who apparently occupies the place; or if no-one apparently occupies the place, any person who is an owner of the place.

¹³³ See section 270 (Entry of place under sections 261 and 262) of the Act.

¹³⁴ See section 294 (Power to carry out aerial control measures under biosecurity program) of the Act. Section 294(6) of the Act defines **aerial control measure**, for biosecurity matter, to mean an activity, done from the air by an airborne machine or a person in an aircraft, to achieve a purpose of a biosecurity program and includes the following—

- surveying and monitoring the biosecurity matter;
- distributing an agricultural chemical to control the biosecurity matter.

2.4 CONSULTATION

Nil

3. Authorisation of a surveillance program in the Bundaberg Regional Council area

AUTHORISATION STATEMENT

The Bundaberg Regional Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Surveillance Program for Bundaberg Regional Council Surveillance Program for Declared Pest Plants 2018 (the Program) in Bundaberg Regional Council area, on the basis that the pest plants targeted by the program are a high priority for containment across the region.

<insert details of Council resolution>

_3.1 BIOSECURITY MATTER

The biosecurity matter to which the Program relates is Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium.

_3.2 PURPOSE OF THE PROGRAM

The purpose of the Program is to:

- (a) To confirm the presence and extent Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium in the Bundaberg Regional Council area.
- (b) To map the extent of Giant Rats Tail Grass, Groundsel, Rubber Vine, Hymenachne and Parthenium in the Bundaberg Regional Council area.

_3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to the whole of the Bundaberg Regional Council area.

_3.4 POWERS OF AUTHORISED OFFICERS

An authorised officer of the Program appointed under the *Biosecurity Act 2014*, may enter a place—other than a residence¹³⁵—without a warrant and without the occupier's consent within the State of Queensland under the Program^{136 137}. An authorised officer can exercise the powers of an authorised officer under the Act in relation to the Program, if the authorised officer is appointed by the chief executive¹³⁸.

An authorised officer may make a requirement (a **help requirement**) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power¹³⁹.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for the monitoring of Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium in relation to a place. Under the Program these measures may include use of a UAV, rotary or fixed wing aircraft.

¹³⁵ The Act defines a **residence to mean a premises or a part of a premises that is a residence with the meaning of section 259(2) and 259(3).**

¹³⁶ See section 259 (General powers to enter places) of the Act.

¹³⁷ See section 261 (Power to enter a place under biosecurity program) of the Act.

¹³⁸ See section 255 (3) (Powers of particular authorised officers limited) of the Act.

¹³⁹ See section 297 (Power to require reasonable help) of the Act.

An authorised officer has general powers after entering a place to do any of the following¹⁴⁰:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	
Inspect ¹⁴¹ , examine ¹⁴² or film ¹⁴³ any part of the place or anything at the place	<i>Inspect a place to determine the presence or absence of Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium on the property.</i>
Take for examination a thing, or a sample of or from a thing, at the place	
Place an identifying mark in or on anything at the place	
Place a sign or notice at the place	Take a photograph of pest plant/animal infestations.
Produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing	Use GPS equipment to record Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium infestations
Take to, into or onto the place and use any person, detection animal, equipment and materials the authorised officer reasonably requires for exercising the authorised officer's powers under this division	Take onto the property equipment that they may require to access & record existence of Giant Rats Tail Grass, Groundsel Bush, Rubber Vine, Hymenachne and Parthenium
Destroy biosecurity matter or a carrier if: <ul style="list-style-type: none"> the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and the owner of the biosecurity matter or carrier consents to its destruction 	
Remain at the place for the time necessary to achieve the purpose of the entry	
The authorised officer may take a necessary step to allow the exercise of a general power	
If the authorised officer takes a document from the place to copy it, the authorised officer must copy and return the document to the place as soon as practicable	

¹⁴⁰ See section 296 (General powers) of the Act.

¹⁴¹ Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

¹⁴² Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

¹⁴³ Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

<p>If the authorised officer takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised officer must produce the document and return the article or device to the place as soon as practicable</p>	
--	--

_3.5 OBLIGATIONS IMPOSED ON A PERSON UNDER THE PROGRAM

The following obligations may be imposed on a person who is an occupier/Owner of a place to which the Program relates:

_Directions to undertake containment/control measures as required under the *Biosecurity Act 2014*

_3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The Program will begin on 1 April 2018 and will continue until 31 March 2019. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

_3.7 CONSULTATION WITH RELEVANT PARTIES

As required by the Act¹⁴⁴, the chief executive officer of Bundaberg Regional Council has consulted, prior to the authorisation of the Program, with the chief executive, Department of Agriculture and Fisheries

_3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by the Act¹⁴⁵, the chief executive officer of Bundaberg Regional Council will give public notice of the Program 14 days before the Program starts by:

- giving the notice to each government department or government owned corporation responsible for land in the area to which the Program relates; and
- publishing the notice on the Bundaberg Regional Council website.

From the start of the Program, the Authorisation for the Bundaberg Regional Council Surveillance Program for Declared Pest Plants 2018 will be available for inspection or purchase at Bundaberg Regional Council public office at:

Bundaberg Administration Centre 190 Bourbong St, Bundaberg 4670

Bargara Service Centre 160 Hughs Rd, Bargara 4670

Childers Service Centre 45 Churchill St, Childers 4660

Gin Gin Service Centre 4 Dear St, Gin Gin 4671

¹⁴⁴ See section 239 (Consultation about proposed biosecurity program) of the Act.

¹⁴⁵ See section 240 (Notice of proposed biosecurity program) of the Act.

**Item****24 April 2018****Item Number:**

M2

File Number:

A3554855

Part:HEALTH & REGULATORY
SERVICES**Portfolio:**

Community & Environment

Subject:

Regional Arts Development Fund Recommendations for Funding

Report Author:

Rod Ainsworth, Coordinator Moncrieff Entertainment Centre

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Our Community - 1.3 Community places, spaces and facilities that promote and support safe, active and healthy community life.

Background:

The Regional Arts Development Fund (RADF) is a partnership between the State Government and BRC to deliver arts project funding to the region. The intent is to support professional artists in building the local arts community. There are two rounds per year. This report provides funding recommendations from the Assessment Committee to Council for Round 1 in 2017-18.

Information about the RADF Committee and Community Engagement:

There have been changes to the Regional Arts Development Fund Committee. The committee is now an internal one rather than a volunteer community committee. Key people from within the Arts and Cultural Services team will form the RADF Assessment Committee. Community involvement will be maintained through regular consultation about community needs and priorities.

The Arts and Cultural Strategy, now in development, will prioritise community engagement as a necessary component of local arts development. The Arts and Cultural Strategy will be presented to Council by the end of 2018 for implementation in January 2019.

Round 1 2017-18 Grant Assessment:

The Committee assessed 8 applications received by the due date of 9 March 2018. These are for projects beginning after 1 May 2018.

Conflicts of interest were declared and documented. Where there were conflicts, those Committee members absented themselves from the room and the discussions.

Associated Person/Organization:

Rod Ainsworth, Manager Arts and Cultural Services

Consultation:

A community grant writing workshop was held and one-on-one consultations occurred with applicants who made request for this service. Grants are made by application only.

Legal Implications:

There appear to be no legal implications.

Policy Implications:

Connects to priorities identified in Council's Community Arts Policy OP-3-072

Financial and Resource Implications:

The funding is budgeted for in 2017-18 Financial Year.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

- ☐ Yes
- ☒ No

Attachments:

[↓](#) 1 Grant Applicants

Recommendation:

That Council funds the following five (5) RADF Applications as recommended by the RADF Assessment Committee;

Applicant	Project	Funding Recommendation
Bundaberg Pottery Group	Wide Bay Burnett Pottery Association Annual Convention	\$3,518
Friendly Society Private Hospital	The Friendlies Collaborative History Project	\$10,075
James Latter	Traveller (feature film creative development)	\$9,100
Phoenix House	Child Protection Week Music/ Video Project	\$12,700
Creative Regions	Homunculus Theatre Street Theatre Workshops	\$3,698
TOTAL		\$39,091

Applicant	Project	Full Cost of Project	Amount Requested	Recommendation	Notes
Bundaberg Pottery Group	Wide Bay Burnett Pottery Association Annual Convention	\$16,763	\$3,518	\$3,518	A great networking and connection event for artists from across the Wide Bay Burnett. A very appropriate application.
Friendly Society Private Hospital	The Friendlies Collaborative History Project	\$18,075	\$10,075	\$10,075	An important community history project. This is conditional on the applicant providing additional information.
Applicant	Project	Full Cost of Project	Amount Requested	Recommendation	Notes
James Latter	Traveller (feature film creative development)	\$18,000	\$9,100	\$9,100	Towards the second stage of creative development – engaging a professional producer and cinematographer towards a new film.
Phoenix House	Child Protection Week Music/ Video Project	\$26,200	\$13,100	\$12,700	Working with children from the foster care system to develop a new music video to be used for Child Protection Week.
Jassy Watson	Voices for the Earth – Art Exhibition for Wide Bay Regional Visual Artists	\$8,776	\$4,758.40	No funding	An exhibition at the Cross Gallery. Artist will be advised to reapply in Round 2 with a more fully formed application.
Rhys Williams	Imitated Life (multi arts project)	\$9,466	\$4,733.25	No funding	A multi artform exhibition. Artist will be advised to reapply in Round 2 with a more fully formed application.
Creative Regions	Homunculus Theatre Street Theatre Workshops	\$11,798	\$3,698	\$3,698	Street theatre workshops by Brisbane-based company. The region needs a troupe

					of street theatre performers and this project should build capacity for that to happen. Further information required.
Bundaberg Municipal Band	The Bundaberg Festival of Brass	\$8,575	\$4,975	No funding	<p>The application was ineligible for three reasons:</p> <ul style="list-style-type: none">• The date was prior to 1 May• The application was asking for funds to support volunteer activity. RADF Guidelines are firm about funds supporting professional artists.• The budget was incorrect.

**Item****24 April 2018**

Item Number:	File Number:	Part:
N1	A3573689	COMMUNITY & CULTURAL SERVICES

Portfolio:

Community & Environment

Subject:

Partnerships & Sponsorships Grant Application - Life Education Bundaberg

Report Author:

Cameron Bisley, Branch Manager - Airports & Tourism

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Our Community - 1.3 Community places, spaces and facilities that promote and support safe, active and healthy community life.

Background:

A Partnerships & Sponsorships Grant application has been received from Bundaberg Life Education Caring for Kids Inc. (Life Education) seeking funding of \$10,000 to deliver student education programs in 2018/2019.

Life Education provides health and wellbeing education to primary school students in the Bundaberg Region. The program covers the adverse effects of drugs, smoking and antisocial behaviour, whilst also promoting the benefits of healthy eating. During 2017, Life Education delivered its services to approximately 50 schools (approx. 8,000 students) as well as attending events and activities. Life Education continues to promote and highlight the support that it receives from Council.

Life Education is a not-for-profit association. It receives some funding from the State Government but also relies on Local Government and community support.

Associated Person/Organization:

Heidi Mason, Community Events Coordinator

Consultation:

Portfolio Spokesperson: Cr Judy Peters

Divisional Councillor: Cr Helen Blackburn

Chief Legal Officer's Comments:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

An allocation of \$10,000 has been made in the 2018/19 Community Development budget for this item.

Risk Management Implications:

Risk management for this activity is the responsibility of Life Education Bundaberg.

Communications Strategy:

Communications Team consulted.

☒ Yes

☐ No

Attachments:

[↓](#) 1 Partnership & Sponsorship Application & Associated support documentation

Recommendation:

Resolves to allocate \$10 000 (plus GST where applicable) funding to Bundaberg Life Education Caring for Kids Inc. pursuant to its Partnerships and Sponsorships Program to assist with the cost of delivering essential student education programs in schools across the region.



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 W www.bundaberg.qld.gov.au
 ABN 72 427 835 198

PARTNERSHIPS & SPONSORSHIPS GRANT APPLICATION FORM

Approved partnerships and sponsorships arrangements reflect the philanthropy of the Council and the commitment to improve the wellbeing of the community of the Bundaberg Region. Applications are open all year on a financial year basis until budgeted funds are expended.

LODGING YOUR PARTNERSHIPS & SPONSORSHIPS APPLICATION

All applications **must** be made on the *Partnerships & Sponsorships Grant Application Form*. All applications should be typed into the digital form or neatly handwritten.

Successful applicants will only receive funding once per financial year from any Community Financial Assistance Program. (Excludes: RADF and Special Events).

Applications must be received at least **ten (10) weeks** prior to the date the assistance is required. All successful applicants must acknowledge Council's major contribution in all publicity relating to events or activities to which the partnership and sponsorship applies. Applications are assessed and weighted on applicants meeting criteria outlined and providing appropriate supporting documentation.

INFORMATION ABOUT SUPPORT THROUGH THE PARTNERSHIPS & SPONSORSHIPS PROGRAM

- The decision of Council on funding applications is final.
- All applicants successful in obtaining a grant must acknowledge Council's contribution in all publicity relating to events or activities to which the grant applies.
- Financial support from the program will require compliance with specific conditions **prior** to your activity/event/program taking place (please refer to the Terms and Conditions on the Partnerships & Sponsorships application form).

SELECTION CRITERIA

Applications must demonstrate:

- A genuine benefit, need & support for the project/program/event.
- Linkage to the specific aims and priorities for which funding is being applied for (please refer to the Corporate Plan on Council's website).
- A significant community and/or economic benefit to the people of the Bundaberg Region.
- Evidence of consultation and community partnership.
- The capacity of the applicant to successfully complete the project/program/event.
- A balanced, realistic and complete budget.

ELIGIBLE APPLICANTS

- Applicants must provide supporting documentation as specified in the Application Form.
- Applicants that demonstrate strong Bundaberg Region Community benefit, need and support for a project, event or activity.

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INELIGIBLE APPLICANTS

- Organisations or individuals who have received Council grants which have not been satisfactorily acquitted.
- Political, discriminatory and for-profit groups.
- Schools and Universities.

INELIGIBLE APPLICATIONS

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

FINANCIAL ASSISTANCE

Over \$5,000 in financial assistance is available per application. Applications under this amount may be made on either a:

- *Community Grants Program Application Form* for applications up to \$5,000 and submitted to Council's Community Development Unit by the last Friday of June/October/February; or
- *Community Financial Assistance – Micro Grant Application Form* for applications up to \$1,000 and submitted to Council's Community Development Unit which are assessed on a monthly basis.

ACQUITTAL

- Recipients of Partnership & Sponsorships Financial Assistance are required to show evidence of expenditure upon the completion of their event/activity by completing the attached Acquittal Form. Grants are required to be acquitted no later than four (4) months after the event/activity.
- Recipients are also required to show evidence of Council acknowledgement in all publicity and/or at the event/activity i.e. photos, copies of flyers, etc.

HOW AND WHEN WILL I BE NOTIFIED

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

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FINANCIAL ASSISTANCE PROGRAM - PARTNERSHIPS & SPONSORSHIPS GRANT APPLICATION FORM

Applications must be submitted at least **ten (10) weeks** prior to the date of assistance is required. Failure to do so may result in application not being approved. All Fields **must** be completed.

Details of Group/ Organisation/ Individual	Name
	Organisation (If applicable) LIFE EDUCATION BUNDABERG
	Postal Address PO Box 459, Bundaberg, Qld, 4670
	Contact Person Mrs Wendy MacDonald
	Telephone 07-4152 5735 Mobile 0414 520 873
	Email bundaberg@lifeeducation.org.au
Does your group/organisation have the following? (please tick)	<input checked="" type="checkbox"/> Incorporation Number: 3579 (Attach Certificate) <input checked="" type="checkbox"/> ABN Number: 27 177 601 524
Is your organisation registered for GST?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, please complete an Australian Taxation Office Statement by a Supplier Form and submit with your application.)
Eligibility	<p>Have you received financial assistance from any of the following programs in the current financial year? (please tick)</p> <p> <input checked="" type="checkbox"/> Sponsorships & Partnerships <input type="checkbox"/> Community Grant <input type="checkbox"/> Other Donations <input type="checkbox"/> Micro grant <input type="checkbox"/> Sporting Championships </p> <p>If you ticked any of the above boxes you are not eligible to apply for further financial assistance in accordance with the Community financial assistance governance policy.</p>
Project/Program/ Event Details	Project/Program/Event Name: Students Education Programs for 2018/2019 Location: Bundaberg Region Our programs are designed to teach primary school children the dangers of poor self-esteem and help them become resilient to the everyday stresses in today's social environment. Children are made aware of what precious and incredible structures their bodies and minds are, and of the consequences if they abuse themselves through the misuse of destructive substances such as drugs, alcohol and tobacco in response to social pressures.

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How does your project/program/event provide a community benefit and/or meet the selection criteria	<p>Life Education Bundaberg visits around 50 schools and presents its programs to approximately 8,000 students annually. The benefits of this program are clearly illustrated by the take up rate of schools in the region.</p> <p>In the latest school survey, 90% of respondents acknowledged the contribution that Life Education makes to the well being of their students.</p>
Do the majority of your members reside in the Bundaberg Regional Council area?	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
The following documents must be submitted with your application	<p><input checked="" type="checkbox"/> Business / Project / Program Plan <i>(Attach documents)</i></p> <p><input checked="" type="checkbox"/> Audited Financial Statements <i>(Attach documents)</i></p> <p><input checked="" type="checkbox"/> Business / Project / Program Budget <i>(Attach documents)</i></p> <p><input checked="" type="checkbox"/> Public Liability Insurance <i>(Attach documents)</i></p> <p><input type="checkbox"/> Risk Management Plan <i>(Attach documents)</i></p> <p><input checked="" type="checkbox"/> Marketing Plan <i>(Attach documents)</i></p>
Grant Amount Requested	\$ 10,000

PARTNERSHIPS & SPONSORSHIPS PROGRAM - TERMS AND CONDITIONS

These Terms and Conditions must be complied with during the course of your successful grant:

- The Partnership & Sponsorship grant is a one-off payment by Bundaberg Regional Council to the Applicant.
- The Applicant warrants that:
 - all information in the Application is true and correct;
 - it intends to use the micro-grant for the purpose identified in the application; and
 - it has not received any other funding from Bundaberg Regional Council or any other Council Community Financial Assistance Programs in the current financial year (excludes: RADF and Special Events).
- The Partnership & Sponsorship grant has been assessed by Bundaberg Regional Council based on the application completed by the applicant.
- The Partnership & Sponsorship grant must not be used for any purposes other than for what was identified in the Application and for which the Partnership & Sponsorship grant was approved without prior written consent of Bundaberg Regional Council.
- If the Applicant uses the Partnership & Sponsorship grant for purposes different to the approved purpose or fails to expend the monies at all:
 - The Applicant is required to repay the said monies to Bundaberg Regional Council on demand, otherwise Bundaberg Regional Council may institute proceedings to recover the monies so paid, as a liquidated debt; and
 - The Applicant will be prohibited from receiving any further grants or other funding from Bundaberg Regional Council or any related entity for a period of at least two years commencing from the date of receiving from Council written notification of future ineligibility (or until such time as may be otherwise agreed with Council).
- The Applicant will keep and maintain adequate documentation evidencing the use of the Partnership & Sponsorship grant.
- Bundaberg Regional Council has the right to request documentation from the Applicant evidencing the use of the Partnership & Sponsorship grant.
- The Applicant agrees to acknowledge funding support as set out in the Partnership & Sponsorship Grant Guidelines
- The Partnership & Sponsorship grant funding which is not spent in the current financial year will NOT be carried over to the next year unless requested by the applicant in writing and approved by Council's Events Unit.

I acknowledge that I have read and understood the above Terms and Conditions and fully agree to the conditions thereof.

Further, I certify that I have been authorised to submit this request on behalf of the above mentioned group / organisation and the information contained herein is a true and correct record to the best of my knowledge.

Signature of applicant _____

Date 05 / 04 / 2018

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**Item****24 April 2018****Item Number:**

N2

File Number:

A3573702

Part:COMMUNITY & CULTURAL
SERVICES**Portfolio:**

Community & Environment

Subject:Partnerships & Sponsorships Grant Application - 2018 Bundaberg Sugar
Cane2Coral Fun Run**Report Author:**

Cameron Bisley, Branch Manager - Airports & Tourism

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:Our Community - 1.3 Community places, spaces and facilities that promote and
support safe, active and healthy community life.**Background:**

Council has received a Partnership & Sponsorship Grant application from Cane to Coral Classic Incorporated seeking Council's continued support of the 2018 Bundaberg Sugar Cane2Coral Fun Run. A payment of \$10,000 will secure a Gold Sponsorship for Council.

As a Gold Sponsor, Council would be entitled to the following benefits (as outlined in the 2018 Bundaberg Sugar Cane2Coral Fun Run Corporate Sponsorship Proposal):-

- Logo recognition on marketing material including website, Facebook and billboards, posters;
- Logo on race shirts, race bibs, committee shirts and race certificates;
- Signage at the starts & finish
- Race Day announcements; and
- 1 complimentary GALA Event ticket

The 2018 Bundaberg Sugar Cane2Coral Fun Run will be held on Sunday 5 August, 2018 commencing at the Port of Bundaberg and finishing at Nielson Park, Bargara.

The 2018 Bundaberg Sugar Cane2Coral Fun Run, established in 2010, is a community event, which not only provides a healthy lifestyle event for the community, but has also raised over \$400,000 for local charities. The event is designed to cater to a wide range of participants from young to old, male and female, individuals, teams and families.

Bundaberg Regional Council has supported this event previously through in-kind and financial support, and in 2017, the event received a \$10,000 grant, waiver of park fees and in-kind assistance (provision of waste and recycle bins & loan of distribution boards).

Associated Person/Organization:

Heidi Mason, Team Leader - Events

Consultation:

Portfolio Spokesperson: Cr Helen Blackburn

Divisional Councillor: Cr Greg Barnes & Cr Scott Rowleson

Chief Legal Officer's Comments:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

An allocation of \$10,000 has been made in the 2018/19 budget for this item.

Risk Management Implications:

Risk management for this activity is the responsibility of Cane to Coral Classic Incorporated.

Communications Strategy:

Communications Team consulted.

☒ Yes

☐ No

Attachments:

[↓](#) 1 Partnership & Sponsorship Application & Associated support documentation

Recommendation:

Resolves to allocate \$10 000 funding to Cane to Coral Classic Incorporated pursuant to its Partnership and Sponsorship Program to become a Gold Sponsor of the 2018 Bundaberg Sugar Cane2Coral Fun Run.



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PARTNERSHIPS & SPONSORSHIPS GRANT APPLICATION FORM

Approved partnerships and sponsorships arrangements reflect the philanthropy of the Council and the commitment to improve the wellbeing of the community of the Bundaberg Region. Applications are open all year on a financial year basis until budgeted funds are expended.

LODGING YOUR PARTNERSHIPS & SPONSORSHIPS APPLICATION

All applications **must** be made on the *Partnerships & Sponsorships Grant Application Form*.

All applications should be typed into the digital form or neatly handwritten.

Successful applicants will only receive funding once per financial year from any Community Financial Assistance Program. (Excludes: RADF and Special Events).

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SELECTION CRITERIA

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- Linkage to the specific aims and priorities for which funding is being applied for Community Events/Development (please refer to the Corporate Plan on Council's website).
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- Evidence of consultation and community partnership.
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FINANCIAL ASSISTANCE PROGRAM - PARTNERSHIPS & SPONSORSHIPS GRANT APPLICATION FORM

Applications must be submitted at least **ten (10) weeks** prior to the date of assistance is required. Failure to do so may result in application not being approved. All Fields **must** be completed.

Details of Group/ Organisation/ Individual	Name Bundaberg Sugar Cane2Coral Fun Run
	Organisation (If applicable) Cane to Coral Classic Inc.
	Postal Address PO Box 6311
	Contact Person Michelle Stowe-Connor
	Telephone Mobile 0418 467 727
	Email admin@cane2coral.com.au
Does your group/organisation have the following? (please tick)	<input checked="" type="checkbox"/> Incorporation Number: <u>IA37925</u> (Attach Certificate) <input checked="" type="checkbox"/> ABN Number: <u>24 026 015</u>
Is your organisation registered for GST?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, please complete an Australian Taxation Office Statement by a Supplier Form and submit with your application.)
Eligibility	<p>Have you received financial assistance from any of the following programs in the current financial year? (please tick)</p> <p> <input type="checkbox"/> Sponsorships & Partnerships <input type="checkbox"/> Community Grant <input type="checkbox"/> Other Donations <input type="checkbox"/> Micro grant <input type="checkbox"/> Sporting Championships </p> <p>If you ticked any of the above boxes you are not eligible to apply for further financial assistance in accordance with the Community financial assistance governance policy.</p>
Project/Program/ Event Details	<p>Project/Program/Event Name: Bundaberg Sugar Cane2Coral Fun Run</p> <p>Location: Bundaberg/Bargara</p> <p>In 2018 C2C will offer the Scenic Course, a picturesque course with 3 start types: 21.1km, 10km and 4km. The 21.1km and 10km would start from the location of Bundaberg Port Marina make its way along the coast through the seaside village of Burnett Heads and the Mon Repos Conservation Park 'Turtle Trail' and finish at the Neilson Park beach at Bargara. The 4km starts from Neilson Park travels along the beautiful Esplanade to the Bargara Basin and returns to Neilson Park. Runners and walkers from all start distances will be able to take in the magnificent views of our wonderful coastline and enjoy the cool ocean breeze. (Refer to 2017 Event Report attached for more details) The event offers cash prizes for winners and a variety of TEAM prizes are available.</p>

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How does your project/program/event provide a community benefit and/or meet the selection criteria	Bundaberg Sugar Cane2Coral, a Not-for-Profit, Fun Run is scheduled to take place Sunday, 5th August 2018. The Cane2Coral Fun Run, established in 2010, is a community event, which not only provides a healthy lifestyle event for the community but has also raised \$436,697.00 for local charities. The event is designed to cater to a wide range of participants from young to old, male and female, individuals, teams and families.
Do the majority of your members reside in the Bundaberg Regional Council area?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The following documents must be submitted with your application	<input checked="" type="checkbox"/> Business / Project / Program Plan <i>(Attach documents)</i> <input checked="" type="checkbox"/> Audited Financial Statements <i>(Attach documents)</i> <input checked="" type="checkbox"/> Business / Project / Program Budget <i>(Attach documents)</i> <input checked="" type="checkbox"/> Public Liability Insurance <i>(Attach documents)</i> <input checked="" type="checkbox"/> Risk Management Plan <i>(Attach documents)</i> <input checked="" type="checkbox"/> Marketing Plan <i>(Attach documents)</i>
Grant Amount Requested	\$ 10,000

PARTNERSHIPS & SPONSORSHIPS PROGRAM - TERMS AND CONDITIONS

These Terms and Conditions must be complied with during the course of your successful grant:

- The Partnership & Sponsorship grant is a one-off payment by Bundaberg Regional Council to the Applicant.
- The Applicant warrants that:
 - all information in the Application is true and correct;
 - it intends to use the micro-grant for the purpose identified in the application; and
 - it has not received any other funding from Bundaberg Regional Council or any other Council Community Financial Assistance Programs in the current financial year (excludes: RADF and Special Events).
- The Partnership & Sponsorship grant has been assessed by Bundaberg Regional Council based on the application completed by the applicant.
- The Partnership & Sponsorship grant must not be used for any purposes other than for what was identified in the Application and for which the Partnership & Sponsorship grant was approved without prior written consent of Bundaberg Regional Council.
- If the Applicant uses the Partnership & Sponsorship grant for purposes different to the approved purpose or fails to expend the monies at all:
 - The Applicant is required to repay the said monies to Bundaberg Regional Council on demand, otherwise Bundaberg Regional Council may institute proceedings to recover the monies so paid, as a liquidated debt; and
 - The Applicant will be prohibited from receiving any further grants or other funding from Bundaberg Regional Council or any related entity for a period of at least two years commencing from the date of receiving from Council written notification of future ineligibility (or until such time as may be otherwise agreed with Council).
- The Applicant will keep and maintain adequate documentation evidencing the use of the Partnership & Sponsorship grant.
- Bundaberg Regional Council has the right to request documentation from the Applicant evidencing the use of the Partnership & Sponsorship grant.
- The Applicant agrees to acknowledge funding support as set out in the Partnership & Sponsorship Grant Guidelines
- The Partnership & Sponsorship grant funding which is not spent in the current financial year will NOT be carried over to the next year unless requested by the applicant in writing and approved by Council's Events Unit.

I acknowledge that I have read and understood the above Terms and Conditions and fully agree to the conditions thereof.

Further, I certify that I have been authorised to submit this request on behalf of the above mentioned group / organisation and the information contained herein is a true and correct record to the best of my knowledge.

Signature of applicant _____

Date 27 / 3 / 2018

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