



**LATE AGENDA FOR ORDINARY MEETING  
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG  
ON TUESDAY 19 SEPTEMBER 2017, COMMENCING AT 10.00 AM**

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**Planning**

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**Item****19 September 2017****Item Number:**

J1

**File Number:**

LP02

**Part:**

PLANNING

**Portfolio:**

Infrastructure &amp; Planning Services

**Subject:**

Resolution to adopt Temporary Local Planning Instrument (TLPI) 2/2017 – Cordalba to Wallaville Cane Railway Infrastructure

**Report Author:**

Evan Fritz, Manager Strategic Planning

**Authorised by:**

Andrew Fulton, General Manager Infrastructure &amp; Planning

**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.

**Previous Items:**

T1 - Resolution to Prepare Temporary Local Planning Instrument (TLPI) – Cordalba to Wallaville Cane Railway Infrastructure - Ordinary Meeting - 06 Jun 2017

**Background:**

Council at its meeting held 6 June 2017 (Confidential Item T1) resolved to prepare a Temporary Local Planning Instrument (TLPI) to facilitate the extension of the Isis Central Sugar Mill cane railway network from Cordalba west to Booyal and Wallaville.

The proposed TLPI was forwarded to the Deputy Premier, Minister for Transport and Minister for Infrastructure & Planning, Hon Jackie Trad MP on 7 June 2017 for the Minister's consideration. In response to concerns raised by the Department of Infrastructure, Local Government and Planning (DILGP) in relation to the extent of land affected by the proposed TLPI, Council's Development Group submitted additional information to DILGP on 21 August 2017. This included a revised TLPI incorporating suggested changes to address the Department's concerns.

The Minister has since advised by letter dated 18 September 2017 that, "the council may now proceed to adopt the proposed TLPI, as resubmitted to the department on 21 August 2017". A copy of this letter is included at Attachment 1.

The proposed TLPI is included at Attachment 2. Key changes between the TLPI originally submitted on 7 June 2017 and the version 'resubmitted' on 21 August 2017 include –

- (i) The previously identified 'investigation area' has been replaced with a more refined, narrower corridor having an overall width of only 80 metres (measured as 40 metres from the proposed centerline). This has significantly reduced the number of properties affected by the 'Stage 2' corridor from Booyal to Wallaville from 160 properties to only 41 properties.
- (ii) The cane railway corridor shown for 'Stage 1' from Cordalba to Booyal has been reduced from 400 metres to only 80 metres, ie from 200 metres down to 40 metres from the proposed centerline. This has reduced the number of properties affected by the 'Stage 1' line (excluding land owned by the Isis Central Sugar Mill Company Limited) from 21 lots down to 12 lots.
- (iii) The TLPI will now also trigger code assessment for any dwelling house proposed to be located within the cane railway corridor for the 'Stage 2' line from Booyal to Wallaville. The 'investigation area' previously shown for Stage 2 did not regulate dwelling houses.

The changes discussed above reduce the extent of land affected by the proposed TLPI, but also allow for a consistent approach with uniform controls for both/all sections of the proposed cane railway line.

Subject to Council adoption of the TLPI it will be necessary for Council to:-

- (i) place a notice in the gazette, a newspaper circulating generally in the Bundaberg Region (ie the Bundaberg NewsMail) and on Council's website providing details of Council's decision and the TLPI;
- (ii) give the chief executive as soon as possible after adoption, a copy of the notice and one electronic copy of the TLPI, including associated mapping.

#### **Associated Person/Organization:**

Department of Infrastructure, Local Government and Planning (DILGP); the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (Jackie Trad MP); and Isis Central Sugar Mill Company Limited

#### **Consultation:**

Council's Development Group liaised with officers from the Department of Infrastructure, Local Government and Planning (DILGP) and the Isis Central Sugar Mill Company Limited in the drafting of the proposed TLPI, and subsequent revised (resubmitted) TLPI.

While Council is required to provide public notice of any decision to adopt a TLPI (including a public notice in the local newspaper), there is no statutory requirement for public consultation for a TLPI. It is proposed to write to affected landowners advising them of Council's decision to adopt the TLPI and inviting them to contact Council's Development Group to discuss any questions or concerns.

Consultation will need to be undertaken as part of any future amendment to the planning scheme in accordance with the requirements of the Planning Act.

#### **Legal Implications:**

There appear to be no legal implications arising from adoption of the proposed TLPI. In particular, it is understood that Council is not exposed to claims for compensation in respect of rights affected by a TLPI.

**Policy Implications:**

The TLPI is an interim/short-term policy response to advance a key project that has potential for significant economic benefits for the Bundaberg Region. The TLPI will suspend or otherwise affect the operation of the Planning Scheme for up to 1 year. Any longer-term or wider reaching policy changes for cane railway infrastructure will need to be considered as part of a future amendment to Council's Planning Scheme.

**Financial and Resource Implications:**

Given the limited area and number of lots affected, the TLPI is not expected to have any significant financial or resource implications for Council. Council's Development Group will administer the TLPI. For land affected by the TLPI, a material change of use for a Utility Installation will trigger a code assessable application at a fee of \$15,160.

Development of a dwelling house within the cane railway corridor will also trigger code assessment against the nominated assessment criteria to ensure such development appropriately addresses potential noise and amenity impacts from the proposed cane railway infrastructure.

**Risk Management Implications:**

There is some risk of adverse reaction from landowners directly affected by the proposed TLPI. However, this risk is somewhat reduced given the Isis Central Sugar Mill Company Limited has already undertaken initial liaison with most (if not all) landowners along the route of the proposed cane railway line. Writing to these landowners and informing them of the TLPI and its effect may also help alleviate this risk.

**Communications Strategy:**

Communications Team consulted.

Yes

No

**Attachments:**

- [↓1](#) Letter from Planning Minister - approval to adopt TLPI
- [↓2](#) Temporary Local Planning Instrument 2/2017 - Cordalba to Wallaville Cane Railway Infrastructure

**Recommendation:**

**That, effective from 25 September 2017, Council adopt the proposed Temporary Local Planning Instrument (TLPI) 2/2017 – Cordalba to Wallaville Cane Railway Infrastructure.**



Deputy Premier  
Minister for Transport and  
Minister for Infrastructure and Planning

Our ref: MC17/2807

Your ref: TLPI 2/2017

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1 8 SEP 2017

Councillor Jack Dempsey  
Mayor  
Bundaberg Regional Council  
PO Box 3130  
BUNDABERG QLD 4670

Dear Councillor Dempsey *Jack,*

I refer to the Bundaberg Regional Council's (the council) letter of 7 June 2017 and further advice to the Department of Infrastructure, Local Government and Planning (the department) of 21 August 2017, requesting my consideration of the proposed Temporary Local Planning Instrument (TLPI) Cordalba to Wallaville Cane Railway Infrastructure (proposed TLPI 02/2017).

I am pleased to advise that I am satisfied the council's proposed TLPI 02/2017 complies with section 105 of the *Sustainable Planning Act 2009*. The council may now proceed to adopt the proposed TLPI, as resubmitted to the department on 21 August 2017, in accordance with *Statutory Guideline 01/16: Making and amending local planning instruments*.

If you require further information, I encourage you to contact Mr Andrew Foley, Acting Manager, Planning and Development Services - South in the department on 4616 7301 or by email at [andrew.foley@dilgp.qld.gov.au](mailto:andrew.foley@dilgp.qld.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jackie Trad', written over a vertical line.

**JACKIE TRAD MP**  
**DEPUTY PREMIER**  
**Minister for Transport and**  
**Minister for Infrastructure and Planning**

cc: Mr Stephen Johnston  
Chief Executive Officer  
Bundaberg Regional Council  
PO Box 3130  
BUNDABERG QLD 4670



BUNDABERG REGIONAL COUNCIL  
TEMPORARY LOCAL PLANNING INSTRUMENT 2/2017

## **Bundaberg Regional Council**

### **Temporary Local Planning Instrument 2/2017 Cordalba to Wallaville Cane Railway Infrastructure**

#### **1. Short title**

This Temporary Local Planning Instrument (TLPI) may be cited as Temporary Local Planning Instrument 2/2017 – Cordalba to Wallaville Cane Railway Infrastructure.

#### **2. Overview**

This TLPI is an interim policy response put in place by the Bundaberg Regional Council (Council) to facilitate provision of new cane railway infrastructure from Cordalba to Booyal and Wallaville.

The Bundaberg Regional Council Planning Scheme identifies the Material change of use of land for new cane railway infrastructure (i.e. Utility installation) as impact assessable development. The TLPI responds to a significant risk of serious adverse economic, social or cultural conditions in the Bundaberg Region. The potentially lengthy timeframes and uncertainty associated with the impact assessment process or planning scheme amendment process creates a risk of the development being significantly delayed and in the worst case scenario being abandoned. This could impact on the future viability of sugar cane production and milling activities within the region, and the planned expansion of sugar cane production made possible through the Gayndah Region Irrigation Development project.

The TLPI will support the continued stability of sugar cane production and milling activities in the region and will reduce dependency on road transport and associated impacts on the road network. State interests will not be adversely affected by the TLPI. The TLPI will advance the State interest in Economic Growth – Agriculture, providing for increased agricultural investment, production and diversification.

#### **3. Purpose**

The purpose of this TLPI, made under Chapter 3, Part 3 of the *Sustainable Planning Act 2009*, is to –

- (i) provide an appropriate level of assessment for planned new cane railway infrastructure servicing the Isis Central Sugar Mill, from the existing line in Cordalba, west to Booyal and Wallaville; and
- (ii) protect the planned cane railway corridor from incompatible development.

To achieve this purpose, for the land identified in Schedule 2 – Mapping, the TLPI:-

- (i) suspends assessment tables 5.5.13 (Environmental management and conservation zone), 5.5.14 (Community facilities zone) and 5.5.17 (Rural zone) for development for Material change of use for a Utility installation;
- (ii) suspends assessment table 5.5.17 (Rural zone) for development for Material change of use for a Dwelling house;
- (iii) sets the level of assessment for Material change of use for a Utility installation and Dwelling house; and
- (iv) identifies assessment criteria.



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#### 4. Application

This TLPI applies to land identified as cane railway corridor within Schedule 2 – Mapping.

#### 5. Relationship with planning scheme

This TLPI suspends the provisions in the Bundaberg Regional Council Planning Scheme to the extent of matters that this instrument relates to as outlined in section 8.

To the extent of any inconsistency between the Bundaberg Regional Council Planning Scheme and the TLPI, the TLPI prevails.

#### 6. Duration

This TLPI has effect for a period of 1 year from the date of commencement, unless repealed by Council resolution in accordance with s 123 of the SPA.

#### 7. Definitions

The terms used in this TLPI have the same meaning as defined in the Bundaberg Regional Council Planning Scheme and *Sustainable Planning Act 2009*.

#### 8. Effect of this Temporary Local Planning Instrument

8.1 For development within the area to which this TLPI applies as described at section 4 and identified within Schedule 2 – Mapping, this TLPI suspends the operation of the following sections of the Bundaberg Regional Council Planning Scheme:

- (a) Levels of assessment tables – Material change of use for a Utility installation:
  - (i) 5.5.13 Environmental management and conservation zone;
  - (ii) 5.5.14 Community facilities zone;
  - (iii) 5.5.17 Rural zone.
- (b) Levels of assessment tables – Material change of use for a Dwelling house:
  - (i) 5.5.17 Rural zone.

8.2 Development specified in the 'Use' column of the Table of Assessment at Schedule 1 of this TLPI, has the level of assessment varied as specified in the 'Level of assessment' column and must comply with –

- (a) for self assessment and code assessment, the assessment criteria specified in the 'Assessment criteria' column;
- (b) for impact assessment, the relevant provisions nominated within s 314 of the *Sustainable Planning Act 2009*.

This is to certify that this is a true and correct copy of Temporary Local Planning Instrument (TLPI) 2/2017 adopted on <insert date> and commenced on <insert date>. The TLPI will cease to have effect on <insert date> or when it is repealed in accordance with the provisions of the *Sustainable Planning Act 2009*.

Stephen Johnston  
Chief Executive Officer



BUNDABERG REGIONAL COUNCIL  
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## Schedule 1 – Table of assessment

### 1.1 Application

The tables in this part identify the level of assessment and assessment criteria for development within and subject to the area mapped as Cane Railway Corridor within Schedule 2 – Mapping.

### 1.2 Levels of assessment

The following table identifies where the TLPI changes the level of assessment from that stated in the Bundaberg Regional Council Planning Scheme for the Environmental management and conservation zone, Community facilities zone and the Rural zone, and the relevant assessment criteria, for development within the area as defined within Schedule 2 – Mapping.

**Table 1.2.1 Table of assessment – Material change of use**

Use <sup>1</sup>	Level of assessment	Assessment criteria <sup>2</sup>
<b>All zones</b>		
<b>Utility installation</b>	<b>Exempt</b> if a local utility.	Not applicable
	<b>Code assessment</b> if for a Utility installation for cane railway infrastructure.	<ul style="list-style-type: none"> <li>• Rural zone code</li> <li>• Utility code</li> <li>• Landscaping code</li> <li>• Nuisance code</li> <li>• Transport and parking code</li> <li>• Works, services and infrastructure code</li> </ul>
	<b>Impact assessment</b> If not otherwise specified	The planning scheme
<b>Rural zone</b>		
<b>Dwelling house</b>	<b>Code assessment</b>	<ul style="list-style-type: none"> <li>• Rural zone code</li> <li>• Dwelling house code</li> <li>• Nuisance code</li> </ul>

<sup>1</sup> Note—where development is not identified in this column of the table as being subject to the TLPI, then the TLPI is not applicable to the development.

<sup>2</sup> Editor's note—this TLPI does not suspend the overlay assessment tables. Applicants need to check Table 5.10.1 (Levels of assessment – Overlays) of the planning scheme for additional assessment criteria.



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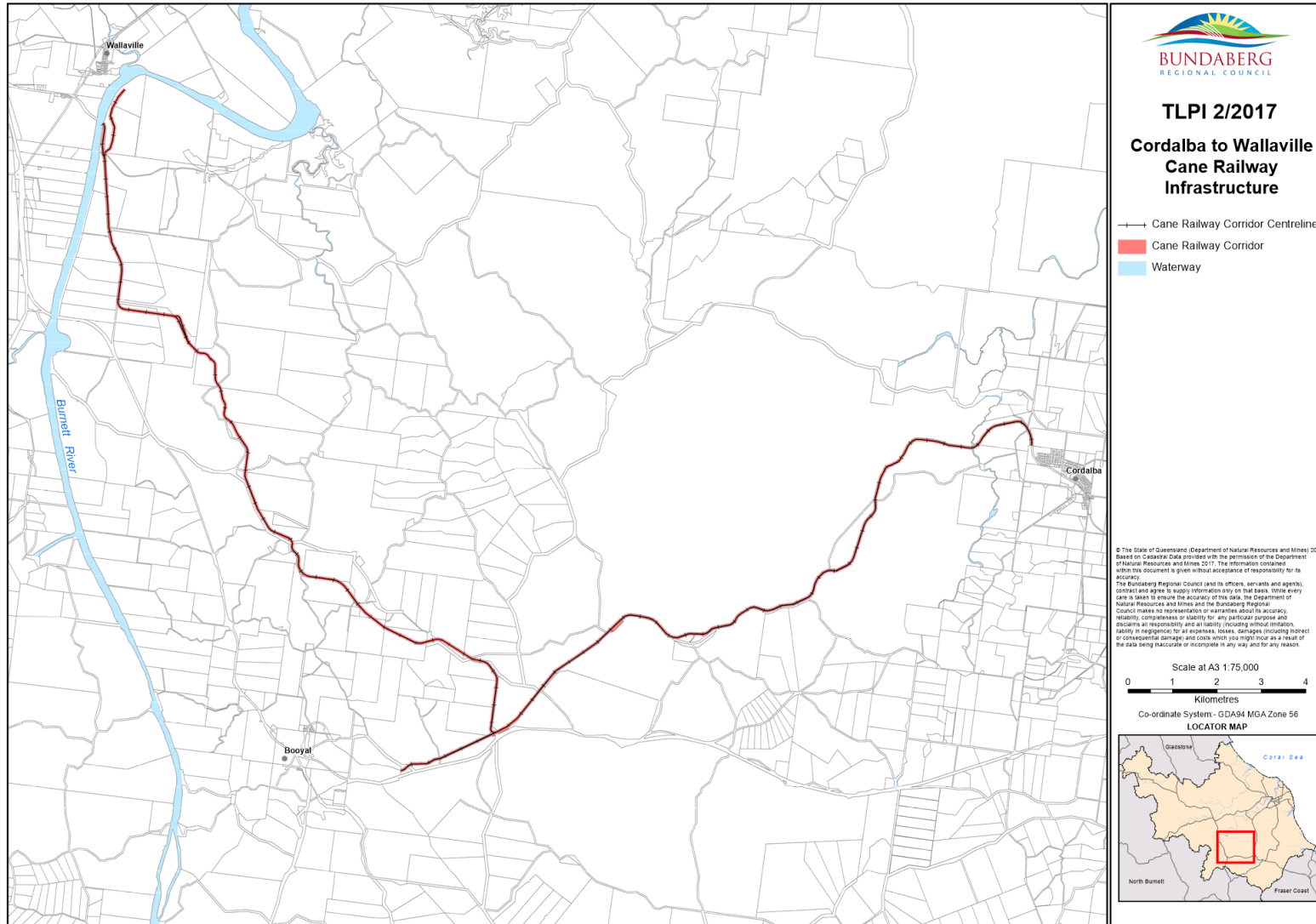
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**Schedule 2 – Mapping**

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EFFECTIVE <INSERT DATE>

SCHEDULE 2 - MAPPING



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