



**AGENDA FOR ORDINARY MEETING
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG
ON TUESDAY 28 JUNE 2016, COMMENCING AT 10.00 AM**

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**Item****28 June 2016****Item Number:**

E1

File Number:

.

Part:

FINANCE

Portfolio:

Organisational Services

Subject:

Financial Summary as at 1 June 2016

Report Author:

Anthony Keleher, Chief Financial Officer

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

Governance - 4.4.5 Responsible financial management and efficient operations

Background:

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

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 appear to be no risk management implications.

Communication Strategy:

Communication Strategy required?

- ✓ Not applicable
- Yes – Communications Team consulted

Attachments:

1 Financial Summary as at 1 June 2016

Recommendation:

That the Financial Summary as at 1 June 2016 (as detailed on the 14 pages appended to this report) – **be noted by Council.**

Financial Summary
as at 01 Jun 2016

Progress check - 92%	Council			General			Waste			Wastewater			Water		
	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud
Recurrent Activities															
<i>Revenue</i>															
General Rates and Utility Charges	134,808,868	137,010,950	98%	71,439,536	71,809,450	99%	13,500,518	13,746,500	98%	25,181,355	25,645,000	98%	24,687,459	25,810,000	96%
Less: Discounts and pensioner remissions	(7,529,469)	(7,443,000)	101%	(6,952,968)	(6,868,000)	101%	(194,871)	(192,000)	101%	(212,595)	(210,000)	101%	(169,035)	(173,000)	98%
	127,279,399	129,567,950	98%	64,486,568	64,941,450	99%	13,305,647	13,554,500	98%	24,968,760	25,435,000	98%	24,518,424	25,637,000	96%
Fees and Charges	21,331,334	22,978,689	93%	15,986,162	17,832,169	90%	3,814,434	3,837,320	99%	665,330	734,150	91%	865,408	575,050	150%
Interest Revenue	2,827,424	3,644,373	78%	1,058,293	1,287,000	82%	75,411	75,382	100%	723,157	757,151	96%	970,563	1,524,840	64%
Operating Grants, Subsidies & Donations	11,213,863	11,951,965	94%	11,210,742	11,941,365	94%	-	-	-	-	10,600	0%	3,121	-	-
Sale of Developed Land Inventory	-	387,000	0%	-	387,000	0%	-	-	-	-	-	-	-	-	-
Total Operating Revenue	162,652,020	168,529,977	97%	92,741,765	96,388,984	96%	17,195,492	17,467,202	98%	26,357,247	26,936,901	98%	26,357,516	27,736,890	95%
<i>less Expenses</i>															
Employee, Material and Services Costs	98,740,340	120,888,915	82%	67,515,550	83,270,133	81%	12,153,166	14,729,931	83%	9,032,850	11,141,762	81%	10,038,774	11,747,089	85%
Finance Costs	2,997,007	4,085,750	73%	1,523,770	1,924,750	79%	281,768	370,000	76%	1,010,311	1,551,000	65%	181,158	240,000	75%
Depreciation	39,849,075	43,471,718	92%	30,554,074	33,331,717	92%	556,384	606,964	92%	4,195,202	4,576,584	92%	4,543,415	4,956,453	92%
Total Operating Expenditure	141,586,422	168,446,383	84%	99,593,394	118,526,600	84%	12,991,318	15,706,895	83%	14,238,363	17,269,346	82%	14,763,347	16,943,542	87%
Operating Result	21,065,598	83,594		(6,851,629)	(22,137,616)		4,204,174	1,760,307		12,118,884	9,667,555		11,594,169	10,793,348	
<i>less Transfers to</i>															
NCP Transfers	2	-		(13,683,440)	(14,927,389)	92%	(1,066,487)	(1,163,441)	92%	6,556,127	7,152,138	92%	8,193,802	8,938,692	92%
Total Transfers	2	-		(13,683,440)	(14,927,389)	92%	(1,066,487)	(1,163,441)	92%	6,556,127	7,152,138	92%	8,193,802	8,938,692	92%
Movement in Unallocated Surplus	21,065,596	83,594		6,831,811	(7,210,227)		5,270,661	2,923,748		5,562,757	2,515,417		3,400,367	1,854,656	
Unallocated Surplus (Deficit) brought forward from prior year(s)	(1,337,961)	(1,337,961)	100%	(8,901,145)	(8,901,145)	100%	(1,768,696)	(1,768,696)	100%	(3)	(3)	100%	9,331,882	9,331,882	100%
Unallocated Surplus (Deficit)	19,727,635	(1,254,367)		(2,069,334)	(16,111,372)		3,501,965	1,155,052		5,562,754	2,515,414		12,732,249	11,186,538	
Capital Activities															
<i>Council's Capital Expenditure (Excludes Donated Assets)</i>															
Council Expenditure on Non-Current Assets	36,251,359	50,997,062	71%	24,164,576	33,293,124	73%	194,134	304,000	64%	9,121,183	13,759,271	66%	2,771,466	3,640,667	76%
Loan Redemption	5,263,541	8,274,000	64%	3,651,877	5,715,000	64%	289,773	390,000	74%	1,116,398	1,884,000	59%	205,493	285,000	72%
Total Capital Expenditure	41,514,900	59,271,062	70%	27,816,453	39,008,124	71%	483,907	694,000	70%	10,237,581	15,643,271	65%	2,976,959	3,925,667	76%
Cash opening balance (incl. investments)	76,934,152	76,934,154													
Cash closing balance (incl. investments)	105,368,018	86,548,673													

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

Further to the Financial Summary Report as at 31st May 2016, I provide the following key highlights.

Operating Expenditure

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

- Depreciation

The budgeted depreciation expenditure is apportioned evenly across the 12 months of the year and is processed every month. The depreciation amount for May has been processed and the expenditure to this point in the year is as expected. The actual depreciation will be finalised as part of the annual financial statement preparation and any difference between actuals and budget will be adjusted accordingly.

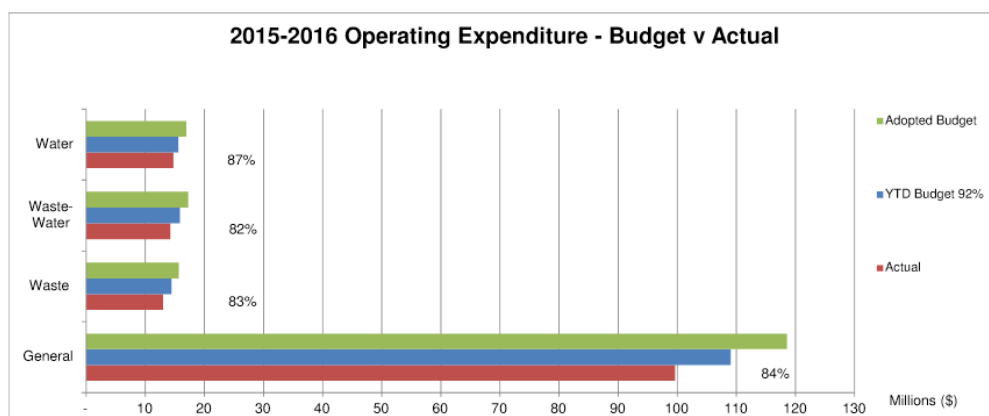
- Finance Costs

Finance Costs mainly consists of the interest paid on Council loans. These payments are made quarterly and the first 3 quarterly payments have been made this year. Therefore at this time of year we would expect to see the Finance Costs expenditure to be around 75% of the budget, and overall the figures reflect this. The Wastewater Fund Finance Costs is lower than expected. This is due to the consolidation of Loans in February 2016 which has resulted in a reduction of the scheduled interest payments.

- Employee, Materials and Services Costs

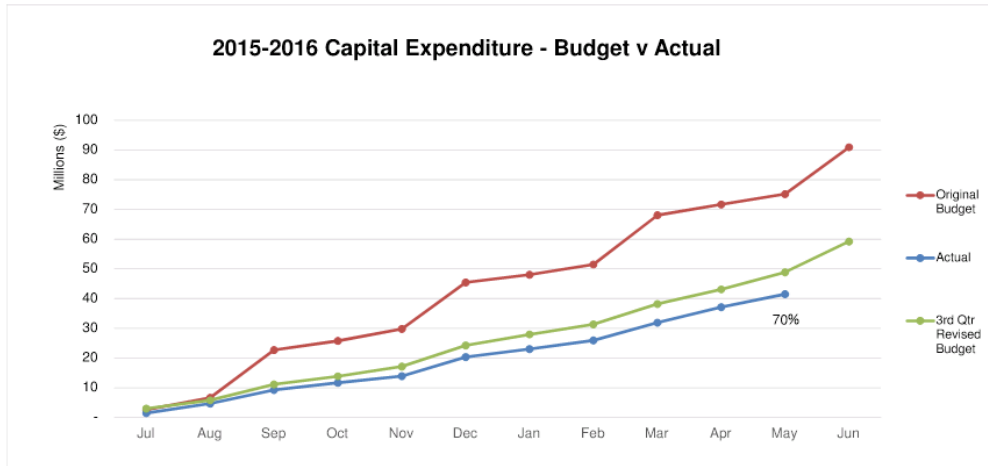
The pattern of expenditure for Employee Materials and Services Costs across a financial year can vary slightly from year to year depending on factors such as the progress of Non-Capital Projects, weather conditions/events and emergent works.

In assessing this month's expenditure, we would expect the Employee, Materials and Services Costs to be sitting at around 11/12 of budget (92%). At the moment the expenditure for the whole of Council is at 82%, and the funds vary from 81% to 85%. These figures are slightly lower than expected for this time of year and when compared to last year's expenditure progress. This is partly due to lower than expected Electricity Costs, Hire of Plant and other Materials and Services. However we also know that the actual expenditure is lower than expected due to some end of year accrual adjustments which are to be processed in June.



Capital Expenditure

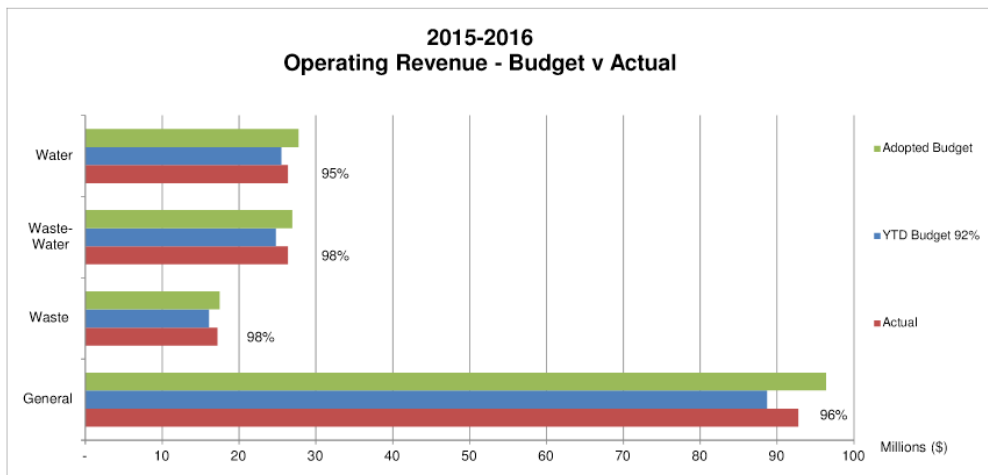
- The payment of the 3rd Quarter loan redemption for outstanding Council loans was made on 14th March 2016. The next quarterly payment is due on the 15th June. At this time of year we would expect the Loan Redemption expenditure to be approximately 75% of budget. This is reflected in the figures for the Waste and Water Funds however in the General and Wastewater Funds Loan Redemption expenditure is lower than expected. This is due to the consolidation of Loans in February 2016 which has reduced the scheduled principal payments.
- Capital Expenditure is currently 70% of the revised budget.



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

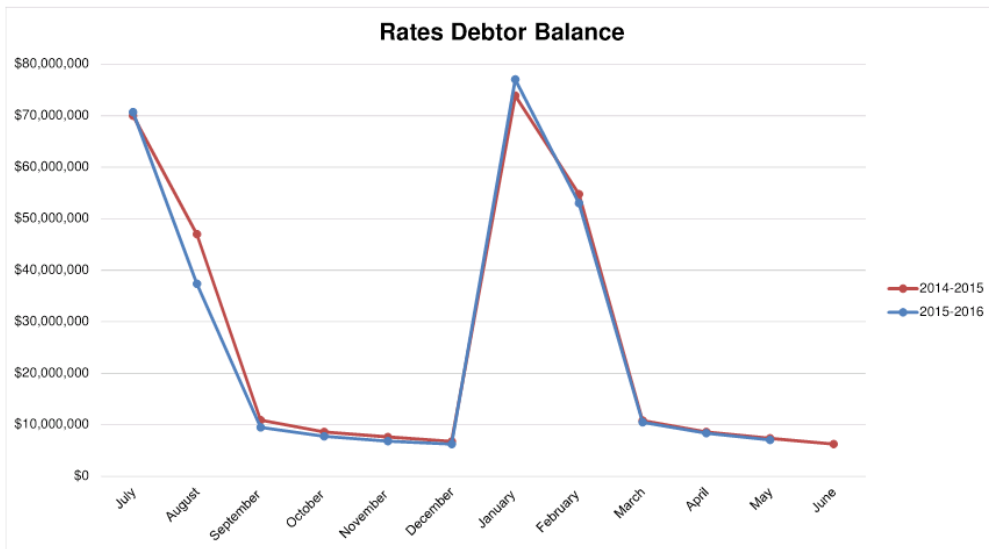
Operating Revenue

- Net Rates and Utility Charges revenue is currently following the normal pattern of income for Council during a financial year, with the rates having been levied for the 2nd half of the year and the revenue showing as around 98% of budget. We would expect that the Rates revenue will continue to increase slightly over the next month as some ratepayers continue to make payments in advance for the next rating period.
- Bulk Water Sales and Private Works receipts in the Water Fund were higher than predicted for the 2015/2016 FY and is reflected in the higher than expected Fees and Charges figure for the Water Fund.
- Interest revenue is influenced by current interest rates and also the amount of cash held in the funds. At this point interest revenue is sitting around 78% of the budgeted total for the year. This is similar to the pattern of revenue from last financial year and reflects the cash balances held in each fund. Interest Revenue that has been earned up to 30 June 2016 will be reflected in the accounts as part of the end of financial year process.



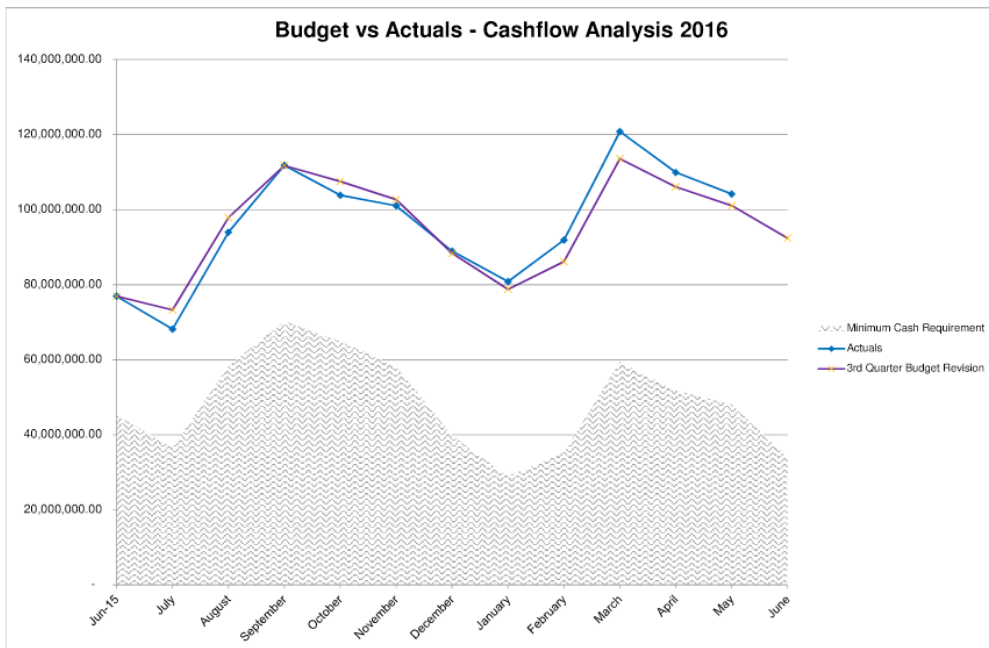
Rates Debtor

- Council's Rates are levied in July and February each financial year.
- The latest levy was raised in February 2016.
- Currently the Rates Debtor balance sits at \$7 million



Cash Flow

- The Cash Balance as at 31st May 2016 is higher than forecast due to the delay in progress of major Capital Projects.
- The current Cash Balance is significantly higher than the minimum Cash Balance required by Council.
- No liquidity issues are foreseeable in the near future.
- Financial Services is working with Major Projects to determine next year's cash flow requirements. Council's minimum cash requirements at 30 June 2016 will be adjusted to accommodate the capital program using an 18 month rolling forecast.



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

Department	Project Description	Status	Monitor (Descriptor)	Revised Budget	2016 FY YTD Actuals	% Spend	Est Final Cost 2016	\$ Variance	Comments	
Water and Wastewater	Deering Place Innes Park - New Sewer Pump Station & Pressure Main	Delivery In Progress	Completion expected June	2,549,061	1,321,390	52%	1,916,462	- 632,599	Construction activities to continue into next financial year.	
	Rubyanna STP - Design & Construction of Plant	Delivery In Progress	60% Design complete. Early site works to start June 2016	6,217,100	4,001,617	64%	6,217,100	-		
	Project Administration and Control (All Stages)	Delivery In Progress	-	500,000	305,914	61%	500,000	-		
	Rubyanna STP - Trunk Pipelines Concept Design & Survey	Complete	Complete	1,150,000	1,139,066	99%	1,139,066	- 10,934		
	Rubyanna River outfall for Rubyanna WWTP	Tender Stage	Tenders currently being assessed. Construction anticipated to commence in July.	220,000	207,452	94%	220,000	-		
	Rubyanna WWTP Pipelines - Springhill Road to RWWTP	Complete	Complete	500,000	487,880	98%	487,880	- 12,120		
	Rubyanna WWTP Pipelines - Darnell Street Sewerage Cutting	Practically Complete	Construction completed. Costs to be finalised.	260,000	281,821	108%	285,000	25,000		
				<i>Subtotal</i>	<i>8,847,100</i>	<i>6,423,749</i>	<i>73%</i>	<i>8,849,046</i>	<i>1,946</i>	
	Gin Gin Water Treatment Plant Upgrade	Practically Complete	Construction complete, final contractor claim to be paid by end June	875,000	621,542	71%	675,000	- 200,000	Savings achieved through contract award.	
	Transfer Mellifont Street to KWTP	Practically Complete	Final commissioning outstanding to be completed by the end of June	800,000	764,138	96%	800,000	-		
Bundaberg Port Sewerage Infrastructure	Complete	Project Completed April	1,135,000	1,132,604	100%	1,132,604	- 2,396			

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

Department	Project Description	Status	Monitor (Descriptor)	Revised Budget	2016 FY YTD Actuals	% Spend	Est Final Cost 2016	\$ Variance	Comments
Major Projects	Bundaberg Showgrounds Development - Delivery In Progress Multi-Use Sport and Community Centre (Multiplex)	Construction in progress - practical completion estimated 28 Oct 2016		4,700,000	1,938,247	41%	4,700,000	-	
	Demolition of remaining buildings at old Bundaberg Showgrounds	Complete	Complete	198,705	199,364	100%	199,364	659	
	<i>Subtotal</i>			<i>4,898,705</i>	<i>2,137,610</i>	<i>44%</i>	<i>4,899,364</i>	<i>659</i>	
Information Systems	Corporate Applications - Core System Replacement Project - Initial product scope and product selection	Scheduled Action	Tender to open July for the Enterprise Asset Management System	647,262	565,334	87%	647,262	-	
	Corporate Applications - Core System Replacement Project			144,599	-	0%	144,599	-	
	<i>Subtotal</i>			<i>791,861</i>	<i>565,334</i>	<i>71%</i>	<i>791,861</i>	<i>-</i>	
Roads and Drainage	Sprayed Bitumen Resurfacing Programme 2015/2016	Complete	Construction complete, contractor claim finalised	1,320,000	1,317,989	100%	1,320,000	-	
	Hughes Road Extension - Windermere Road to Wearing Road 2015/2016	Delivery In Progress	Currently undertaking testing to resolve issues surrounding surface quality. Contract should be finalised by June 2016	1,300,000	1,058,749	81%	1,300,000	-	
	Causeway Drive/Miller Street/Woongarra Scenic Drive - Intersection Upgrade 2015/2016	Complete	Construction complete, contractor claim finalised	1,196,348	1,196,348	100%	1,196,348	-	
	Miara Road Upgrade	Complete	Construction complete, contractor claim finalised	409,433	409,433	100%	409,433	-	Savings achieved through competitive tendering.
	Sylvan Drive Moore Park Beach - Pavement Rehabilitation	Complete	Construction complete, contractor claim finalised	594,817	594,817	100%	594,817	-	Savings achieved through competitive tendering.
	Coonarr Road Upgrade	Complete	Construction complete, contractor claim finalised	706,860	706,860	100%	706,860	-	Savings achieved through competitive tendering.
	Walla Street Bridge Rehabilitation Project	Delivery In Progress	Rehabilitation work has commenced end of May. Contract to be finalised by end of June	400,000	21,994	5%	400,000	-	
	Q55 Bituminous Microsurfacing Program 2015/2016	Practically Complete	Construction complete, awaiting final contractor claim	700,000	367,262	52%	700,000	-	
	Dahls Road Upgrade	Practically Complete	Major construction activities have been delivered. Costs to be finalised by end of June	680,000	477,611	70%	680,000	-	

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

Department	Project Description	Status	Monitor (Descriptor)	Revised Budget	2016 FY YTD Actuals	% Spend	Est Final Cost 2016	\$ Variance	Comments
	Asphalt Resurfacing Program 2015/16	Practically Complete	Construction complete, awaiting final contractor claim	950,000	740,396	78%	950,000	-	
	Thabeban Drainage Upgrade - Stage 1 - Thabeban Trunk Drainage System	Complete	Construction complete, contractor claim finalised	738,978	738,978	100%	738,978	-	1
	Childers Streetscape - Stage 6	Complete	Construction complete, contractor claim finalised	815,660	815,660	100%	815,660	-	

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

Department	Project Description	Status	Monitor (Descriptor)	Revised Budget	2016 FY YTD Actuals	% Spend	Est Final Cost 2016	\$ Variance	Comments
Parks, Sport & Natural Areas	Christsen Park - On Street Parking and bus drop-off facility	Delivery In Progress	Road construction has commenced. Construction will be completed by end of June	350,000	75,072	21%	350,000	-	
	Construction of new Car Park (Roads Costs to be journalled to Parks work order)	Delivery In Progress	Road construction has commenced. Construction will be completed by end of June	-	64,591	100%	-	-	Road Construction costs will be transferred to the Parks work order on completion of works.
	<i>Subtotal</i>			<i>350,000</i>	<i>139,664</i>	<i>40%</i>	<i>350,000</i>	<i>-</i>	
Community & Environment	Animal Pound Facility	Design Stage	Design has been finalised. Development Application is being submitted	680,000	161,031	24%	300,000	- 380,000	Schedule delay due to water main construction. Major construction activities will be undertaken next financial year.

Moderate + High Governance Projects - Life to Date

A Life to Date Summary of Moderate + High Governance Projects, with a budget exceeding \$500,000 over the life of the works

Department	Project Description	Status	Monitor (Descriptor)	Original Budget	Current Revised Budget	LTD Actuals	Est Final Cost	Comments	
Water and Wastewater	Deering Place Innes Park - New Sewer Pump Station & Pressure Main	Delivery In Progress	Completion expected June	1,800,000	2,749,061	1,499,568	2,094,640		
	Rubyanna STP - Design & Construction of Plant	Delivery In Progress	60% Design complete. Early site works to start June 2016	95,726,237	54,075,460	6,421,946	54,075,460		
	Purchase of Land	Complete	Complete		2,667,537	2,667,536	2,667,537		
	Rubyanna SPS Concept Study	Complete	Complete		53,700	53,700	53,700		
	Project Administration and Control (All Stages)	Delivery In Progress			1,005,000	686,501	1,005,000		
	Non Capital Costs for Design and Construction of Plant	Delivery In Progress			231,000.00	231,133	231,133		
	Rubyanna STP - Trunk Pipelines Concept Design & Survey	Complete	Complete		7,057,331	7,057,331	7,057,331		
	Rubyanna River outfall for Rubyanna WWTP	Tender Stage	Tenders currently being assessed. Construction anticipated to commence in July.		3,400,000	207,452	3,400,000		
	Rubyanna WWTP Pipelines - Springhill Road to RWWTP	Complete	Complete		500,000	487,880	487,880		
	Rubyanna WWTP Pipelines - Darnell Street Sewerage Cutting	Practically Complete	Construction completed. Costs to be finalised.		260,000	281,821	285,000		
	Decommissioning of East Bundaberg WWTP	Design Stage	Concept Options Review		1,800,000	6,953	1,800,000		
	<i>Subtotal</i>				<i>95,726,237</i>	<i>71,050,028</i>	<i>18,102,253</i>	<i>71,063,041</i>	
		Gin Gin Water Treatment Plant Upgrade	Practically Complete	Construction complete, final contractor claim to be paid by end June	1,100,000	1,075,000	763,808	817,266	Savings achieved through contract award.
		Transfer Mellifont Street to KWTP	Practically Complete	Final commissioning outstanding to be completed by the end of June	2,015,000	2,015,000	2,147,056	2,182,918	
	Bundaberg Port Sewerage Infrastructure	Complete	Project Completed April	1,500,000	1,555,000	1,551,056	1,551,056		

Moderate + High Governance Projects - Life to Date

A Life to Date Summary of Moderate + High Governance Projects, with a budget exceeding \$500,000 over the life of the works

Department	Project Description	Status	Monitor (Descriptor)	Original Budget	Current Revised Budget	LTD Actuals	Est Final Cost	Comments
Major Projects	Bundaberg Showgrounds Development - Multi-Use Sport and Community Centre (Multiplex)	Delivery in Progress	Construction in progress - practical completion estimated 28 Oct 2016	9,500,000	15,000,000	2,559,338	15,000,000	
	Demolition of remaining buildings at old Bundaberg Showgrounds	Complete	Complete	150,000	198,705	199,364	199,364	
	<i>Subtotal</i>			<i>9,650,000</i>	<i>15,198,705</i>	<i>2,758,702</i>	<i>15,199,364</i>	
Information Systems	Corporate Applications - Core System Replacement Project - Initial product scope and product selection	Scheduled Action	Tender to open July for the Enterprise Asset Management System	-	647,262	565,334	647,262	
	Corporate Applications - Core System Replacement Project	Scheduled Action	Tender to open July for the Enterprise Asset Management System	4,500,000	4,963,538	-	4,963,538	
	<i>Subtotal</i>			<i>4,500,000</i>	<i>5,610,800</i>	<i>565,334</i>	<i>5,610,800</i>	

Moderate + High Governance Projects - Life to Date

A Life to Date Summary of Moderate + High Governance Projects, with a budget exceeding \$500,000 over the life of the works

Department	Project Description	Status	Monitor (Descriptor)	Original Budget	Current Revised Budget	LTD Actuals	Est Final Cost	Comments
Roads and Drainage	Sprayed Bitumen Resurfacing Programme 2015/2016	Complete	Construction complete, contractor claim finalised	1,604,000	1,320,000	1,317,989	1,320,000	
	Hughes Road Extension - Windermere Road to Wearing Road 2015/2016	Delivery In Progress	Currently undertaking testing to resolve issues surrounding surface quality. Contract should be finalised by June 2016	1,500,000	1,300,000	1,059,215	1,300,000	
	Causeway Drive/Miller Street/Woongarra Scenic Drive - Intersection Upgrade 2015/2016	Complete	Construction complete, contractor claim finalised	1,200,000	1,196,348	1,416,228	1,416,228	\$219,880 of work was charged in 2014/15 financial year. This expense has not been approved in the project life to date budget.
	Miara Road Upgrade	Complete	Construction complete, contractor claim finalised	800,000	409,433	409,433	409,433	
	Sylvan Drive Moore Park Beach - Pavement Rehabilitation	Complete	Construction complete, contractor claim finalised	1,200,000	594,817	594,817	594,817	
	Coonarr Road Upgrade	Complete	Construction complete, contractor claim finalised	700,000	706,860	706,860	706,860	
	Walla Street Bridge Rehabilitation Project	Delivery In Progress	Rehabilitation work has commenced end of May. Contract to be finalised by end of June	775,000	400,000	21,994	400,000	
	QS5 Bituminous Microsurfacing Program 2015/2016	Practically Complete	Construction complete, awaiting final contractor claim	900,000	700,000	367,262	700,000	
	Dahls Road Upgrade	Practically Complete	Major construction activities have been delivered. Costs to be finalised by end of June	600,000	680,000	477,611	680,000	
	Asphalt Resurfacing Program 2015/16	Practically Complete	Construction complete, awaiting final contractor claim	735,000	950,000	740,396	950,000	
	Thabeban Drainage Upgrade - Stage 1 - Thabeban Trunk Drainage System	Complete	Construction complete, contractor claim finalised	550,000	942,001	942,001	942,001	
	Childers Streetscape - Stage 6	Complete	Construction complete, contractor claim finalised	1,150,000	1,265,660	1,279,475	1,279,475	\$463,815 was expended in a previous financial year.

Moderate + High Governance Projects - Life to Date

A Life to Date Summary of Moderate + High Governance Projects, with a budget exceeding \$500,000 over the life of the works

Department	Project Description	Status	Monitor (Descriptor)	Original Budget	Current Revised Budget	LTD Actuals	Est Final Cost	Comments
Parks, Sport & Natural Areas	Christen Park - On Street Parking and bus drop-off facility	Delivery In Progress	Road construction has commenced. Construction will be completed by end of June	800,000	800,000	80,816	800,000	
	Construction of new Car Park (Roads Costs to be journalled to Parks work order)	Delivery In Progress	Road construction has commenced. Construction will be completed by end of June	-	-	64,591	-	
	<i>Subtotal</i>			<i>800,000</i>	<i>800,000</i>	<i>145,407</i>	<i>800,000</i>	
Community & Environment	Animal Pound Facility	Design Stage	Design has been finalised. Development Application is being submitted	1,250,000	1,800,000	178,837	1,800,000	



Item

28 June 2016

Item Number:	File Number:	Part:
E2	A2570493	FINANCE

Portfolio:

Organisational Services

Subject:

Bucca Rural Fire Levy

Report Author:

Rob Callander, Revenue Manager

Authorised by:

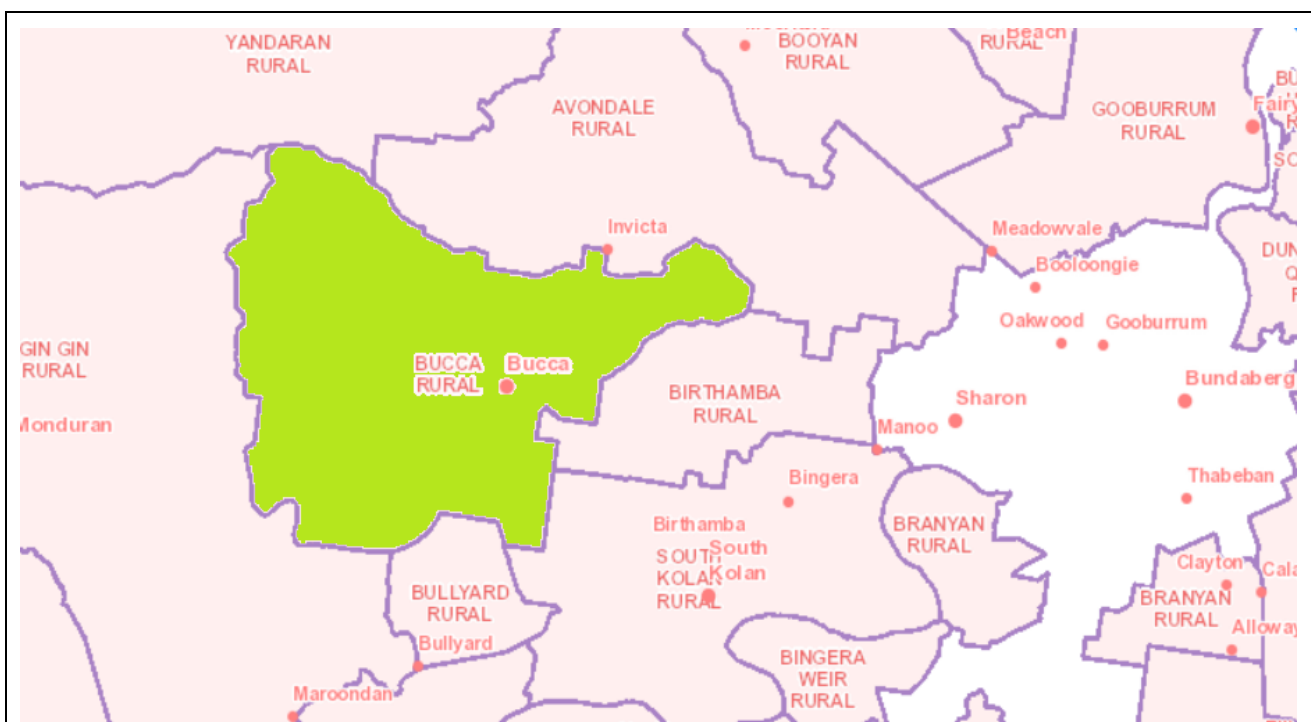
Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

Governance - 4.4.5 Responsible financial management and efficient operations

Background:

The attached letter has been received from Ross Lucke, the Chairman of the Bucca Rural Fire Brigade, requesting that Council does not charge a Rural Fire Levy to ratepayers in the Bucca Rural Fire area. The Bucca Rural Fire Brigade area is situated to the west of Bundaberg City as shown on the following map:



Each year, Council levies a Special Charge of \$30 per ratepayer, called the Rural Fire Levy Special Charge, to 12,906 ratepayers in 32 Rural Fire Brigades in the Bundaberg area. The \$30 levy was recommended by the Rural Fire Service Queensland and is levied uniformly to all ratepayers in rural fire brigade areas, and included on two half-yearly Rate Notices as a \$15 half-yearly charge. These levies raise potential total revenue of \$387,180 per year, to cover operational expenses and the purchase of equipment to protect local areas from fires and other emergencies. Details of the number of ratepayers and the potential revenue applicable to each brigade is attached for information. All levies collected are remitted in full to the individual brigades.

There are currently 136 ratepayers in the Bucca Rural Fire Brigade Area, who pay a Rural Fire Levy of \$30 per year, which provides annual revenue of \$4,080 to the Bucca Rural Fire Brigade.

Last year, on 25 March 2015, during Council's 2015/2016 Budget deliberations, Councillors requested that, with effect from the 2015/2016 Budget, the Rural Fire Levy Special Charge of \$30 be applied to all rural fire brigade areas. Prior to this, the Bucca and Kolonga rural fire areas were not charged a Rural Fire Levy as they had no formal brigades. However, Councillors considered that neighbouring rural fire areas may be required to assist Bucca and Kolonga in the event of an emergency, and that it was unfair for ratepayers in neighbouring areas to pay a Rural Fire Levy to protect Bucca and Kolonga, when those area's ratepayers did not pay a Rural Fire Levy.

As such, Council directed that all rural fire brigade areas should be treated the same and that all ratepayers within a rural fire brigade area should pay the Rural Fire Levy of \$30 per year. This decision was taken in consultation with Craig Magick who was at that time the Acting Inspector, Area Director for the Bundaberg Region for the Rural Fire Service Queensland. Phil Williams is now the Acting Inspector, Area Director for the Bundaberg Region.

In the attached letter, the Chairman of the Bucca Rural Fire Brigade, Ross Lucke, advised:

We are a primary producer brigade who use and maintain our own equipment with no need for a specific shed, fire unit or any other large equipment. The majority of our members have tractor mounted or drawn tank and pumps which are used for their farming operations. These units are more than adequate to handle fires in this area. For us to accept the money we have to find a treasurer, open a bank account, apply for an ABN and apply to the tax office for tax exception. We would then need to hold monthly meetings and determine where to spend the money. As our equipment is mainly private, is it fair that money be spent on that? We agree it would only create division amongst the members and the brigade would disintegrate.

The meeting was unanimous in the decision to return the money and Phil Williams agreed. We will continue as a brigade without the funding but will most certainly fail if we are required to hold monthly meetings and maintain needless accounts. We hope you give this request the consideration it deserves.

A copy of the letter from the Bucca Rural Fire Brigade was sent to the Acting Inspector, Area Director for the Bundaberg Region, for comment, and he advised as follows:

At the meeting, the Brigade seemed adamant that they did not want or need a levy, despite my offers of assistance with budgeting requirements.

I acknowledge the Brigade's democratic right to reject the levy, however in the end it is a Council decision. In keeping with the Council's vote for a standard rate of levy across all Brigades, I believe the levy still needs to be collected.

There would be other Brigades who would go down the track of not collecting a levy if this was an option, resulting in a dilemma of a levy on one property and not on another across the street, which is difficult to defend.

A possible option could be that the levy collected in Bucca RFB area is kept in trust for the occasion that the Brigade are in urgent need of equipment, or to reimburse neighbouring Brigades' expenses for fighting fires in that area.

Levying the Rural Fire Levy is at the discretion of Council and is charged as a Special Charge in terms of Section 92(3) of the Local Government Act 2009. However, any Council decision in regard to the levy may be seen by the community as setting a precedent, which may raise expectations for other rural fire brigades to receive similar treatment.

Council's consideration of this report prior to the adoption of the 2016/2017 Budget is necessary, as once the 2016/2017 Revenue Statement has been adopted as part of the overall Budget, the levy will remain active for the 2016/2017 budget year. That is, Council will be unable to amend or delete the levy until the budget for the following year (2017/2018) is adopted.

Consultation:

Mayor Jack Dempsey, Portfolio spokesperson Finance & Economic Development
Cr Wayne Honor, Division 3 Representative

Legal Implications:

The Rural Fire Levy is at the discretion of Council and is charged as a Separate Charge in terms of Section 92(3) of the Local Government Act 2009.

Policy Implications:

This report aligns with Section 4.5 of Council's Revenue Statement which notes that "Each year Council will determine the necessity to make and levy a special rate or charge which will be applied across specific benefited areas for the sole benefit of such areas".

Financial and Resource Implications:

If the request from the Bucca Rural Fire Brigade is supported it will reduce the revenue which Council derives from this levy to support the Bucca Rural Fire Area.

Risk Management Implications:

Any Council decision which deviates from previous practice may be seen by the community as setting a precedent which may raise community expectations for future similar cases to receive similar treatment.

Communication Strategy:

Not applicable

Attachments:

- 1 Bucca Rural Fire Brigade Request for No Levy

2 Summary of BRC Rural Fire Brigade Areas

Recommendation:

For Council's consideration.

08/05/2016

Bucca Rural Fire Brigade

122 Longs Rd Bucca

4670

Peter Byrne

CEO. Bundaberg Regional Council.

Dear Peter

The members of the Bucca Rural Fire Brigade held a meeting on the 18/04/2016 at the request of Phil Williams from Rural Fires Queensland to discuss the proceeds from the levy on rate payers within our area. A motion was carried at that meeting to return the cheques and write to the Council asking that the decision to impose the levies on all brigade area be reversed. We are a primary producer brigade who use and maintain our own equipment with no need for a specific shed, fire unit or any other large equipment. The majority of our members have tractor mounted or drawn tank and pumps which are used for their farming operations. These units are more than adequate to handle fires in this area. What we don't have is a group of retirees or unemployed who have to volunteer that can assist running the brigade. For us to accept the money we have to find a treasurer, open a bank account, apply for an ABN and apply to the tax office for tax exception. We would then need to hold monthly meetings and determine where to spend the money. As our equipment is mainly private, is it fair that money be spent on that? We agree it would only create division amongst the members and the brigade would disintegrate.

I have spent considerable effort trying to recruit new members who are prepared to run the brigade under those conditions without success. Many people now believe that because they now pay a state emergency services levy and a local fire brigade levy they are entitled to a service regardless. The fact is people still have to be responsible for fire safety on their properties and we are here only to help.

The meeting was enamoured in the decision to return the money and Phil Williams agreed. He also agreed to write to you supporting our action. This brigade has been operating as a self funded brigade for almost thirty years and feels disappointed this move was taken with no consultation or consideration for our circumstances. We will continue as a brigade without the funding but will most certainly fail if we are required hold monthly meetings and maintain needless accounts. We hope you give this request the consideration it deserves.

Ross Lucke

Chairman, Bucca Rural Fire Brigade:

RURAL FIRE BRIGADES IN THE BUNDABERG REGION

BRIGADE	NO OF PROPERTIES	POTENTIAL ANNUAL REVENUE FROM \$30 CHARGE
Avondale (& Moorland)	614	\$18,420
Bingera Weir	266	\$7,980
Birthinga	255	\$7,650
Boolboonda	496	\$14,880
Booyal	148	\$4,440
Booyan	356	\$10,680
Borilla	7	\$210
Branyan (incl Clayton)	1,105	\$33,150
Bucca	136	\$4,080
Bullyard	51	\$1,530
Bungadoo	410	\$12,300
Buxton	450	\$13,500
Calavos (incl Woongarra)	189	\$5,670
Childers	1,780	\$53,400
Coonarr	232	\$6,960
Elliott Siding	95	\$2,850
Gaeta	111	\$3,330
Gin Gin	477	\$14,310
Givelda	224	\$6,720
Gooburrum	189	\$5,670
Goodwood	221	\$6,630
Gregory River	54	\$1,620
Kolonga	99	\$2,970
Moore Park (incl. Fairydale, Lindemans Rd)	1,459	\$43,770
Perry River	203	\$6,090
South Kolan	519	\$15,570
Tirroan	589	\$17,670
Wallaville	229	\$6,870
Welcome Ck	0	\$0
Winfield	277	\$8,310
Woodgate	1,276	\$38,280
Yandaran	389	\$11,670
Totals	12,906	\$387,180

**Item****28 June 2016****Item Number:**

H1

File Number:

.

Part:

ROADS & DRAINAGE

Portfolio:

Infrastructure & Planning Services

Subject:

Principal Cycle Network Plan (PCNP) Priority Route Maps – Council Endorsement

Report Author:

Peter Jensen, Group Manager Roads & Drainage

Authorised by:

Andrew Fulton, General Manager Infrastructure & Planning

Link to Corporate Plan:

Environment - 4.2.3 The provision of quality infrastructure that meets the region's current and future needs

Background:

The Wide Bay Burnett Principal Cycle Network Plan (PCNP) was developed by the Department of Transport and Main Roads (TMR) in response to the Queensland Cycle Strategy 2011 – 2021, which was launched by the Queensland Government in 2011. Following a number of presentations to Council on 28 October 2013 and 10 February 2014, the PCNP was formally endorsed by Council during a meeting on 18 March 2014. The PCNP provides a vision for the principal cycle network to support, guide and inform practitioners involved in the planning, design and construction of cycle infrastructure and facilities across the state. Sections of the PCNP pertaining to Bundaberg Regional Council (BRC) are in *Attachment 1*.

In summary, the PCNP:

- Identifies the functional requirements for cycling in the region, influencing the form of facilities and prioritising the implementation of routes;
- Represents the core cycle routes needed to get more people cycling, more often, which is the vision of the Queensland Cycle Strategy 2011 – 2021;
- Consolidates existing cycle planning data on key origins, destinations and cycle demand, as well as knowledge from Councils and bicycle groups. This information has been used to formulate a principal network which connects key activity centres, residential areas and local cycle networks.

The Priority Route Maps (PRM's) (*Attachment 2* showing BRC maps), which are an addendum to the PCNP, identifies the delivery priorities of cycle facilities across the state. The PRM's are intended to guide State and Local Government planning, design and investment, to deliver the principal cycle network. The maps would also assist agencies to identify and use a range of mechanisms to deliver the network, such as state and local government capital works programs, road reseals and other maintenance programs. The maps also guide assessment of Queensland Cycle Network – Local Government Grants Program. It should be noted that Council has recently received funding, through the Queensland Cycle Network – Local Government Grants program, to upgrade cycle facilities through the Baldwin Swamp area. This work is currently in progress. Council has also submitted a funding application to upgrade on-road cycle facilities along Avoca Street / Branyan Drive. Both the funding applications are based on, and align with, the PCNP PRM priorities.

PCNP routes previously identified were assessed against safety, topography, land use, current usage, local knowledge of current or latent demand, planning, feasibility and opportunities. The PRM's categorised PCNP routes as Priority A (focus on delivery in the next 10 years), Priority B (10 to 15 years), Priority C (15 to 20 years) and Priority D (+20 years). The priority of each route was informed by workshops and consultation with TMR and Council officers and are based on criteria focused on supporting cycling trips to work, schools, shops and other major attractors. Further consultation with cycle groups and other stakeholders are proposed as part of future detailed investigations of priority routes.

Council has received a request from the Director General (TMR), Mr Neil Scales, to obtain Council's written endorsement of the PCNP Priority Route Maps prior to their finalisation and publication on TMR's website (*Attachment 3*).

Associated Person/Organization:

Queensland Government, Department of Transport & Main Roads.

Consultation:

The Queensland Cycle Strategy and PCNP development went through extensive public consultation and workshops were held with all stakeholders, including Council, other state departments and community cycle groups. Council staff were also involved with a series of workshops/meetings assisting with the development and review of the PCNP and associated PCNP Priority Route Maps. The PCNP was also presented and discussed with Council prior to the formal Council meeting on 18 March 2014, when the PCNP was endorsed by Council. Further consultation is proposed with cycling groups and other stakeholders as part of detailed investigations of specific projects.

Legal Implications:

There appears to be no legal implications.

Policy Implications:

There appears to be no policy implications.

Financial and Resource Implications:

There appears to be no financial or resource implications associated with endorsing the PCNP Priority Route Maps. Future financial and resource impacts would be considered through Council's budget and future works programs.

Risk Management Implications:

Council may need to manage public expectations that implementation should be rolled out quicker than funding for such is available.

Communication Strategy:

Communication Strategy required?

- Not applicable;
- Yes – Communications Team consulted.

Attachments:

- 1 Wide Bay Burnett Principal Cycle Network Plan (PCNP)
- 2 PCNP Priority Route Maps
- 3 TMR request for Council to formally endorse the PCNP Priority Route Maps

Recommendation:

That Council:

- (a) endorse the Principal Cycle Network Plan (PCNP) - Priority Route Maps for Bundaberg Regional Council, prepared by the Department of Transport and Main Roads;**
- (b) incorporate the PCNP Priority Route Maps into existing and future infrastructure plans, planning scheme documents and other corporate plans and strategies; and**
- (c) align provision and extension of cycle facilities with the PCNP Priority Route Maps.**

Principal Cycle Network Plan

Wide Bay Burnett



Great state. Great opportunity.



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Background

1 Introduction

The *Wide Bay Burnett Principal Cycle Network Plan (PCNP)* has been developed to guide and inform practitioners involved in the planning, design and construction of the region's transport network. It provides a vision for the cycle network in Wide Bay Burnett.

The principal routes shown in this plan represent cycling desire lines. They indicate the most important routes and known missing links for cyclists within the region. In most instances, further corridor investigation work will be required to determine the precise route and desired standard of cycle facilities.

The PCNP is not a navigation aid, since the maps provided make no distinction between existing and future cycle infrastructure. Neither does it designate the form or timing of infrastructure delivery. Rather, the PCNP's role is to flag the demand, location and functional requirement of cycle routes, and inform further planning and design of cycle infrastructure across the region.

An action plan based on a prioritisation of routes within the region will be developed and published separately to the PCNP. The plan will dictate the actions required in the short to medium term to progress the delivery of the highest priority routes identified in the Wide Bay Burnett PCNP.

Section 4.2.3 clarifies the various implementation mechanisms associated with principal and regional recreational routes.

2 What is a principal cycle network?

A principal cycle network is comprised of core routes designed to maximise the community's use of the bicycle as an everyday form of transport. It is a functional network focussed on trips that can be easily cycled in the Wide Bay Burnett region.

2.1 Types of journeys

The PCNP identifies routes primarily for cyclists within urban environments, with a particular focus on the 5km radius around trip destinations. Most of the urban areas in the Wide Bay Burnett region are within a 5km radius of a town centre (sometimes 2.5km); at these distances, cycling becomes accessible for a range of trip types.

Therefore, the PCNP focuses on journeys to work, school, and social/utility trips. The cycle network will connect residential areas with employment nodes such as town centres, industrial precincts, ports, education facilities, and shopping and entertainment destinations. The PCNP has a secondary focus on longer distance cycle touring, and recreational trips.

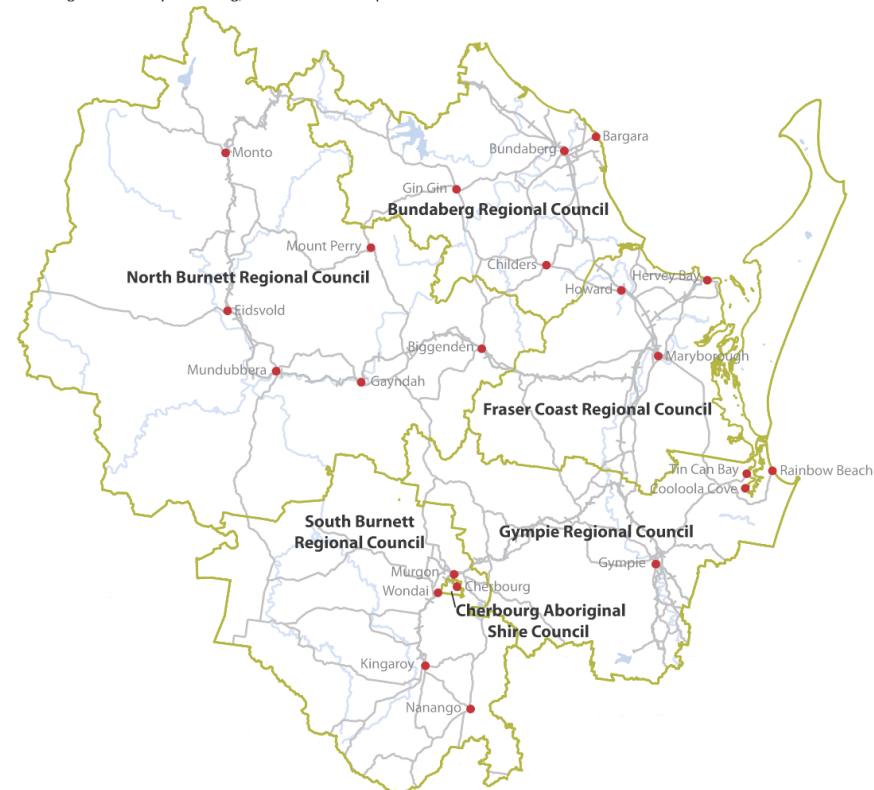


Figure 1 Local governments within the Wide Bay Burnett region

Background

2.2 Types of routes

The PCNP identifies the functional requirements for cycling in the region by highlighting the indicative locations of principal routes. This will influence the form of facilities and the priority given to implementing certain routes. The PCNP identifies the following types of principal cycle network routes:

- **Principal routes** form the spine from which local cycle networks are built. Principal routes connect residential areas to major trip attractors such as public transport nodes, universities, schools, shopping and commercial centres, industrial areas and regional recreational facilities. At the regional scale, they provide key connections between activity centres or towns.
- **Future strategic routes** identify expansion opportunities for the principal cycle network in areas where significant urban growth has been identified but land use planning has not yet been undertaken or finalised. These routes are represented by an arrow in the broad direction of a future route.
- **Regional recreation routes** cater for longer distance recreation and cycle touring, highlighting both coastal and hinterland scenic opportunities.

2.3 What is the purpose of the plan?

The purpose of the PCNP is to present an agreed position on the desire lines for cycle routes in the region by applying the planning principles outlined in section 3. The routes shown are indicative, and exist to guide further planning which will ultimately determine exactly where the facility will be placed.

To achieve this, the PCNP consolidates existing cycle planning, data on key origins, destinations and cycling demand, as well as knowledge from regional councils and bicycle groups. This information has been used to formulate a principal network which will connect key activity centres, residential areas and local cycling networks.

This network then represents the core cycle routes needed to get more people cycling, more often, which is the vision of the Queensland Government's *Queensland Cycle Strategy 2011-2021*. When the network is delivered, residents will have the opportunity to view cycling to work, school, shopping precincts and other major destinations as a safe, efficient and attractive option.

Higher rates of cycling can reduce the overall vehicle demand on state and local government roads, particularly the proportion of single occupant vehicles. Moving enough of these trips to walking and cycling can reduce the need for road capacity upgrades, or extend the life of existing assets.

3 How was the network identified?

3.1 Planning principles

The following principles were used to guide the identification of the principal cycle network.

Principle 1

Connect key existing and future origin and destination points, such as town centres, major shopping and commercial facilities, employment nodes and educational institutions.

Principle 2

Focus on commuter, utility and education-related trips, with a supplementary focus on touring, recreation and sporting trips.

Principle 3

Establish a mesh width¹ of no more than 1000 metres between principal routes in urban areas. The mesh width is the distance between parallel routes in a network and is only applicable within built up areas.

Principle 4

Identify a network that is connected, direct, coherent, legible and planned with safety in mind.

Principle 5

Ensure that the network is easily accessible from residential areas.

Principle 6

Identify the network predominantly within transport corridors, state-controlled roads, higher order local government roads and through open space areas.

Principle 7

Adopt a 'one network' approach and consider all transport corridors as potential cycling corridors, regardless of whether they are owned by state or local government.

A principal cycle route may meet the principles and still be identified within corridors that are, at the time, considered not conducive for

cycling (such as priority freight routes or highways). In this case, further detailed planning will consider the feasibility of cycling within the corridor, and investigate appropriate cycling treatments.

In some instances this may result in a separated cycle facility within the identified corridor and in others a facility on an adjacent alignment within the vicinity. The aim of the PCNP is to identify routes at a strategic network level that will deliver good cycling outcomes, recognising that to achieve this, more detailed planning, investigation and design will be required. Although planned with a realistic level of feasibility in mind, the aim of the plan is to not exclude routes from the principal network based entirely on their current level of cycling feasibility.

3.2 Workshop and consultation

To develop the principal cycle network, officers from the Department of Transport and Main Roads held workshops with stakeholders in the region's centres. These stakeholders represented local and state government agencies, local cyclists and bicycle interest groups and some local community groups.

During the meetings, stakeholders applied the adaptive grid method² to highlight the core cycle network. This method required stakeholders to firstly nominate major origins and destinations on maps of each town in their local government area³. They then drew preference lines to connect the origins and destinations, often using the shortest most direct route or 'as the crow flies'. The preference lines were then transferred to preferred routes along existing and disused transport corridors and through open spaces/recreation corridors.

The placement of the preferred routes considered hazards, constraints, land tenure and topography. Other factors guiding the placement included the seven planning principles, existing bicycle plans where available and local knowledge of current and desired cycling routes.

After the stakeholder meetings, Transport and Main Roads' officers analysed and refined the draft network using the planning principles along with knowledge of the physical conditions surrounding particular routes.

¹ Queensland Cycle Strategy 2011-2021

² CROW Design Manual for Bicycle Traffic (2007)

³ Not all towns within each local government area are included in the PCNP. A planning hierarchy was applied to determine the level of planning for towns.

Implementation

4 Implementation

4.1 Prioritisation

TMR will collaborate with local governments to identify a list of priority corridors. This prioritised list will be published as an addendum to the PCNP and will be reviewed every three years to ensure it remains an up-to-date representation of investment priorities. It will guide state planning and investment decisions as well as the assessment of grants to local government for cycling infrastructure. Involving local governments in the prioritisation process will ensure that principal cycle network facilities are developed where they will deliver the greatest benefit for the transport system.

4.1.1 Planning and protection of cycling corridors

Further planning and consultation is needed to determine the specific location and form of facilities on priority routes. On the state-network, this planning will be undertaken as part of Transport and Main Roads' State Planning Program. Once the detailed planning has been completed, the highest priority corridors can be mapped and protected, and will be considered as part of the application process for any proposed developments on nearby land.

This planning and protection for future cycling corridors is particularly useful for greenfield development areas, where pre-emptive planning can avert the need for expensive retrofitting.

4.2 Funding and process

Figure 2 illustrates the policies and strategies which influence the PCNP and the delivery mechanisms available for its construction. The principal cycle network has been developed using a 'one network' approach, meaning the network contains routes on both state-controlled and local government roads and open space networks. While Transport and Main Roads has direct control of cycle facilities delivered on state-controlled roads, its influence over local government roads and land is less direct.

4.2.1 Queensland Government delivery

The Cycle Infrastructure Policy requires that TMR considers the needs of cyclists in all state-controlled road and transport projects. When a state-controlled road or transport project coincides with an identified principal cycle network route, the department seeks to integrate cycle infrastructure as part of the project.

Transport and Main Roads' Cycle Infrastructure Policy is one of the key delivery mechanisms for the principal cycle network, requiring cycle facilities to be funded by larger transport projects on the state-controlled network.

The demand for new cycle facilities will not always align with the timing of other transport projects. In cases where benefits and priorities can be identified, stand-alone cycle infrastructure projects will be planned, designed, constructed and funded through Transport and Main Roads' Queensland Transport and Roads Investment Program. However, only the highest priority projects will be put forward as stand-alone projects.

4.2.2 Local government delivery

Local governments in the Wide Bay Burnett region can apply for funding to deliver cycle infrastructure through the Transport Infrastructure Development Scheme (TIDS). From 1 August 2013, the TIDS Policy allows for a single annual funding allocation to Regional Roads and Transport Groups (RRTGs), through consolidation of previous TIDS sub-programs.

RRTGs will be the decision-making authority on funding for a range of transport infrastructure including cycle infrastructure, thereby enabling councils themselves to champion cycling within the RRTG and prioritise investment into cycle infrastructure if desired.

Local governments can also allocate funding for cycling infrastructure in their own budgets, enabling them to deliver projects independently.

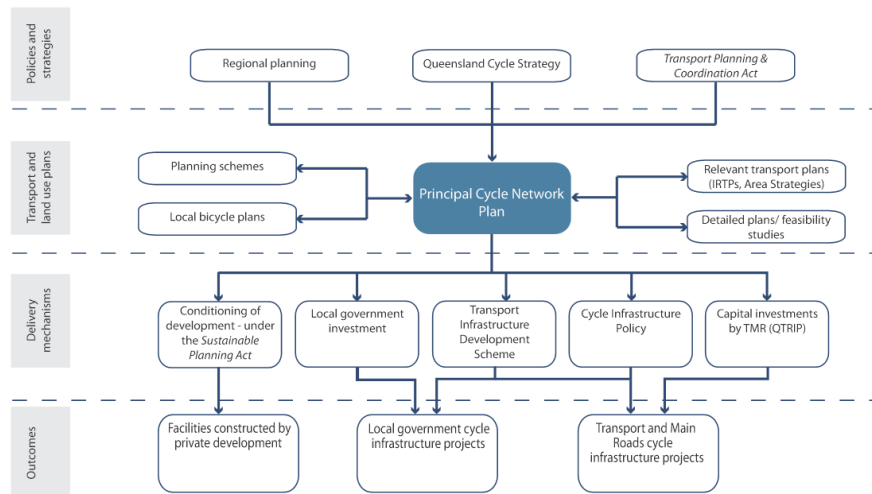


Figure 2 Policies and strategies influencing the principal cycle network.

Implementation

4.2.3 Regional recreation routes

Principal and future strategic routes along state controlled transport corridors will trigger explicit provision for cyclists as defined by the department's Cycle Infrastructure Policy.

Regional recreation routes are not considered to be part of the principal network as it applies to this policy. These routes generally correspond either with touring and training routes in rural areas, or with proposed rail-trail routes along disused rail lines. Their identification in this plan is intended to increase safety and focus delivery in the areas where the highest level of recreational cycling is likely to occur.

As an example, as part of an upgrade to an existing state-controlled road where a regional recreation route is identified, improvements to the road might include implicit cycle provisions such as sealing or widening of shoulders, safety signage, and squeeze point treatments.

These routes may also be eligible for funding through other sources such as TIDS or tourism and recreation programs.

4.3 Infrastructure associated with the principal cycle network

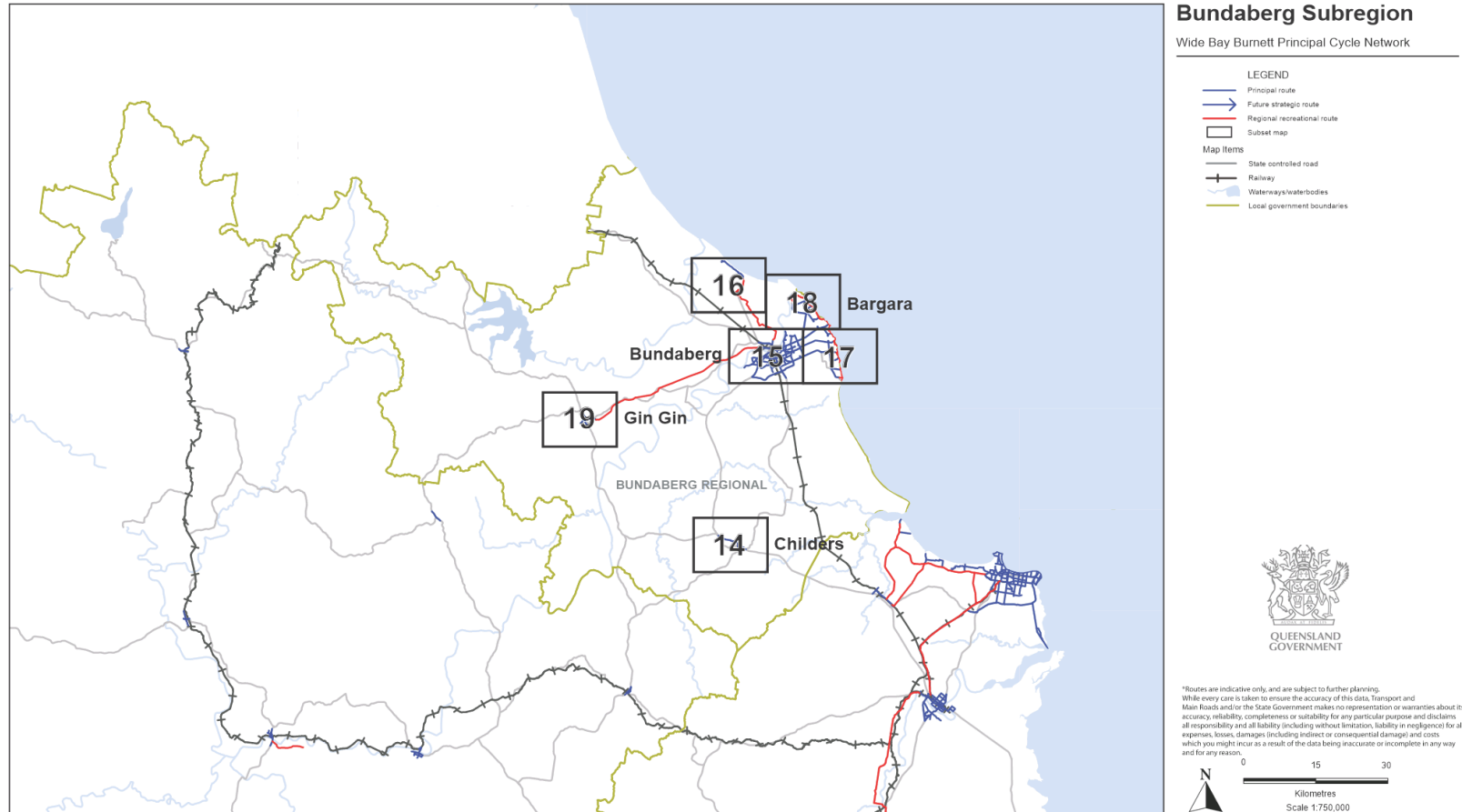
The PCNP does not identify specific infrastructure solutions in relation to routes shown as part of the network. Rather, it identifies the function of each route in general terms and leaves the detailed planning and design to others with a greater understanding of the local issues.

This is because determining the appropriate facility type requires consideration of a range of factors beyond the scope of this network plan. These factors include:

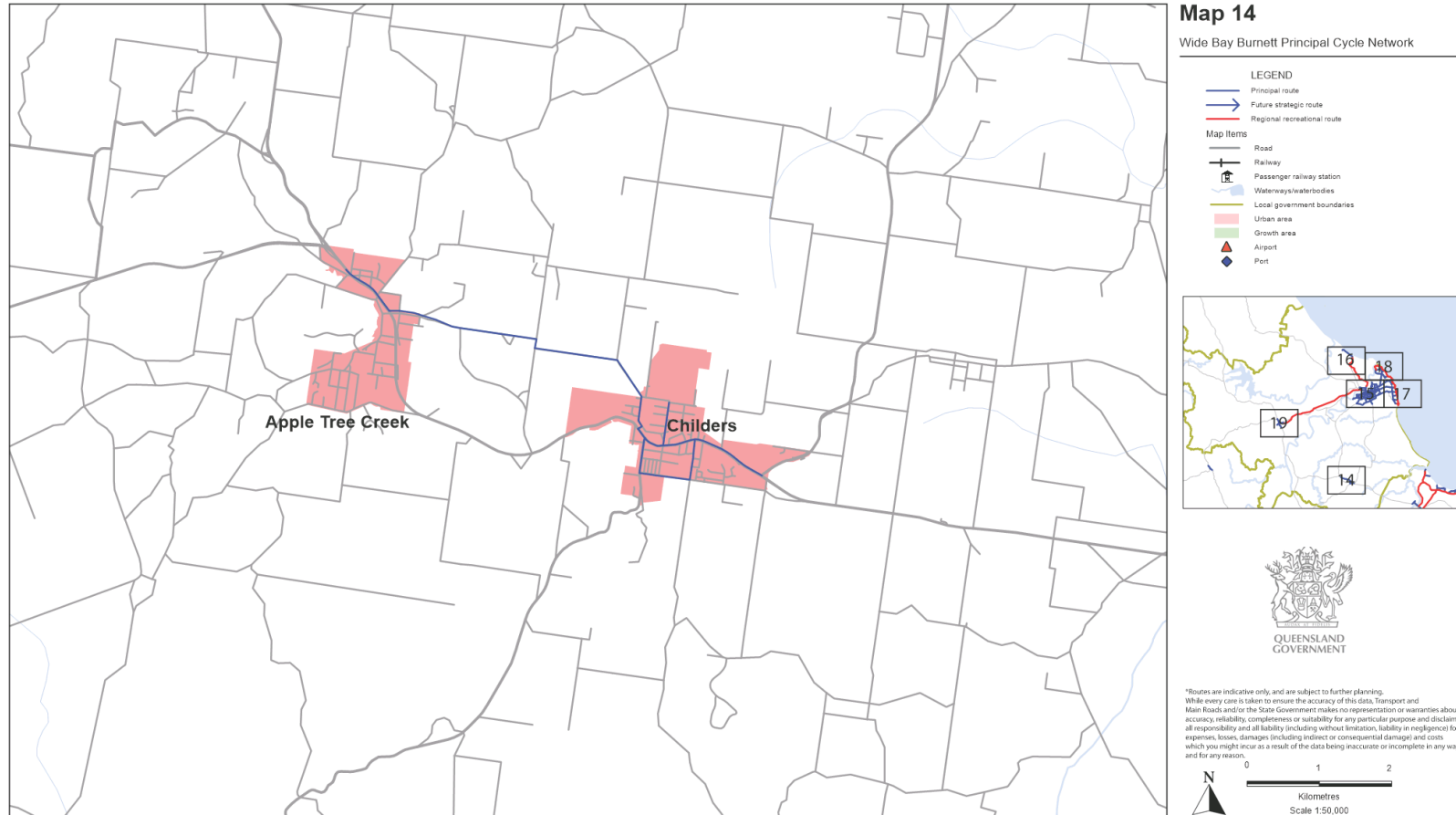
- available space
- type and likely mix of users
- surrounding land uses and trip attractors
- likely volumes of cyclists
- likely volumes of pedestrians
- average traffic volumes
- cyclist crash history
- physical constraints and hazards.

Not all future cycle infrastructure requires a segregated off-road facility; it is possible to design on-road cycle paths with a reasonably high level of safety. There is also the potential for significant cost savings if the road can safely accommodate both vehicles and cyclists. An example of this would be a road corridor with reasonably wide shoulders.

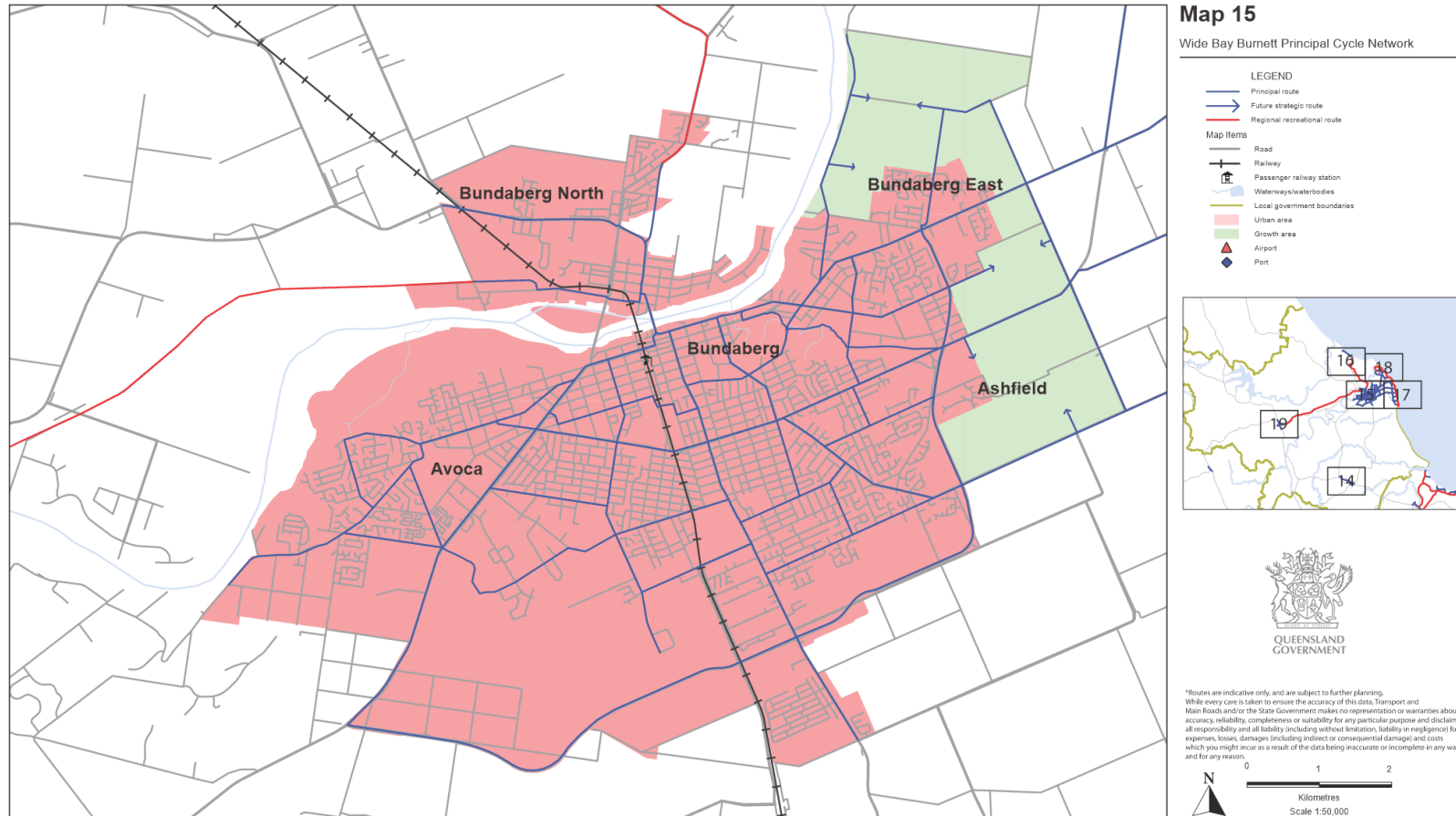
Bundaberg Regional Council network maps



Bundaberg Regional Council network maps



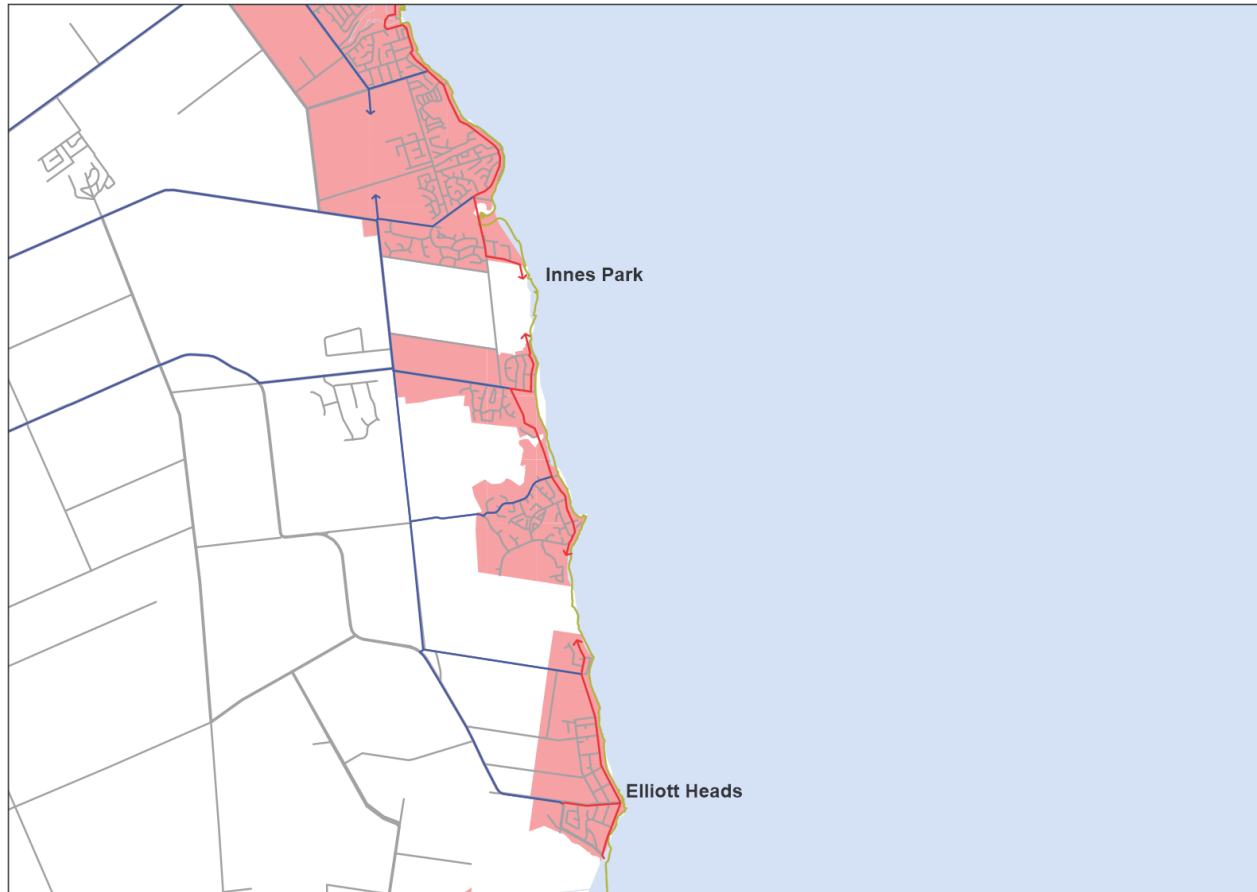
Bundaberg Regional Council network maps



Bundaberg Regional Council network maps



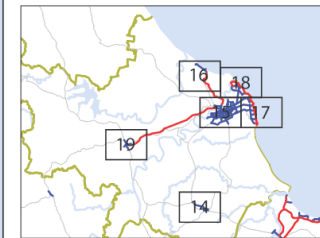
Bundaberg Regional Council network maps



Map 17

Wide Bay Burnett Principal Cycle Network

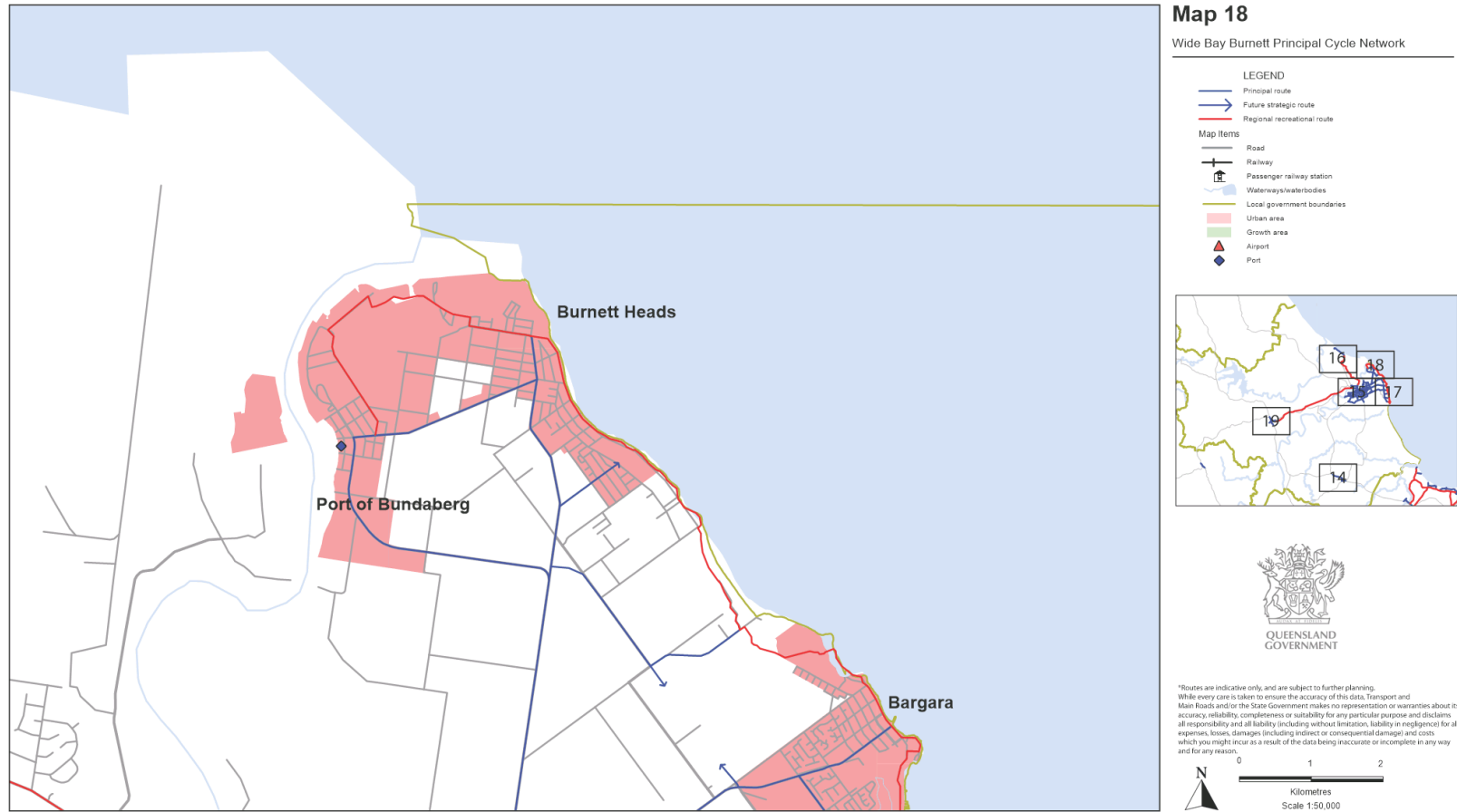
- LEGEND**
- Principal route
 - Future strategic route
 - Regional recreational route
- Map Items**
- Road
 - Railway
 - Passenger railway station
 - Waterways/waterbodies
 - Local government boundaries
 - Urban area
 - Growth area
 - Airport
 - Port



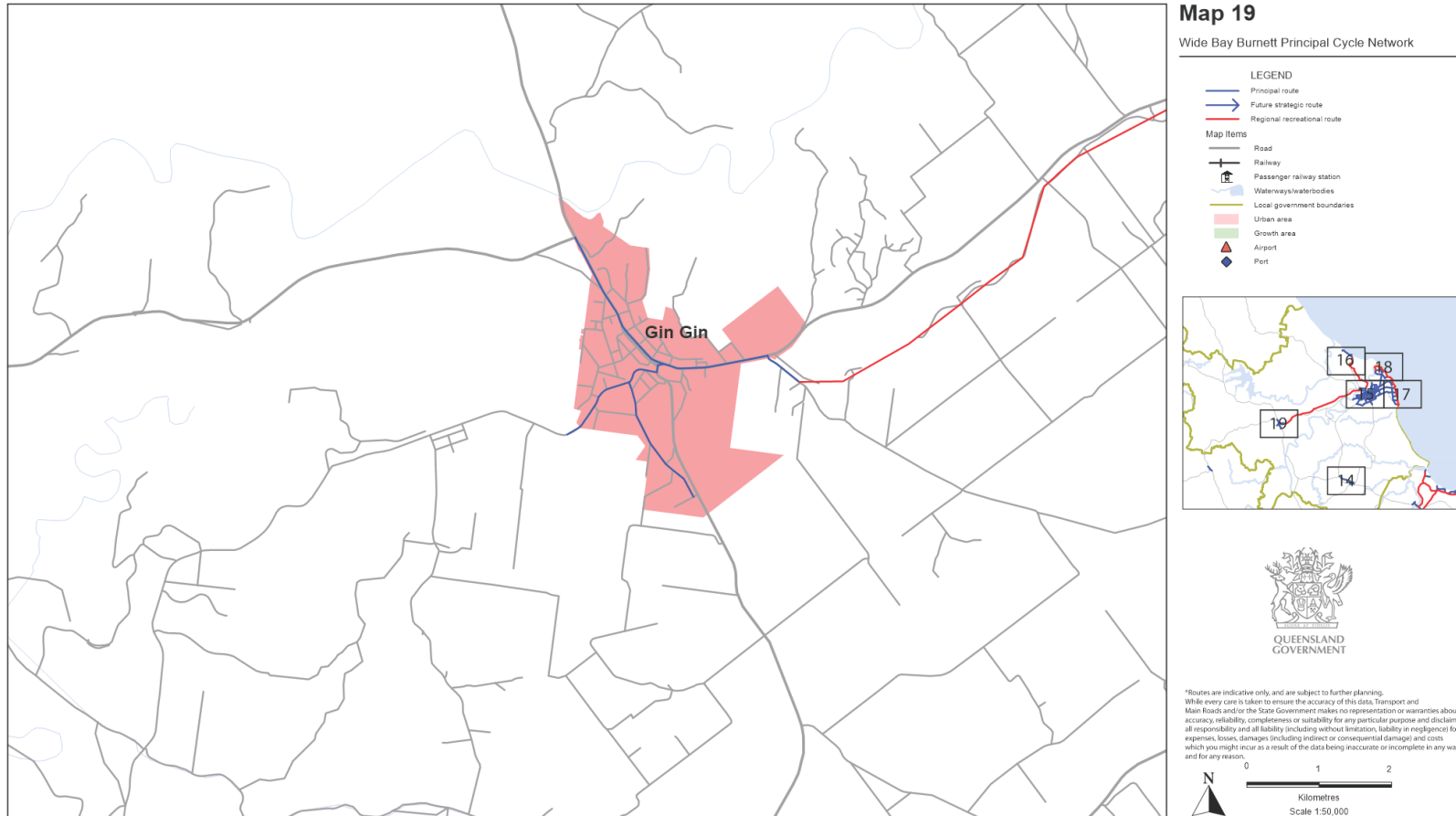
*Routes are indicative only, and are subject to further planning. While every care is taken to ensure the accuracy of this data, Transport and Main Roads and/or the State Government makes no representation or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.



Bundaberg Regional Council network maps



Bundaberg Regional Council network maps



Bundaberg Regional Council analysis of routes

The Bundaberg Regional Council released its Multi Modal Pathway Strategy – Connecting Our Region in February 2012. The strategy aimed to assess the existing multi modal pathway network and recommend a staging strategy for the construction of paths that addressed locational criteria, hierarchy characteristics and design and construction standards.

The strategy identified a three tier hierarchy of pathway types:

- principal pathway – primarily servicing commuter/tourist/recreation functions to provide access to local and regional attractors
- distributor pathways – primarily providing access for students to schools, as well as linking alternative destinations
- collector pathways – shared off-road paths which provide access in urban areas to the higher order paths as well as access in smaller townships.

The functions of the principal pathways and distributor pathways overlap with the intended network outcomes of the principal cycle network plan. Therefore, the principal and distributor pathways developed by the council have informed the placement of the principal cycle network in the Bundaberg region.

However, there are some differences between the two networks. Some distributor pathways have been omitted where their function was not aligned with the principal cycle network principles, and other alignments vary. In some instances, the principal cycle network extends council's network where an additional connection is required to service a demand.

Longer distance and inter-centre routes

A long distance recreational route is identified heading west from Bundaberg, linking to Gin Gin. This is intended to be a rail trail along a disused rail alignment, serving local residents wanting a longer distance ride and attracting tourists to the area. Given that a corridor already exists, the cost of implementing this rail trail should be relatively low.

An adjacent principal route on Bundaberg-Gin Gin Road was investigated but not included in the network as it duplicated the recreational function of the rail trail, and would be unlikely to cater for any commuter or utility trips between the two centres. There are also few suitable stopping destinations along the route.

A route between the north side of Bundaberg and Moore Park has potential for commuters, although the distance is probably too great for frequent use. There is also reasonable recreation and tourist demand for this route, so it is identified as a regional recreation route. Where possible, the

route is identified off Moore Park Road to reduce conflicts with traffic and enhance its attractiveness.

Potential routes were also investigated between Bundaberg, Gin Gin, Childers and Woodgate. However, they were not included because the vast distances between centres (particularly Bundaberg and Childers) meant demand would likely be very low.

Map 14 - Childers

Part of the principal cycle network in Childers is identified on the Bruce Highway. It is the town's major corridor and centre, and connects to employment destinations such as the industrial and commercial area on Goodwood Road, CSR Depot Road, Huxley Road, and North Isis Road will provide a connection to the west, such as to Apple Tree Creek.

Broadhurst Street (along with Thompson Road and Taylor Street) is identified to provide cycling access to the town centre for residents to the south, and to connect to Childers Hospital.

Map 15 - Bundaberg

The Quay Street bridge is part of the network but the Don Tallon Bridge is not. Cyclists are not currently permitted to use the Don Tallon Bridge, and the length and tightness of the corridor mean that it is likely to be an unattractive route. Access to the street network on the northern side of the bridge is hindered by the current grade separation, limiting its ability to effectively connect to areas directly adjacent to the river.

The Bundaberg Ring Road is a principal route for its entire length from Bundaberg East to near the Bundaberg Airport. On the eastern end, it is a connective spine between a number of suburbs including Bundaberg East and Ashfield, and connects trip generators such as St Luke's Anglican School and the commercial centre on Bargara Road. In the west, it is an unbroken, efficient route for long distance trips to destinations such as the Glenlodge Caravan Park and the Bundaberg Airport.

The Isis Highway has been identified as a principal route. At present, the Isis Highway is a major corridor for commuters heading into town from the southern suburbs and a key connector to the airport, Sugarland Shoppingtown and other services.

This corridor also has a similar function for cyclists, as it is the most direct and uninterrupted connection to a number of trip destinations. The Isis Highway also connects indirectly to the Quay Street Bridge, strengthening

the connection between the north and the south of the Burnett River.

Routes identified along Enterprise Street and Commercial Street provide connectivity to the adjacent major commercial precinct and the Bundaberg Airport. These roads have high proportions of commercial traffic and are likely to have a significant cycling demand, so it is important to provide safe cycling facilities to minimise conflict between the modes.

Kay McDuff Drive at Thabeban is identified as a principal route, even though it has no through connection to other parts of the network. It will, however, service a growing commercial and industry precinct and is a natural continuation of Fitzgerald Street, to Shalom College.

Future principal routes are identified in Ashfield, near the Bundaberg Christian School, which is identified as a future growth area. It is therefore important that the plan indicates the intention to provide principal cycle routes to the area when it is developed. Routes were investigated along the Isis Highway and Goodwood Road (south of the city), connecting to the area around Childers. However, they were not included as the long distance between Childers and Bundaberg cannot sustain a high level of commuting.

Branyan Drive in the west of Bundaberg is identified as a principal route to Gorlicks Road to service the growing population along this corridor. A longer length of Branyan Drive (to Louise Court) was investigated but was amended to the boundary of the urban area, as the residential density beyond this point is relatively low.

Routes along Bundaberg-Lowmead Road and Moore Park Road to the north of the city were also investigated. Bundaberg-Lowmead Road was considered too far, with little demand for long distance touring trips to the north. The route along Moore Park Road duplicated the function of the Gooburrum Road/Tantitha Road connection to Moore Park.

Maps 16, 17 and 18 - Burnett Heads/Bargara/Elliot Heads

The coastal villages of Burnett Heads, Bargara and Elliot Heads are small towns that run north-south along the coastline. They have an important relationship with Bundaberg, with these towns dependent on it for higher-level services and employment. There is a need to provide direct cycling connections between the centres. Therefore, a number of routes between Bundaberg and the coastal areas will encourage high levels of patronage.

Two continuing north-south routes with separate functions have been

Bundaberg Regional Council analysis of routes

identified along the coast. One is a recreational route along the coastline, and the other is a principal inland route using the existing road network where it is available and appropriate (such as Back Windemere Road). The coastal recreational route is intended to cater for tourist and local recreational slower-speed movements, such as sight seeing. The principal route is intended to connect commuters and residents to services through a higher speed, more direct and efficient connection.

Map 19 - Gin Gin

The Bruce Highway and Bundaberg-Gin Gin Road are the most important connections through Gin Gin, with many shops and services located along the corridor. Cycling on this corridor is supported by the reduced traffic speed through the town. It is identified on the network because it connects to the proposed Bundaberg-Gin Gin rail trail, and various destinations east and north of the town.

Delivery

6 Timing for delivery

While the PCNP does not determine specific timeframes for delivery of the principal network, it is important for it to be developed in a connected and logical manner. A rigorous prioritisation process, in consultation with local governments, will result in a list of priority projects and ensure that the most critical routes are planned and developed first. The timing for delivery of priority projects will depend on funding availability and construction timeframes for associated road and transport corridors.

7 Updating the plan

Alterations to the principal cycle network and the delivery of PCNP routes will be tracked throughout the lifecycle of the plan. An update form will be sent to all councils and TMR regional offices seeking details on proposed planning led alterations to the network and routes that have been delivered in the past year. Information requested will include:

- type of change (alteration, removal, addition or delivery)
- description of the route to be altered/that has been delivered
- planning document or construction project which has triggered the change
- description of the change and detailed justification for the change against the PCNP planning principles (including for infrastructure, a description of the facility and adherence to cycling standards for delivered infrastructure)
- maps and photos of the change
- contact person for required additional information.

This information will then be collected by the department, tested against the planning principles and included as input in future reviews of the PCNP.

8 More resources

There are a number of resources and guides covering the development of cycle networks in Queensland, ranging from state-wide target setting to technical specifications for infrastructure.

Practitioners are encouraged to review the following:

- Queensland Cycle Strategy 2011-2021
- draft Wide Bay Burnett Regional Plan
- Traffic and Road Use Manual
- A Guide to Signing Cycle Networks
- Manual of Uniform Traffic Control Devices
- TMR Cycle Infrastructure Policy
- AUSTROADS guides
- Queensland Development Code.

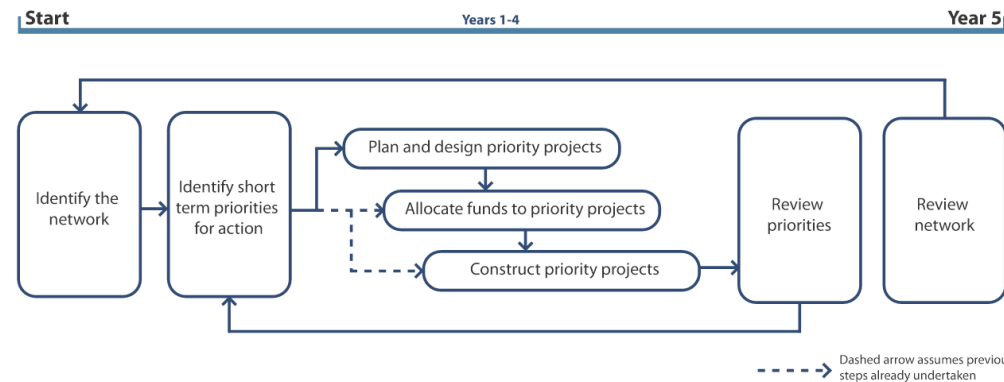


Figure 4 Indicative planning and prioritisation cycle



Department of Transport and Main Roads

Priority Route Maps

Wide Bay Burnett

Addendum to Principal Cycle Network Plan



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DRAFT FOR ENDORSEMENT - NOT GOVERNMENT POLICY

1 Introduction

The Priority Route Maps are an addendum to the Wide Bay Burnett Principal Cycle Network Plan (the plan). The plan provides a vision for the principal cycle network to support, guide, and inform practitioners involved in the planning, design, and construction of the transport network. Principal routes are indicative and guide further planning and design to determine the precise route and design of cycle facilities. The Priority Route Maps identify the delivery priority that state and local government have assigned to principal routes in each local government area.

1.1 Role of Priority Route Maps

The Priority Route Maps guide state and local government planning, design, and investment to deliver the principal cycle network. The maps assist agencies to identify and use a range of mechanisms to deliver the network such as state and local government capital works programs, and road resealing and other maintenance programs. The maps also guide assessment of Queensland Government Cycle Network Local Government Grants program applications.

1.2 How were priority routes identified?

Principal cycle network routes were identified as Priority A (focus of delivery in the next 10 years), Priority B (10 to 15 years), Priority C (15 to 20 years), or Priority D (for delivery in the next 20 years or more). The priority given to each route was informed by workshops and consultation with local government and the Department of Transport and Main Roads regional officers, based on criteria focused on supporting trips to work, school, shops, and other major attractors. Consultation with cycling and other stakeholders will occur as part of future detailed investigations of the priority routes.

Prioritisation considered safety, topography, land use, current usage, and local knowledge of current or latent demand, planning, feasibility, and opportunities. A number of routes are shown as unprioritised. They are either already constructed or not considered a priority for investment at this stage. However, facilities may be delivered on unprioritised routes as part of other projects.

1.3 Endorsement and review

The Priority Route Maps have been endorsed by the department and all local governments covered by the plan.

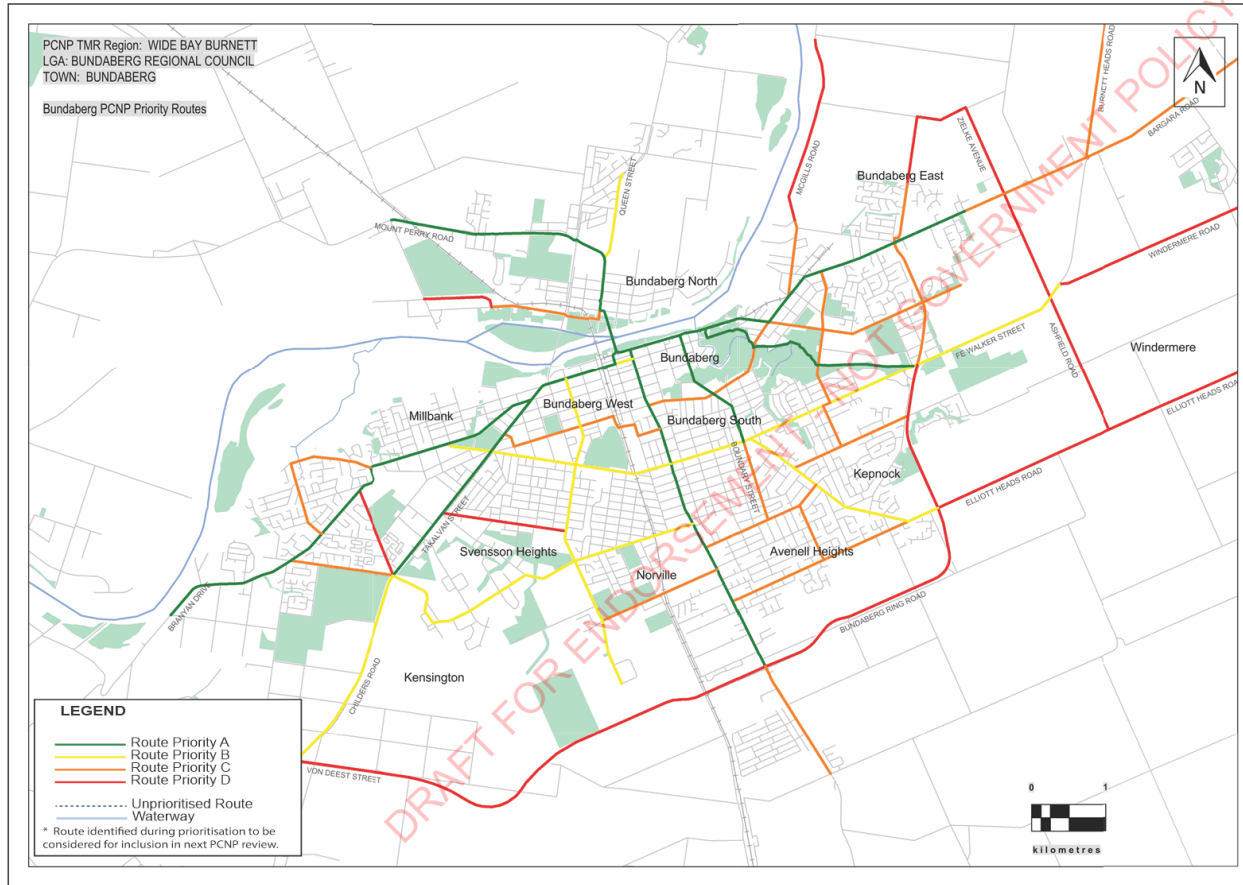
The maps will be regularly reviewed to track delivery and respond to changing circumstances such as changes in demand, priority, and funding availability.

2 Priority Route Maps

This section presents the Priority Route Maps by local government area.

DRAFT FOR ENDORSEMENT - NOT GOVERNMENT POLICY

Bundaberg Regional Council – Bundaberg



Priority Route Map 1

Wide Bay Burnett Principal Cycle Network

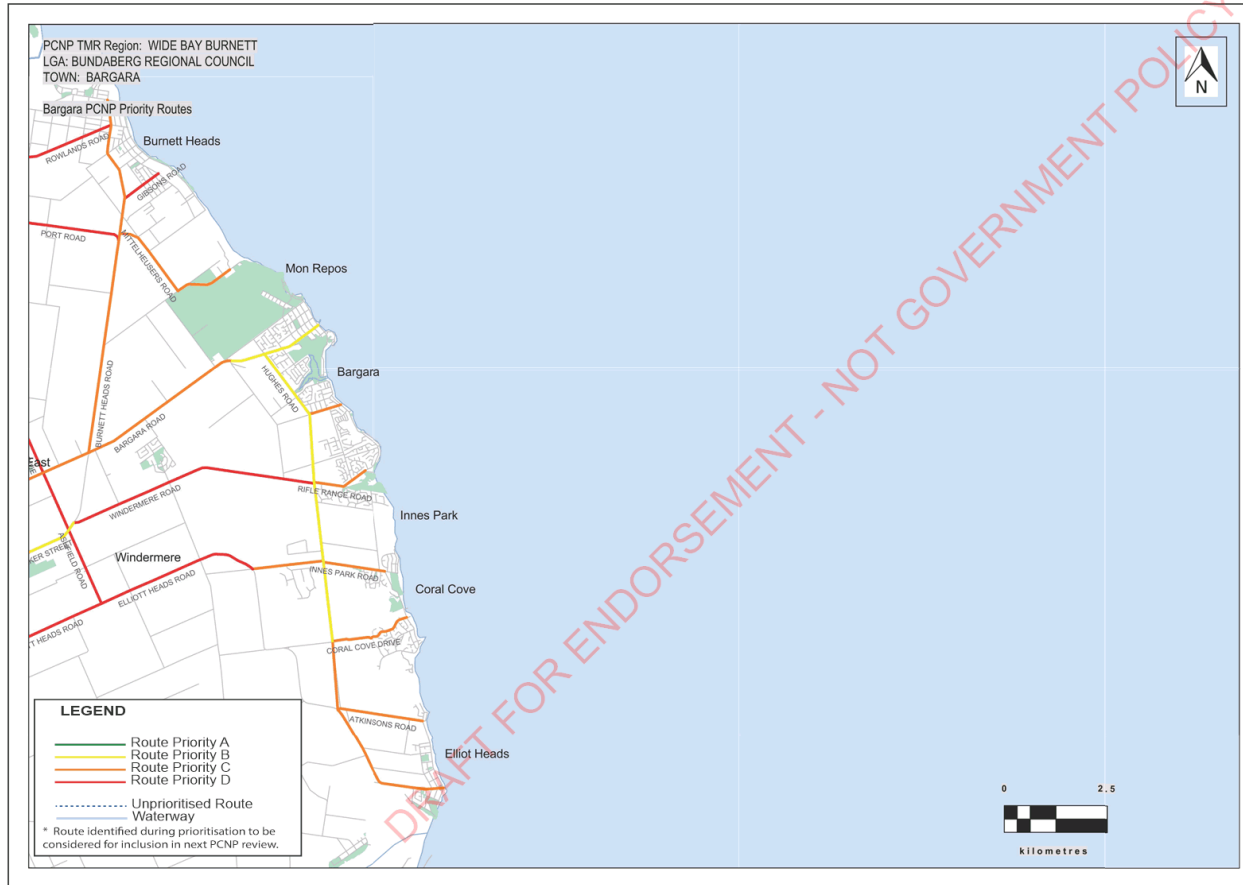
The routes shown are indicative and exist to guide further planning that will determine the precise routes and design of cycle facilities.

Disclaimer: While every care is taken to ensure the accuracy of this data, Transport and Main Roads and/or the State Government makes no representation or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

Priority Route Maps, Wide Bay Burnett, Addendum to Principal Cycle Network Plan, Department of Transport and Main Roads, May 2016



Bundaberg Regional Council – Bargara



Priority Route Map 2

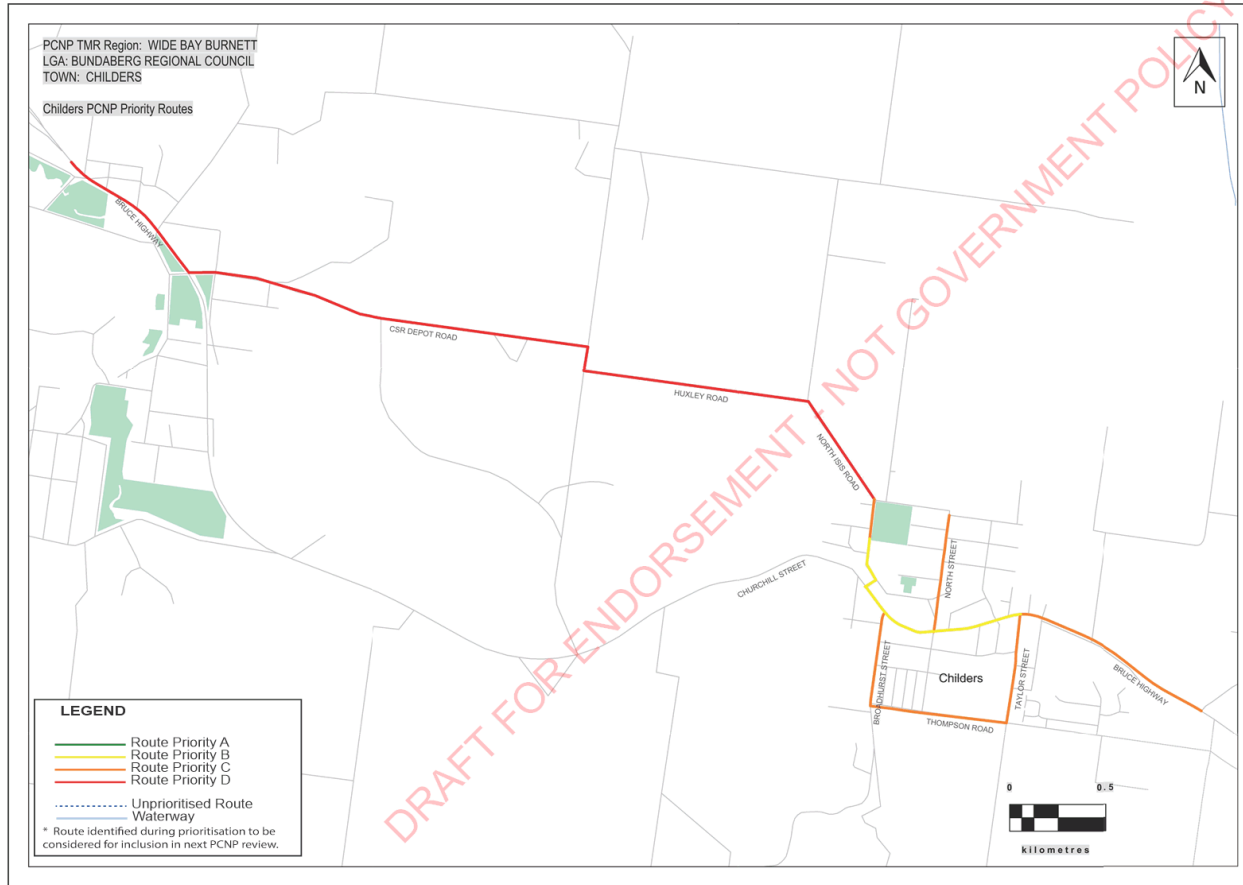
Wide Bay Burnett Principal Cycle Network

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Bundaberg Regional Council – Childers



Priority Route Map 3

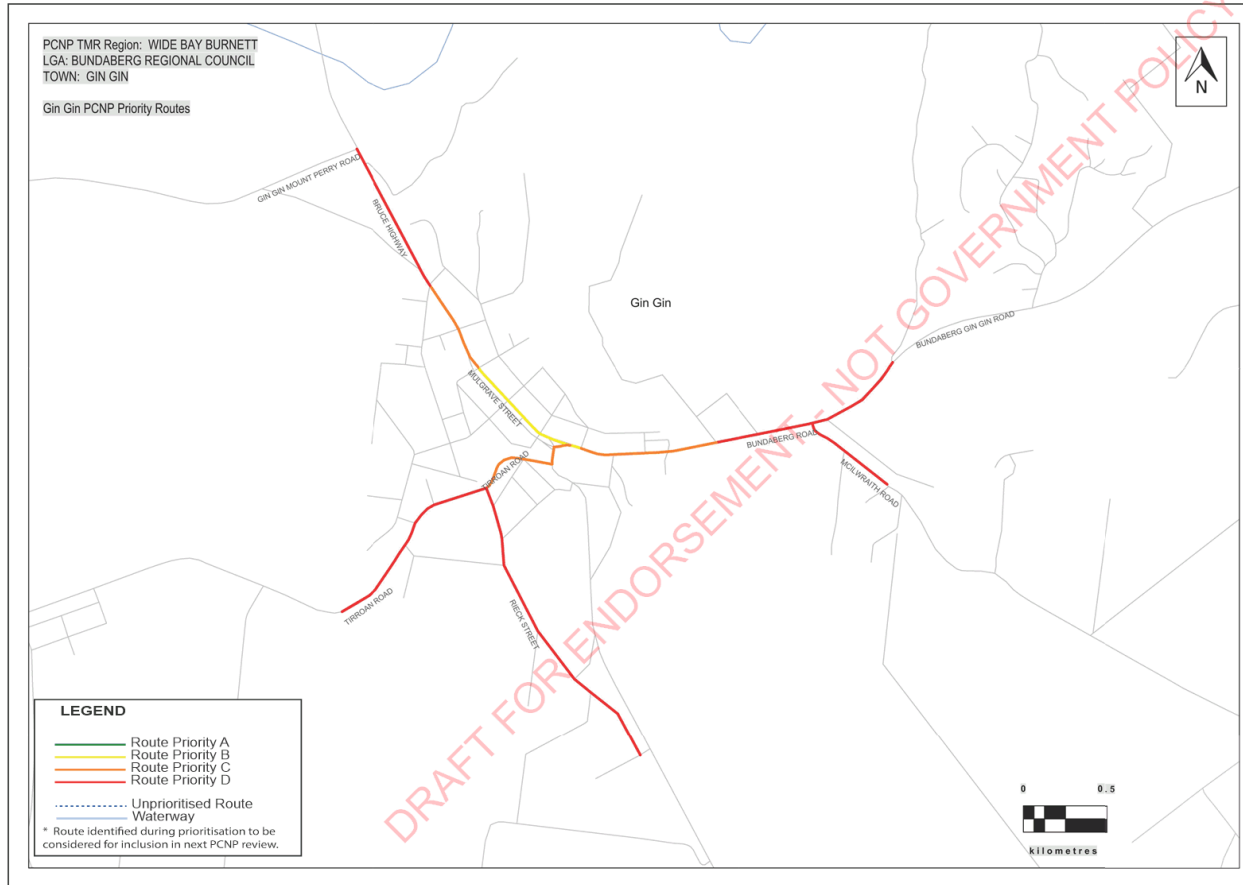
Wide Bay Burnett Principal Cycle Network

The routes shown are indicative and exist to guide further planning that will determine the precise routes and design of cycle facilities.

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Bundaberg Regional Council – Gin Gin



Priority Route Map 4

Wide Bay Burnett Principal Cycle Network

The routes shown are indicative and exist to guide further planning that will determine the precise routes and design of cycle facilities.

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Our ref: DG31268

27 MAY 2016

Mr Peter Byrne
Chief Executive Officer
Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670



Office of the
Director-General

Department of
Transport and Main Roads

Dear Mr Byrne

I am pleased to present the enclosed Bundaberg Regional Council (BRC) *Priority Route Maps* (PRMs) for your endorsement. PRMs form an addendum to the Wide Bay Burnett Principal Cycle Network Plan (PCNP) and have been developed following extensive consultation with BRC officers, reflecting their recommendations.

PRMs are intended to show the delivery priority assigned to routes identified in the PCNP and to guide planning, design and investment in the principal cycle network by both BRC and the Department of Transport and Main Roads (TMR) over the next 10 years.

The next step is to obtain your formal written endorsement of the PRMs prior to their finalisation and publication on TMR's website. I am specifically seeking your endorsement of the PRMs for BRC on pages 4–7. A response within two months of the date of this letter would be appreciated.

Links to grant funding

Following your recent endorsement of the PCNP, BRC is eligible to apply for funding for the delivery of cycling infrastructure projects under the Queensland Government's *Cycle Network Local Government Grants* program. PRMs will inform TMR's assessment of applications under the program, with higher priority routes generally being given greater weighting during the assessment process.

Thank you for your ongoing participation in the development of the principal cycle network in the Wide Bay Burnett region.

If you require further information, I encourage you to contact Mr Adam Rogers, Director (Cycling), by email at adam.z.rogers@tmr.qld.gov.au or by telephone on 3066 7540.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink that reads 'Neil Scales'.

Neil Scales
Director-General
Department of Transport and Main Roads

Enc (1)

85 George Street Brisbane
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Queensland 4001 Australia

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ABN 39 407 690 291

**Item****28 June 2016****Item Number:**

J1

File Number:

Nil

Part:

PLANNING

Portfolio:

Infrastructure & Planning Services

Subject:

Request to renew Memorandum of Understanding - Urban Development Institute of Australia (Bundaberg Branch)

Report Author:

Michael Ellery, Group Manager Development

Authorised by:

Andrew Fulton, General Manager Infrastructure & Planning

Link to Corporate Plan:

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

Background:

In late 2012 the Council entered into a Memorandum of Understanding (MOU) with the Urban Development Institute of Australia (Bundaberg Branch) (UDIA). The purpose of the MOU was stated in the document as being:

The purpose of the Memorandum of Understanding (MOU) is to foster a stronger and more positive working relationship between the Urban Development Institute of Australia (UDIA) Bundaberg Branch and the Bundaberg Regional Council to advance good planning, promotion and development of the Region.

A copy of the 2012 MOU is included as Attachment 1. The aims of the MOU were generally met by:

- Meeting on a quarterly basis to raise and discuss matters of interest related to development;
- Forming working groups to work collaboratively on matters such as the Bundaberg Regional Planning Scheme 2015; and
- Issuing joint press releases on matters of mutual interest.

Under the current MOU, each organisation agreed to revise, renew or revoke the MOU within three months of the declaration of the Local Government Election. In response to this clause, Council received a letter from the UDIA dated 3 June 2016 inviting the new Council to renew the MOU. A copy of their letter is included as Attachment 2. It is intended that the new MOU will contain the same wording as the previous one. A summary of the key commitments sought are:

1. The Council and UDIA hold joint working group forums on a quarterly basis;
2. That both organisation welcome each other to participate in opportunities for workshops, seminars and education; and
3. Both organisations endeavor to provide positive and supportive comments in relation to development related media releases.

Associated Person/Organization:

Urban Development Institute of Australia (Bundaberg Branch)

Legal Implications:

The MOU is not a legally binding document

Policy Implications:

There are no policy implications.

Financial and Resource Implications:

There are no financial implications. Nominated staff and Councillors will be needed to attend the working group meetings once a quarter.

Conclusion:

The UDIA Bundaberg Branch has written to Council requesting that the MOU between the two organisations be renewed.

It is considered that the previous MOU resulted in appreciable benefits to Council. In particular, the quarterly working group meetings provided a forum for open and direct communication with the local peak development industry body. The meetings also generated opportunities for both organisations to work collaboratively on a number of matters of benefit to Council, including road testing of Council's new planning scheme.

In relation to the working group meetings, it is noted that the MOU provides for six representatives from each organisation to attend with the Mayor to chair the meeting, although flexibility exists for additional people to attend where needed. The previous Council considered that the six representatives should consist of three Councillors (with one being the Planning and Development portfolio Councillor) and three officers. The three officers that have been nominated previously were the Chief Executive Officer, the General Manager Infrastructure and Planning and the Group Manager Development, although the Branch Manager Commercial Business and Economic Development, Manager Development Assessment and Manager Strategic Planning also regularly attended. It is open to Council to confirm the permanent attendees at these meetings.

On the basis of a generally positive and beneficial experience of the previous MOU, it is recommended to Council to renew the MOU with the UDIA.

Communication Strategy:

Communication Strategy required?

- Not applicable
- ✓ Yes – Communications Team consulted

Attachments:

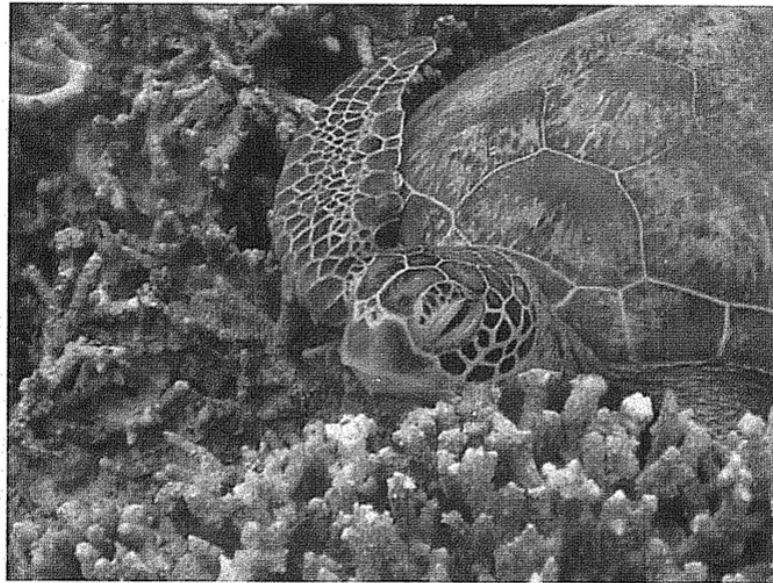
- 1 UDIA/Council MOU 2012
- 2 Letter from UDIA
- 3 Draft MOU

Recommendation:

That the Mayor and Chief Executive Officer be authorised to renew the Memorandum of Understanding with the Urban Development Institute of Australia Bundaberg Branch.



MEMORANDUM OF UNDERSTANDING



August 2012

Bundaberg Regional Council and Urban
Development Institute of Australia (Bundaberg
Branch)

Memorandum of understanding

BACKGROUND

The Bundaberg Region is a diversified local government area comprising coastal, city and hinterland sub-regions with sustained growth taking place across the whole Region. To facilitate continued growth, significant challenges must be faced including the livability, sustainability and affordability of development. Council has a role to balance the competing desires and demands of the development industry and the community to ensure that together, the Region addresses these challenges.

PURPOSE STATEMENT

The purpose of the Memorandum of Understanding (MOU) is to foster a stronger and more positive working relationship between the Urban Development Institute of Australia (UDIA) Bundaberg Branch and the Bundaberg Regional Council to advance good planning, promotion and development of the Region.

This will be achieved by:

- Mutual understanding and respect of each other's roles, responsibilities and needs;
- Jointly contributing to the opportunities for sustainable development;
- Focusing on the 'big picture' for the benefit of the community;
- Participation in regular forums and discussion of issues of mutual interest and resolution of problems;
- Open and honest communication to further develop a co-operative culture; and Jointly keeping the community informed on development issues.

BUNDABERG REGIONAL COUNCIL

Vision

Bundaberg Region – Vibrant, Progressive, Connected and Sustainable

Mission

To connect, unite and inspire our communities, through open, transparent, effective leadership and efficient management practices.

Values

Honesty and Integrity, Respect and Tolerance, Open Communication, Accountability and Transparency, Trust, Empathy and Common Sense.

UDIA

The UDIA in Queensland is the peak body that represents all segments of the development industry. The industry is diversified and includes many forms of residential, commercial and retail developments. It is a non-profit institute which has represented development in Queensland for more than 20 years. Its State office is located in Brisbane and numerous regional operate with a membership in excess of 1000 nationally. Further information can be found at www.udiaqld.com.au

The institute:

- Interacts with government to achieve positive outcomes for the industry;
- Keeps members up to date and well informed in industry issues;
- Encourages excellence in development through Branch, State and national Awards;
- Promotes a Code of Ethics; and
- Collaborates with other industry bodies to deliver optimum results to members.

The urban development industry is a key economic activity in Queensland which represents significant capital investment and employment creation.

FOSTERING A POSITIVE RELATIONSHIP

A strong working relationship can be fostered between the UDIA and Council. There are several strategies for developing this relationship. These approaches include:

1. Council/UDIA joint working group forums
2. Workshops, seminars and education programs
3. Media relations

Refer Addendum A for further details.

IMPLEMENTATION

To be fully effective, the partnering process between the organisations needs commitment, equity, trust and respect.

Commitment

It is agreed there must be a real commitment to partnering at all management levels within each organisation.

Equity

Each organisation's interests, needs, expectations, constraints and risks must be given fair and proper consideration by the other organisation.

IMPLEMENTATION CONTINUED

Trust

Open and honest communication is a necessary component of the partnering charter. Where appropriate, matters of a confidential nature will be noted. Notwithstanding this, it is acknowledged that at times Council is bound by various Acts to maintain confidentiality

Respect

Both organisations, and each person within them, agree to treat each other with respect and integrity in all of its communications and actions.

Review Period

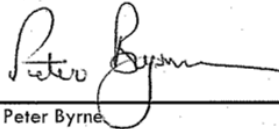
Each organisation agrees to revise, renew or revoke this MOU agreement within three months of the declaration of each Local Government Election.

BUNDABERG REGIONAL COUNCIL

Executed by



Cr Mal Forman
Mayor



Mr Peter Byrne
CEO

URBAN DEVELOPMENT INSTITUTE OF AUSTRALIA
BUNDABERG BRANCH

Executed by



Mr Bill Moorhead
President



Mr David Job
Secretary

ADDENDUM A

1. A COUNCIL/UDIA JOINT WORKING GROUP FORUMS

In order to facilitate a working relationship, a joint working group between Council and UDIA will be formed to meet on a quarterly basis.

Meetings of the joint group will provide;

- A link between both organisations;
- A forum for communication; and
- An opportunity for both parties to raise issues of mutual interest

It is acknowledged that the UDIA's national charter is not to lobby or seek to resolve individual disputes between developers and Council, however, specific examples may be discussed to assist with the mutual understanding of areas of concern.

FORUM PROCEDURES

Objective

To act as a forum for the Council and the Development industry to raise issues and provide opinion on practices and policies relating to planning and development, and suggest the appropriate courses of action for either or both parties.

Scope

Matters raised are to be of general interest/concern to the Industry and/or Council. The form is not the vehicle to discuss matters on specific projects unless the issue raised has an influence on bigger picture applications across the board. Council and the UDIA to establish mutually agreed listing of issues for resolution.

Representation

Appropriate representations to be determined by each party. However, it is recognized that it can be unwieldy and unproductive to allow too large

a number to the forum and the number should be limited to six from each party (excluding the Chair). UDIA and Council to ensure that there is a continuity of representation to ensure progress on issues.

2. WORKSHOPS, SEMINARS AND EDUCATION PROGRAMS

The UDIA holds regular workshops and seminars. Councilors and Council Officers are welcome to attend these sessions. Similarly, should Council become aware of training/education opportunities that would be of interest to the UDIA these will be communicated to UDIA.

3. MEDIA RELATIONS

Both the UDIA and Council have well established relationships with the local media and have communication methods and mechanisms. For example UDIA has a website and a periodic magazine (ie Urban Developer). Similarly, Council has a website and makes use of print, radio and television media. Where appropriate, joint media statements by the UDIA and Council may be made and individual communication mechanisms also used to further facilitate communication.

Each signatory will use its best endeavours to provide positive comment and/or support in development related media releases and acknowledge that it will exhaust all communications envisaged by the MOU before issuing negative media statements.

3 June 2016

Mr Peter Byrne
Chief Executive Officer
Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670



Dear Peter,

Re—Memorandum of Understanding between Bundaberg Regional Council and the UDIA

The Bundaberg Branch of UDIA (QLD) appreciates the significant influence the Council has on the wellbeing of the development industry and the prosperity of the region. Our branch accordingly values the excellent working relationship with the Bundaberg Regional Council, engaging in open dialogue and collaborating for the benefit of the broader community.

We understand however that because the Memorandum of Understanding was entered into in August 2012 under a previous administration, the new Council may welcome the opportunity to be a signatory. We would like to renew the MoU formally and therefore invite Bundaberg Regional Council to participate.


The foundation of the MoU is the belief that a healthy working relationship between the UDIA and Council is beneficial to the region. There are several strategies for developing this relationship that the MoU identifies. These include:

1. Council/UDIA joint working group forums;
2. Workshops, seminars and education programs; and,
3. Media relations.

Thank you in anticipation of a favourable response.

Please feel free to contact me directly if you would like to discuss the matter.

Yours Sincerely,


for Bill Moorhead
President
UDIA Qld, Bundaberg Branch
0415 798084
bill@moorhead.com.au



MEMORANDUM OF UNDERSTANDING



June 2016

Bundaberg Regional Council and Urban Development Institute of Australia (Bundaberg Branch)

Memorandum of understanding

BACKGROUND

The Bundaberg Region is a diversified local government area comprising coastal, city and hinterland sub-regions with sustained growth taking place across the whole Region. To facilitate continued growth, significant challenges must be faced including the livability, sustainability and affordability of development. Council has a role to balance the competing desires and demands of the development industry and the community to ensure that together, the Region addresses these challenges.

PURPOSE STATEMENT

The purpose of the Memorandum of Understanding (MOU) is to foster a stronger and more positive working relationship between the Urban Development Institute of Australia (UDIA) Bundaberg Branch and the Bundaberg Regional Council to advance good planning, promotion and development of the Region.

This will be achieved by:

- Mutual understanding and respect of each other's roles, responsibilities and needs;
- Jointly contributing to the opportunities for sustainable development;
- Focusing on the 'big picture' for the benefit of the community;
- Participation in regular forums and discussion of issues of mutual interest and resolution of problems;
- Open and honest communication to further develop a co-operative culture; and jointly keeping the community informed on development issues.

BUNDABERG REGIONAL COUNCIL

Vision

Bundaberg Region – Vibrant, Progressive, Connected and Sustainable

Mission

To connect, unite and inspire our communities, through open, transparent, effective leadership and efficient management practices.

Values

Honesty and Integrity, Respect and Tolerance, Open Communication, Accountability and Transparency, Trust, Empathy and Common Sense.

UDIA

The UDIA in Queensland is the peak body that represents all segments of the development industry. The industry is diversified and includes many forms of residential, commercial and retail developments. It is a non-profit institute which has represented development in Queensland for more than 20 years. Its State office is located in Brisbane and numerous regional operate with a membership in excess of 1000 nationally. Further information can be found at www.udiaqld.com.au

The institute:

- Interacts with government to achieve positive outcomes for the industry;
- Keeps members up to date and well informed in industry issues;
- Encourages excellence in development through Branch, State and national Awards;
- Promotes a Code of Ethics; and
- Collaborates with other industry bodies to deliver optimum results to members.

The urban development industry is a key economic activity in Queensland which represents significant capital investment and employment creation.

FOSTERING A POSITIVE RELATIONSHIP

A strong working relationship can be fostered between the UDIA and Council. There are several strategies for developing this relationship. These approaches include:

1. Council/UDIA joint working group forums
2. Workshops, seminars and education programs
3. Media relations

Refer Addendum A for further details.

IMPLEMENTATION

To be fully effective, the partnering process between the organisations needs commitment, equity, trust and respect.

Commitment

It is agreed there must be a real commitment to partnering at all management levels within each organisation.

Equity

Each organisation's interests, needs, expectations, constraints and risks must be given fair and proper consideration by the other organisation.

Trust

Open and honest communication is a necessary component of the partnering charter. Where appropriate, matters of a confidential nature will be noted. Notwithstanding this, it is acknowledged that at times Council is bound by various Acts to maintain confidentiality

Respect

Both organisations, and each person within them, agree to treat each other with respect and integrity in all of its communications and actions.

Review Period

Each organisation agrees to revise, renew or revoke this MOU agreement within three months of the declaration of each Local Government Election.

BUNDABERG REGIONAL COUNCIL

Executed by

Cr Jack Dempsey
Mayor

Mr Peter Byrne
CEO

URBAN DEVELOPMENT INSTITUTE OF AUSTRALIA
BUNDABERG BRANCH
Executed by

Mr Bill Moorhead
President

Mr David Newby
Secretary

ADDENDUM A

1. A COUNCIL/UDIA JOINT WORKING GROUP FORUMS

In order to facilitate a working relationship, a joint working group between Council and UDIA will be formed to meet on a quarterly basis.

Meetings of the joint group will provide;

- A link between both organisations;
- A forum for communication; and
- An opportunity for both parties to raise issues of mutual interest

It is acknowledged that the UDIA's national charter is not to lobby or seek to resolve individual disputes between developers and Council, however, specific examples may be discussed to assist with the mutual understanding of areas of concern.

FORUM PROCEDURES

Objective

To act as a forum for the Council and the Development industry to raise issues and provide opinion on practices and policies relating to planning and development, and suggest the appropriate courses of action for either or both parties.

Scope

Matters raised are to be of general interest/concern to the Industry and/or Council. The form is not the vehicle to discuss matters on specific projects unless the issue raised has an influence on bigger picture applications across the board. Council and the UDIA to establish mutually agreed listing of issues for resolution.

Representation

Appropriate representations to be determined by each party. However, it is recognized that it can be unwieldy and unproductive to allow too large

a number to the forum and the number should be limited to six from each party (excluding the Chair). UDIA and Council to ensure that there is a continuity of representation to ensure progress on issues.

2. WORKSHOPS, AND PROGRAMS SEMINARS EDUCATION

The UDIA holds regular workshops and seminars. Councilors and Council Officers are welcome to attend these sessions. Similarly, should Council become aware of training/education opportunities that would be of interest to the UDIA these will be communicated to UDIA.

3. MEDIA RELATIONS

Both the UDIA and Council have well established relationships with the local media and have communication methods and mechanisms. For example UDIA has a website and a periodic magazine (i.e. Urban Developer). Similarly, Council has a website and makes use of print, radio and television media. Where appropriate, joint media statements by the UDIA and Council may be made and individual communication mechanisms also used to further facilitate communication.

Each signatory will use its best endeavors to provide positive comment and/or support in development related media releases and acknowledge that it will exhaust all communications envisaged by the MOU before issuing negative media statements.



Item

28 June 2016

Item Number:	File Number:	Part:
J2	321.2014.41451.2	PLANNING

Portfolio:

Infrastructure & Planning Services

Subject:

Lot 12 on RP224846, Lot 11 on RP224846 and Lot 1 on RP175045 - Request to reduce infrastructure charges – Development Application 321.2014.41451.2 – Reconfiguring a Lot for Subdivision (3 lots into 30 lots)

Report Author:

Merinda Honor, Planning Officer

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

Environment - 4.2.3 The provision of quality infrastructure that meets the region's current and future needs

Previous Items:

L1 - Request to reduce Infrastructure Charges - Reconfiguring a Lot for Subdivision (3 lots into 30 lots) - Bargara Road, Bargara (Lots 11 and 12 on RP224846 and Lot 1 on RP175045) - Planning Committee Meeting - 01 Mar 2016

Background:

By Negotiated Decision Notice dated 20 August 2015, Council approved, subject to conditions, Reconfiguring a Lot for Subdivision (3 lots into 31 lots over four stages) at Bargara Road, Bargara. In association with the development approval for the land, Council issued an Adopted Infrastructure Charges Notice, calculated in accordance with the Council's Adopted Infrastructure Charges Resolution (AICR) (No 1) 2014, to the value of \$705,600.00. The infrastructure charges are payable to Council prior to the endorsement of the survey plans for each respective stage.

The Applicant by request lodged with Council on 22 September 2015, sought a Request to Change a Development Approval. The request sought to reduce the number of lots to 30 and number of stages to 3. By Notice dated 13 November 2015, Council approved the request subject to conditions.

In association with the development approval for the land, Council issued an Amended Adopted Infrastructure Charges Notice, calculated in accordance with the Council's Adopted Infrastructure Charges Resolution (AICR) (No 1) 2014, to the value of \$680,400.00 in recognition of the reduction in lot yield.

The infrastructure charges are still payable to Council prior to the endorsement of the survey plans for each respective stage.

By correspondence dated 10 December 2015, the Applicant wrote to Council expressing a view that the infrastructure charge (\$680,400.00) levied against the development was excessive and unreasonable and has asked in the correspondence that Council consider reducing the infrastructure charge to \$10,000.00 per lot or \$270,000.00 in total. The request represented a reduction in infrastructure charges of \$410,400.00. At the Planning Committee Meeting of 1 March 2016, Council considered this request and determined not to vary the Infrastructure Charges payable for the development and that the calculated charges area in accordance with Council's Adopted Infrastructure Charges Resolution (AICR) (No 1) of 2015. By letter dated 7 March 2016, Council's Development Team wrote to the Applicant advising of Council's decision.

By further correspondence, dated 16 May 2016, the Applicant has again written to Council expressing a view that the infrastructure charge (\$680,400.00) levied against the development was excessive and unreasonable and has asked in the correspondence that the new Council reconsider reducing the infrastructure charge to \$10,000.00 per lot or \$270,000.00 in total. A summary of the grounds to support the Applicant's request for reduction in the infrastructure charges are provided below:

- Gympie and Cassowary Coast Regional Council have taken steps to reduce charges;
- The subject site is zoned medium density residential and has been lying dormant for some 25 years;
- Developers during the last 25 years have tried but failed to commit to complete their development due to the lack of viability
- The small lot development is new to the region and is itself a risk in undertaking and may not sell readily;
- Most of the Council infrastructure is already in place;
- Costing of the development has blown out and together with the slow demand the whole project can no longer be deemed viable;
- Council's infrastructure fee amounts to 25% of the construction costings; and

Council's consideration of this request is appreciated.

Associated Person/Organization:

Mr Willem Hazenberg

Legal Implications:

To vary the charges applicable to the development, it would be necessary to enter into an Infrastructure Agreement pursuant to section 670 of the SPA. Any such agreement would prevail over the Charges Notice for the development as provided in section 676 of the SPA. Should the Council agree to the owner's request it will be necessary to draft an infrastructure agreement.

Policy Implications:

If Council were to agree to an alternative charge for the approved development, this would not be consistent with the Adopted Infrastructure Charges Resolution (No 1) 2014 under which the development was approved or the current Adopted Infrastructure Charges Resolution (No 1) 2015.

Financial and Resource Implications:

As stated above, the infrastructure charge applicable to the development under the current charges resolution is \$680,400.00. If the Applicants offer is accepted, \$410,400.00 would need to be made up from other revenue sources.

Conclusion:

The Applicant for a recently approved Reconfiguring a Lot for Subdivision (3 lots into 30 lots) at Bargara Road, Bargara, is requesting that the Adopted Infrastructure Charge Notice for the development be reduced by \$410,400.00 to \$270,000.00 (equivalent of \$10,000.00 per new lot), on the basis that there has been a slow demand for such type of development and therefore the project is financially unviable with the current infrastructure charges.

The infrastructure charges payable for this development have been calculated in accordance with the Council's (now repealed) AICR (No 1) 2014 for a development of the type and scale proposed. Council Officers have reviewed the calculation of the infrastructure charge and confirm that the charge is correct in accordance with the requirements of the AICR. Mr Hazenberg does not directly dispute the accuracy of the infrastructure charge as calculated against the AICR policy, rather, requests a more arbitrary reduction of the prescribed charge for the summary reasons outlined in the report and detailed in his submission to Council (attached).

There are no grounds within Council's existing policy to support the requested reduction in charges. Whilst it is agreed that the development (smaller residential lots) is a new product to the region, this alone is not considered to be grounds for reducing the applicable infrastructure charge. If such grounds were accepted, any number of developments with smaller lots would also be able to established similar grounds for a charge reduction resulting in widespread ad-hoc discounting of charges, and adversely impacting on Council's financial sustainability.

On the basis that the Applicant's request is not supported by the AICR (No 1) 2014 or AICR (No 1) 2015, it is the Officer's view that the request to reduce the applicable infrastructure charge should be declined.

Communication Strategy:

Communication Strategy required?

- ✓ Not applicable

Attachments:



- 1 Site Plan
- 2 Locality Plan
- 3 Letter from Applicant
- 4 Negotiated Decision Notice & AICN

Recommendation:

That the Applicant be advised Council does not agree to vary the charge under Adopted Infrastructure Charges Resolution (No 1) 2014 applicable to Development Permit 321.2104.41451.2, for Reconfiguring a Lot for Subdivision (3 lots into 30 lots), Lots 11 & 12 on RP224846 and Lot 1 on RP175045.



Site Plan
Lot 12 on RP224846, Lot 11 on RP224846 and Lot 1 on RP175045

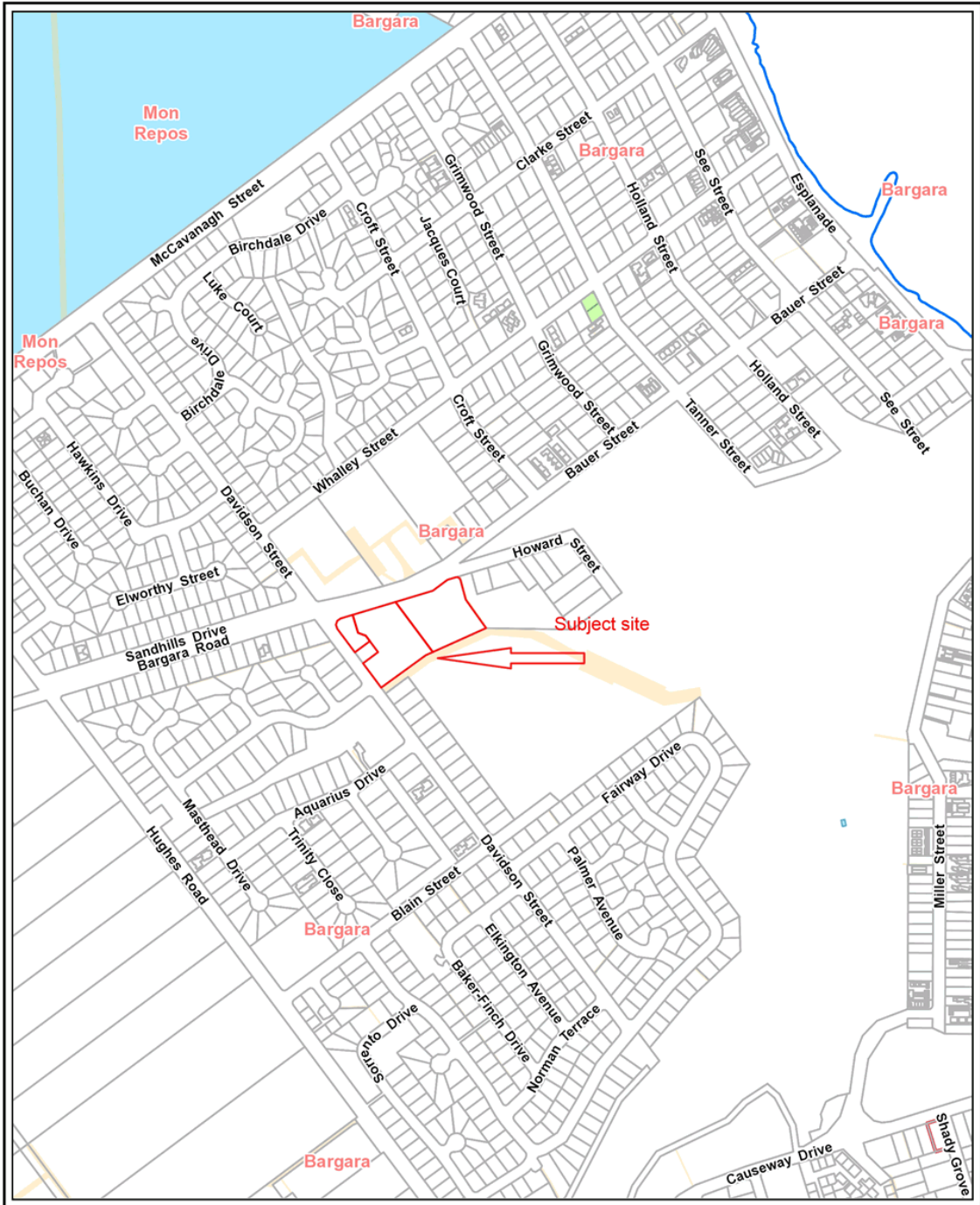
 


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 **BUNDABERG**
REGIONAL COUNCIL

North Arrow

Locality Plan
Lot 12 on RP224846, Lot 11 on RP224846 and Lot 1 on RP175045

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0.16 0 0.08 0.16 Kilometers Author: Merinda Honor

To the CEO

16th May 2016

Bundaberg Regional Council

Re; Land development at Davidson Street Bargara.

Dear Sir/Madam

In a letter dated 7th March 2016 the Council refused my application to vary the infrastructure charges.

However times are changing and with a new Chairman and new Councillors wanting to get development of the ground in the region I find it prudent to re-apply for a reduction of these infrastructure charges.

Please note the Gympie and Cassowary Coast Regional Councils have taken the steps to reduce their charges. They believe it will stimulate and/or get their local economy going again.

Our vacant site zoned medium density has been lying dormant for some 25 years. Several Developers during those years have tried but failed to commit completing their proposed projects due to the lack of viability.

We have complied with Council's request to subdivide into small lots which is new to the region and for that reason is itself a risky undertaking as small lots may not readily attract the buyers. By having many small lots will provide Council with additional Rate revenue however does not guarantee a profitable outcome for the Developer.

In our application we have shown a willingness to make this small yet prominent subdivision into an upmarket development. We believe the entrance to Bargara deserves it.

Most of the Council infrastructure is already in place. Conditions of the DA show the developer pays for all connections and onsite infrastructure. Why then these enormous charges of \$ 25.200 per newly created lot. The total charges for our project represents well over 25% of the total construction and marketing costs. This is seriously affecting the viability of our project.

BUNDABERG REGIONAL COUNCIL	
Records Office	
RECEIVED: 19 MAY 2016	
Objective ID:	_____
Retention Code:	_____
Box Number:	_____

The Council I believe will be the winner with additional Rate revenue and local businesses will also benefit giving the Bargara economy a most needed lift.

The new Council since the election has been promoting development and growth in our region and should consider my new application for a reduction of \$ 10.000 per newly created lot.

Are the Councilors of today aware of the high cost of land development. I am quite prepared to share some information with you if you like.

I believe the council decision should be based on merit and the proposed relaxation of the charges should be considered where an obvious benefit applies.

Councillors do have the discretion to can consider and approve special circumstances as long the purpose of the reasons given are justified and well documented.

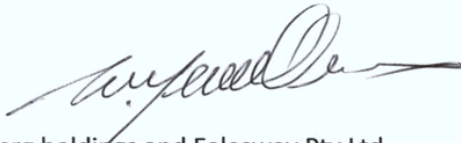
A Councillors duty is to do what is best for the Shire and talk of setting a precedent is I believe taking a negative view and won't help the local community and/or economy in either the long or the short term.

I am happy to meet with Council or Councillors to further state my case.

I kindly ask that Council consider this my new request.

Yours Sincerely

Willem Hazenberg



Director of Hazenberg holdings and Ealesway Pty Ltd

0413 095 770



PO Box 3130,
BUNDABERG QLD 4670
T 1300 883 699 F 07 4150 5410
E ceo@bundaberg.qld.gov.au
W bundaberg.qld.gov.au
ABN 72 427 835 198

20 August 2015

Hazenberg Holdings Pty Ltd
C/- Insite SJC
C/- Smart eDA



Negotiated Decision Notice Sustainable Planning Act 2009 s.363

Thank you for your Development Application for Reconfiguration of a Lot (3 Lots into 31 Lots over Four Stages) at 694 Bargara Road, Bargara, land described as Lot 1 on RP175045, Lot 11 and 12 on RP224846, lodged with Council on 1 September 2014. I wish to advise that on 19 August 2015, a decision was made to issue a negotiated decision notice. This negotiated decision notice replaces the decision notice previously issued and dated 27 January 2015.

DESCRIPTION OF PROPOSAL

Reconfiguration of a Lot for Subdivision (3 Lots into 31 Lots over 4 stages)

DECISION

Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

1. NATURE OF THE CHANGES

The nature of the changes are:

- Condition 10 – Water Supply - Amended;
- Condition 14c – Stormwater Drainage (all stages) – Amended;
- Condition 14d(iii) – Stormwater Drainage (all stages) – Deleted;
- Condition 15 – Stormwater (all stages) – Amended;
- Condition 17 – Roadworks and Access – Deleted; and
- Condition 23 – Fencing and Landscaping Provisions -- Amended.

Changes are in ***bold italics***.

Our Reference: 321.2014.41451.1
Contact Person: Merinda Honor



2. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Reconfiguring a lot	Part 1, table 3, item 1	<input checked="" type="checkbox"/>	

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is applicable to this decision.

3. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

4. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- All Operational Work

5. CODES FOR SELF ASSESSABLE DEVELOPMENT

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

- Planning Scheme for Burnett Shire and Associated Planning Scheme Policies

6. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT

Compliance assessment is required under chapter 6, part 10 of SPA for the following documents or works in relation to the development

Documents or works requiring compliance assessment	Matters or things against which the document or work must be assessed	Compliance assessor	When the request for compliance assessment must be made
Subdivision Plan	The matters or things listed in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>	Bundaberg Regional Council	In the time stated in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>

7. SUBMISSIONS

Not Applicable

8. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

9. REFERRAL AGENCY

The referral agency for this application is:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>State-controlled road Schedule 7, Table 3, Item 1 <i>Making a material change of use of premises if any part of the land:</i> <i>(a) Is within 25m of a State-controlled road; or</i> <i>(b) Is future State-controlled road; or</i> <i>Abuts a road that intersects with a State-controlled road within 100m of the land.</i></p>	Department of State Development, Infrastructure and Planning	Concurrence	State Assessment and Referral Agency (SARA) E: WBBSARA@dssip.qld.gov.au P: PO Box 979 Bundaberg Qld 4670

10. APPROVED PLANS

The approved plans and/or documents for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
Z13-490 P3	Plan of Proposed Lot Reconfiguration	January 2015

11. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse four (4) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

12. REFUSAL DETAILS

Not Applicable

13. CONDITIONS ABOUT INFRASTRUCTURE

The following conditions about infrastructure have been imposed under Chapter 8 of the *Sustainable Planning Act 2009*:

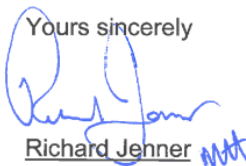
Conditions	Provision under which the Condition was imposed
10, 11, 14, 16, 18, 19, 20, 21, 22	Section 665 – Non-trunk Infrastructure
Not applicable	Section 646 – Identified Trunk Infrastructure
Not applicable	Section 647 – Other Trunk Infrastructure

14. APPEAL RIGHTS

Appeal Rights are set out in Schedule 2.

If you wish to discuss this matter further, please contact Merinda Honor on the above telephone number.

Yours sincerely



Richard Jenner *MMT*
Manager Development Assessment

SCHEDULE 1—Conditions and Advices**Part 1a—Conditions imposed by the assessment manager****Part 1b – Advice Notes****Part 2—Concurrence agency conditions****SCHEDULE 2—SPA extract on appeal rights****APPROVED PLANS****ADOPTED INFRASTRUCTURE CHARGES NOTICE**



SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

Date Development Must be Completed By (Lapsing Date)

4. In accordance with section 342 of the *Sustainable Planning Act 2009*, this Development Approval to the extent it relates to development not completed will lapse four (4) years from the date of this approval.

New Street Names

5. Street names must be submitted to and approved by the Assessment Manager prior to the commencement of Operational Works associated with this approval. A written request for the proposed naming of streets must be submitted that includes three (3) suggested road names for each new street in the development that:
 - a. Reflect aspects of the area in which the streets are located, including historical names, unless otherwise determined by the Assessment Manager. The order of preference in allocating street names will be:
 - i. Historical persons / Historical place names;
 - ii. Other relevant aspects (eg. local flora and fauna); and
 - iii. Themed street names. Where 'themed' names are proposed, a list of street names for the entire development must be submitted as part of the Operational Works application for Stage One of the development;
 - b. Are nouns and generally contain one (1) word. Composite words may be acceptable when they supplement the primary name; and
 - c. Are unique and unambiguous to the Bundaberg Regional Council local government area.

(Note: where a street is extended, the new section created will retain the name of the street extended.)
6. Supply and erect all necessary street signs and posts.

Staging

7. The development may be staged in accordance with the following:
 - a. Stage 1 – Lots 1 to 2 and Lots 23 to 29 inclusive;
 - b. Stage 2 – Lots 15 to 22 inclusive;

- c. Stage 3 – Lots 3 to 14 inclusive; and
 - d. Stage 4 – Lots 31 and 30.
8. If staged, the development need not be completed sequentially in the stage order indicated in condition 7 provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.
 9. Comply with the conditions of each respective stage of this Development Permit prior to the endorsement of a Plan of Subdivision for that stage unless otherwise stated within this notice.

Water (All Stages)

10. ***Provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works.***

Sewerage (All Stages)

11. Provide a reticulated sewerage service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. Where a points of connection are required to Council's reticulated sewerage network such points of connection must be provided by Council.
12. All sewerage infrastructure must be clear of all proposed and existing buildings. Detailed design of the new sewerage infrastructure and its alignment must be determined as part of an application for Operational Works.
13. Except where perpendicular to or intersecting with a property boundary, a sewer main must not be situated closer than 1.5 metres to a property boundary, unless otherwise approved by the Assessment Manager.

Stormwater (All Stages)

14. Install a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual, and must include in particular:
 - a. Stormwater drainage (from the internal catchments) must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, i.e., a piped system with a capacity to cater for Q10 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;
 - b. Extension of the stormwater system to accommodate stormwater from northern external catchment to the site and into the existing stormwater drainage contained in Easement A in RP224846, must accommodate Q100 ARI flows, or such lesser flows as approved by the Development Assessment Manager, from the catchment immediately north of the site;
 - c. ***Shape the surface of each lot to drain directly to either a Road or Drainage Reserve, as no inter-allotment drainage will be permitted, unless it can be demonstrated that Lot filling, shaping, retaining walls or other methods are not practical; with the exception of proposed Lots 23 to 29 as specifically listed below. Should inter-allotment drainage be accepted for use by Council, design and construct inter-allotment piped drainage, inclusive of cut off drains, with inlet pits in each upstream allotment, of sufficient capacity to convey up to Q100 ARI flows from upstream allotments, or lesser ARI as directed by the Assessment Manager, in accordance with the Queensland Urban Drainage Manual. With regard to proposed lots 23 to 29***

the lots may shape directly to Easement E on SP261853 subject to the provision of inter-allotment drainage to Level 2 standard. The drainage specifics must be determined as part of an application for Operational Works;

- d. The works as described in RMA Engineering Report Stormwater Management Plan August 2014 modified as given above and as follows:
 - i. the stormwater directed to the east (part of Stage1 and Stage 2) must be contained in a pipe system with a capacity of Q100 ARI when it is conveyed in Easement A on RP224846;
 - ii. the Bargara Road northern catchment must be regraded to the proposed field inlet; and
 - iii. ***deleted.***
15. ***The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the Bundaberg Regional Council Standard Drawing 37223 (Rev B) WSUD – Bio – Retention Infill Sites at each internal roadway capture pit or gully.***

Roadworks and Access

16. The new roads must be dedicated as road reserve.
17. ***Deleted.***
18. Intersection designs and speed restriction devices must be in accordance with Main Roads Road Planning and Design Manual and, where applicable, Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections. However, the Davidson Street, Atlantis Boulevard and the new Access Road intersection may be designed to a four-way priority (Davidson Street) intersection.
19. Provide truncations to all street intersection types to a minimum of six (6) metre three (3) chord configuration. The truncation must be dedicated as road reserve.
20. Construct all new roads in accordance with the following requirements:
 - a. All roadways must be sealed with asphaltic concrete;
 - b. Provide concrete kerb and channelling on each side of all new roadways to the relevant standard;
 - c. The Access Place roadway reserve for proposed lots 3 to 14 and 15 to 20 inclusive must be of a minimum dedication width of fifteen (15) metres and must be paved to a minimum width of seven (7) metres measured between nominal kerb lines;
 - d. The Access Street roadway reserve for proposed lots 1, 2, and 23 to 29 inclusive must be of a minimum dedication width of fifteen (15) metres and must be paved to a minimum width of seven (7) metres measured from lip of kerb line to lip of kerb line; and
 - e. Cul-de-sac bulbs must be provided with a minimum twenty (20) metre turning circle measured from the nominal kerb line.
21. Provide pavement construction and asphaltic concrete (AC) sealing to the full site frontage of Davidson Street from the kerb and channel to the edge of the existing pavement. The pavement must be designed in accordance with Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06). The pavement specifics must be determined as part of an application for Operational Works.

22. Kerb and channelling, to the road widening, must be provided on the Davidson Street road frontage.

Fencing and Landscaping Provision

23. ***The proposed fencing, trees and landscaping treatment along Bargara Road must be provided generally as indicated in the approved plans with the following amendments, to the satisfaction of the Assessment Manager:***
- a. ***The works must be undertaken with operational works approval and avoid the use of continuous timber construction. Features, such as feature piers, are to be incorporated into the design.***
 - b. ***Landscaping is to be limited to the areas within the proposed new road reserve, at the head of each cul-de-sac, and will be positioned to inhibit vehicular and pedestrian access whilst remaining clear of the proposed underground services. The landscaping shall be limited in height so as to not interfere with overhead services. Plantings will be serviced by an approved drip watering system.***
 - c. ***The requirements of this condition are to exclude the existing landscaped frontage to proposed Lot 31.***

Electricity, Street lighting and Telecommunications

24. Enter into an agreement with an approved electricity provider, to ensure that underground electricity will be available to each lot under standard tariff conditions and without further capital contributions. Provide evidence of such an agreement, along with associated bonding arrangements, to the Assessment Manager prior to the approval of the Plan of Subdivision.
25. Padmount transformers must be located within the road reserve fronting drainage easements, unless otherwise agreed in writing by the Assessment Manager.
26. Street lighting to new roads, multi-modal pathways and intersections must be by way of provision of underground conduits and cables, poles and street lights. The design and provision of street lighting must be in accordance with Australian Standard 1158:2005. The applicable lighting category is P4 for all roadways.
27. Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.
28. Telecommunication conduits (ducts) and pits, including trenching and design, must be provided to service the development in accordance with 'Fibre-Ready' standards or the NBN Co Installing Pit and Conduit Infrastructure - Guidelines for Developers, to the satisfaction of the Assessment Manager.

Easements

29. Lodge for registration at the office of the Land Registry the following easement(s):
- a. a stormwater drainage easement having a minimum width of three (3) metres or as determined in an application for Operational Works, whichever is the greater, to the benefit of Council that includes any stormwater main existing or proposed to traverse the land located within the easement and to a minimum of one (1) metre from the easement boundary; and
 - b. a sewerage easement having a minimum width of three (3) metres to the benefit of Council that includes any sewerage main existing or proposed traversing the

land located within the easement and a minimum of one (1) metre (for proposed) from the easement boundary;

- c. a combined stormwater and sewerage easement, where applicable, having a minimum width of 3.5 metres to the benefit of Council that includes any sewerage and stormwater mains existing or proposed traversing the land located within the easement and a minimum of one (1) metre from the easement boundary; and
30. Draft easement documentation must be submitted to the Assessment Manager for endorsement.
 31. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

PART 1B – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Register No: 331.2015.710.1) applicable to the approved development.

Stormwater

- B. The Development may choose to enter into an agreement with other parties to cater for the additional volume of runoff for the site.

Rates and Charges

- C. In accordance with the *Sustainable Planning Act 2009*, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.

PART 2—CONCURRENCE AGENCY CONDITIONS

The Department of State Development, Infrastructure and Planning, by letter dated 18 September 2014 (copy letter attached for information).



Schedule 2 – SPA Extract on Appeal Rights

Part 1 – APPEALS TO THE PLANNING AND ENVIRONMENT COURT

461 Appeals by applicants.

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general.

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the submitter's appeal period) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications.

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—

- (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters.

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

Part 2 – APPEALS TO THE BUILDING & DEVELOPMENT DISPUTE RESOLUTION COMMITTEE

S 519 Appeal by applicant—particular development application for material change of use of premises.

- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the application.
- (4) An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

522 Appeal by applicant—condition of particular development approval

- (1) This section applies to a development application if—
 - (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
 - (b) the proposed development is for premises of not more than 3 storeys; and
 - (c) the proposed development is for not more than 60 sole-occupancy units.

- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal must be started within 20 business days (*the applicant's appeal period*) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) In this section—
- sole-occupancy unit**, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.
- storey** means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—
- (a) a space containing only—
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation for not more than 3 motor vehicles; or
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
 - (b) a mezzanine.

Note:

Attached is a Rights of Appeal Waiver form. Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waive the 20 day appeal period available under the Sustainable Planning Act 2009.



Part 3 – RIGHTS OF APPEAL WAIVER

Mail To: Bundaberg Regional Council

Address: PO Box 3130
Bundaberg QLD 4670

Attention: Development Assessment

Re: Development Approval for Reconfiguration of a Lot (3 Lots into 31 Lots in Four Stages)

Property situated at 694 Bargara Road Bargara, land described as Lot 1 on RP175045, Lot 11 and 12 on RP224846

Development Permit No: 321.2014.41451.1

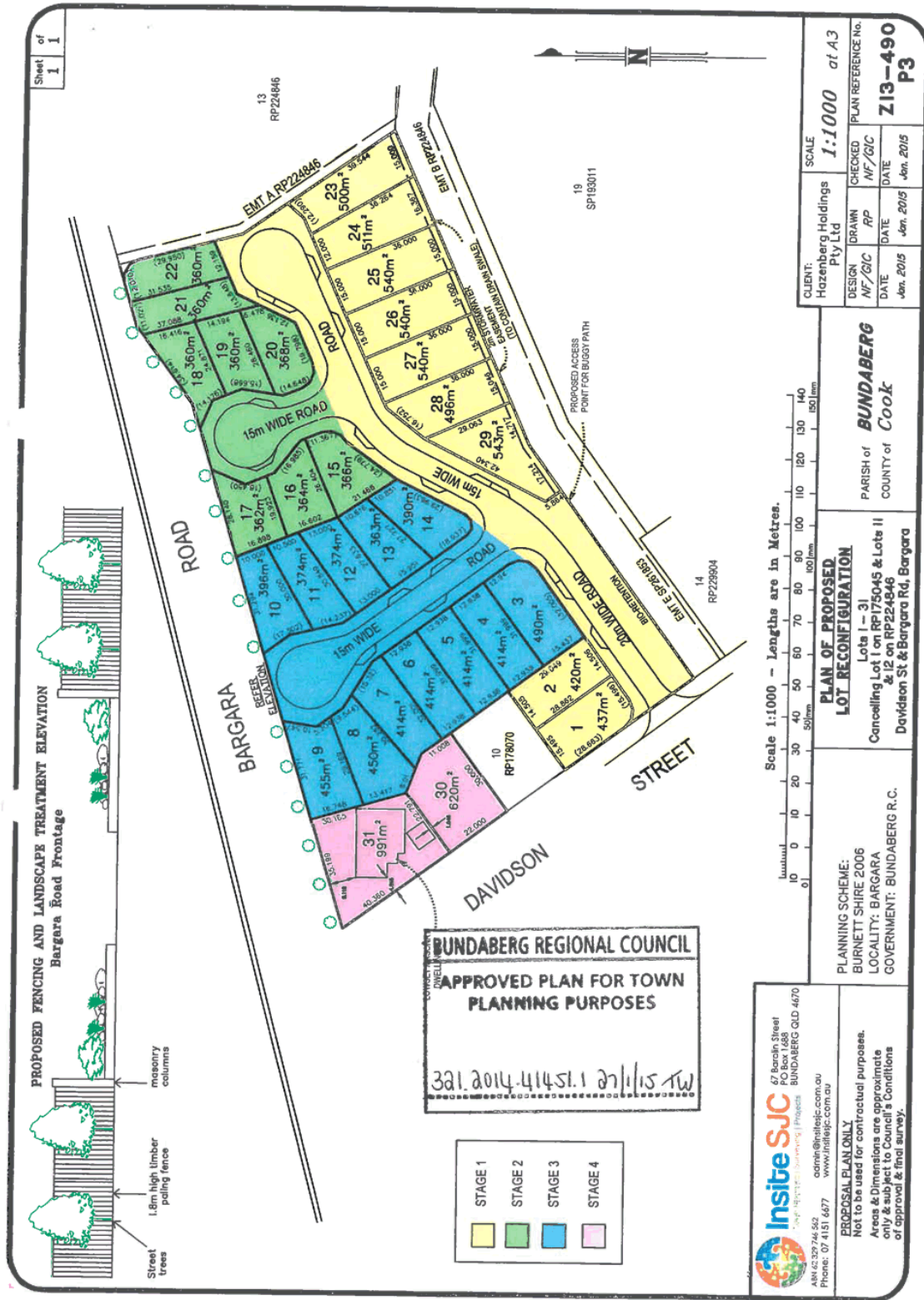
This advice is to confirm that I/We have received the above approval and agree to the conditions contained therein. I/We hereby waiver My/Our appeal rights available under the *Sustainable Planning Act 2009*.

.....
Signature

.....
Date

.....
Signature

.....
Date





PO Box 3130, BUNDABERG QLD 4670
Local Call 1300 883 699 | Fax (07) 4150 5410
ABN 72 427 835 198

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Resolution (No. 1) 2014

To: Hazenberg Holdings Pty Ltd
C/- Insite SJC
C/- Smart eDA

Date of Issue: 27 January 2015

Register No.: 331.2014.710.1

Assessment No.: 529630

Land to which the Charge Applies

Address: 694 Bargara Road BARGARA

Property Description: Lot: 1 RP: 175045, Lot: 11 RP: 224846, Lot: 12 RP: 224846

Development to which the Adopted Infrastructure Charge Applies

The adopted infrastructure charge applies to the following development type: Reconfiguring a Lot

Development Approval No.: 321.2014.41451.1

Current Amount of the Adopted Infrastructure Charge

- The adopted infrastructure charge has been calculated in accordance with the method outlined in the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2014 and Chapter 8 of the *Sustainable Planning Act 2009*. Please see Schedule 1 of this notice for the detailed calculation of the current amount.

Current Amount of Adopted Infrastructure Charge = \$705,600.00
(as at date of issue)

Offsets

- There are no offsets applicable to this development.

Refunds

- There are no refunds applicable to this development.

Automatic Increase

The charges are subject to an automatic increase in accordance with Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2014. Council's adopted infrastructure charge are to automatically change in line with future adjustments to the fair value charges schedule as they are made by the Minister. Any increase in the fair value charges schedule will be reflected in the adopted infrastructure charge levied by Council at the time the charge is paid. However, this increase must not be more than the lesser of the following amounts:

- the amount that is the difference between the amount of the adopted infrastructure charge levied for the development and the amount stated in the maximum adopted charge that Council could have levied for the development at the time the charge is paid;
- an amount representing the increase in the PPI index 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.

The PPI index means the same as in SPA. That is either:

- 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.

Payment of the Adopted Infrastructure Charge

- The **due date for payment** of the adopted infrastructure charge is prior to: **the endorsement of the Survey Plan – for each respective stage.**
- Interest at 11% per annum, calculated daily, will be applied to overdue payments
- The charge is to be paid to **Bundaberg Regional Council**. Please contact Bundaberg Regional Council, Development Assessment Team, prior to making payment
- Please include a copy of this Notice with payment

Other Important Information

1. PAYMENT

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

2. INTEREST

Compound interest at a rate of 11% per annum calculated daily is payable on all infrastructure charges outstanding after the due date shown on this charges notice.

3. GOODS AND SERVICES TAX

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

4. INFRASTRUCTURE CHARGES ENQUIRIES

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

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

Richard Jenner
Manager Development Assessment



ADOPTED INFRASTRUCTURE CHARGES NOTICE

SCHEDULE 1 – Calculation of Current Charges, Offsets and Refunds

Land to which the Charge Applies

Address: 694 Bargara Road BARGARA
 Property Description: Lot: 1 RP: 175045, Lot: 11 RP: 224846, Lot: 12 RP: 224846

Development to which the Adopted Infrastructure Charge Applies

Development Approval No.: 321.2014.41451.1

Calculation Details of the Current Amount of the Adopted Infrastructure Charge

DEVELOPMENT

All post-development uses are listed below:

Stage:	1
Infrastructure Charge Area:	Fully Serviced
Use category:	Residential
Use:	Dwelling house
Charge category:	\$25,200.00 per 3 or more bedroom dwelling
Dwellings:	10
Discount:	0%
Subtotal:	\$252,000.00
Stage:	2
Infrastructure Charge Area:	Fully Serviced
Use category:	Residential
Use:	Dwelling house
Charge category:	\$25,200.00 per 3 or more bedroom dwelling
Dwellings:	9
Discount:	0%
Subtotal:	\$226,800.00
Stage:	3
Infrastructure Charge Area:	Fully Serviced
Use category:	Residential
Use:	Dwelling house
Charge category:	\$25,200.00 per 3 or more bedroom dwelling
Dwellings:	13
Discount:	0%
Subtotal:	\$327,600.00
Stage:	4
Infrastructure Charge Area:	Fully Serviced
Use category:	Residential



Use:	Dwelling house
Charge category:	\$25,200.00 per 3 or more bedroom dwelling
Dwellings:	2
Discount:	0%
Subtotal:	\$50,400.00

<i>Development Subtotal</i>	<u>\$856,800.00</u>
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CREDIT FOR EXISTING USE

All pre-development uses are listed below:

Stage:	1
Infrastructure Charge Area:	Fully Serviced
Use category:	Residential
Use:	Dwelling house
Charge category:	\$25,200.00 per 3 or more bedroom dwelling
Dwellings:	3
Discount:	0%
Subtotal:	-\$75,600.00

Stage:	2
Infrastructure Charge Area:	Fully Serviced
Use category:	Residential
Use:	Dwelling house
Charge category:	\$25,200.00 per 3 or more bedroom dwelling
Dwellings:	1
Discount:	0%
Subtotal:	-\$25,200.00

Stage:	3
Infrastructure Charge Area:	Fully Serviced
Use category:	Residential
Use:	Dwelling house
Charge category:	\$25,200.00 per 3 or more bedroom dwelling
Dwellings:	1
Discount:	0%
Subtotal:	-\$25,200.00



Stage:	4
Infrastructure Charge Area:	Fully Serviced
Use category:	Residential
Use:	Dwelling house
Charge category:	\$25,200.00 per 3 or more bedroom dwelling
Dwellings:	1
Discount:	0%
Subtotal:	-\$25,200.00

<i>Credit Subtotal</i>	-\$151,200.00
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STAGE CHARGE SUMMARY

Stage 1

Development	\$252,000.00
Credit	-\$75,600.00
Stage 1 Subtotal	\$176,400.00

Stage 2

Development	\$226,800.00
Credit	-\$25,200.00
Stage 2 Subtotal	\$201,600.00

Stage 3

Development	\$327,600.00
Credit	-\$25,200.00
Stage 3 Subtotal	\$302,400.00

Stage 4

Development	\$50,400.00
Credit	-\$25,200.00
Stage 4 Subtotal	\$25,200.00

GROSS TOTAL CHARGE AMOUNT	\$705,600.00
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TRUNK INFRASTRUCTURE APPLICABLE TO DEVELOPMENT

N/A

TOTAL VALUE OF TRUNK INFRASTRUCTURE	\$0
Value of offset applied to the charge	N/A
Value of refund payable to applicant	N/A
NETT TOTAL (CURRENT AMOUNT)	\$ 705,600.00

Refunds

Not Applicable



ADOPTED INFRASTRUCTURE CHARGES NOTICE
INFORMATION NOTICE

1. REASON FOR DECISION

This notice has been issued pursuant to the Bundaberg Regional Council Adopted Infrastructure Charges Resolution (No.1) 2014 and Chapter 8 of the *Sustainable Planning Act 2009*

2. APPEAL RIGHTS

The recipient of the infrastructure charge may appeal to the Planning and Environment Court in accordance with section 478 of the *Sustainable Planning Act 2009*.

478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;
Examples of possible errors in applying an adopted charge—
 - the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category' under an SPRP (adopted charges) to the development
 - (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

The recipient of the infrastructure charge may appeal to a building and development committee in accordance with section 535 of the *Sustainable Planning Act 2009*.

535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;



Examples of possible errors in applying an adopted charge—

- the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category' under an SPRP (adopted charges) to the development
- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

535A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

**Item****28 June 2016**

Item Number:	File Number:	Part:
K1	322.2016.45490.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

109 and 99 Henkers Road, Oakwood - Material Change of Use for Transport Depot (Storage of Caravans and RVs)

Report Author:

Merinda Honor, Planning Officer

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

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

Summary:

APPLICATION NO	322.2016.45490.1
PROPOSAL	Material Change of Use for Transport Depot (Storage of Caravans and RVs)
APPLICANT	G A Routledge & L I Routledge c/- Insite SJC
OWNER	D A Powell (Lot 5 on SP163988) L I and G A Routledge (Lot 2 on RP148958)
PROPERTY DESCRIPTION	Lot 5 on SP163988 and Lot 2 on RP148958
ADDRESS	109 and 99 Henkers Road, Oakwood
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Rural Zone
OVERLAYS	<ul style="list-style-type: none"> • Flood hazard area (Riverine defined flood event) • Land steeper than 15% • Class A1 agricultural land
LEVEL OF ASSESSMENT	Impact
SITE AREA	Lot 5 = 3.682 ha and Lot 2 = 6.389 ha
CURRENT USE	<u>Lot 5</u> Residential dwelling with avocado orchard <u>Lot 2</u> Residential dwelling with avocado orchard
PROPERLY MADE DATE	7 April 2016
STATUS	The 20 business day decision period ends on 8 June 2016
REFERRAL AGENCIES	Nil
NO OF SUBMITTERS	Two (2)
PREVIOUS APPROVALS	Z-2000128-000 – Material Change of Use for Poultry farm comprising up to 42,000 hens. Approved by the former Burnett Shire Council on 10 August 2000
SITE INSPECTION CONDUCTED	12 April 2016
LEVEL OF DELEGATION	Level 3

1. INTRODUCTION

1.1 *Proposal*

The Applicant is seeking approval for a Material Change of Use for Transport Depot (Storage of Caravans and RVs) over two (2) stages. The Applicant proposes to convert the existing building (formerly approved and utilised for the accommodation of poultry layers) to accommodate up to 23 caravans and RV's.

The 23 caravans and RV's are to be accommodated within 23 bays of the existing building which has a gross floor area (GFA) of 793 m² (94.145 metres by 8.42 metres).

The Applicant proposes building work to make the building ready for caravan and RV storage. It is anticipated that the following work would include:

- Levelling of the concrete floor (the current floor slab has troughs and elevated section constructed to facilitate distribution of poultry feed and shed cleaning);
- Raising the roof by 1.6 metres to achieve an overall internal height of four (4) metres;
- Installation of a firewall to achieve fire rating compliance; and
- Enclosure of approximately 32 m² at each end of the shed for all weather storage.

Stage 1 is to have an area of 410.7 m² and involve the northern end of the existing shed. Stage 2 is to have an area of 382 m² and involve the balance area of the shed.

The Applicant details that no storage is to occur outside the building, either in the open or within other buildings on site.

Within the submitted planning report (page 5), the Applicant has detailed the proposed operation of the facility as follows:

- prospective customers would make contact via phone or email;
- there would be no advertising devices attracting customers;
- customers would make an appointment and leave their vehicle outside of the building;
- the operator of the use would be responsible for placing the vehicle within the shed, probably via a forklift or similar;
- vehicles are likely to remain in storage for extended periods of time, estimated to be in the order of six (6) months or longer;
- retrieving the vehicle would be the reverse of the above—vehicle owners would not be permitted to access the premises without permission.

Further, the Applicant details that overnight stays or accommodation would not be permitted.

Access to the site is via an existing easement, Easement B on RP20778 located along the northern (side) boundary of 109 Henkers Road. No works are proposed within the easement.

1.2 Site Description

The subject sites are described as Lot 5 on SP163988 and Lot 2 on RP148958. The following is a description of each property:

Lot 5 on SP163988 – 109 Henkers Road, Oakwood

This property has an area of 6.682 ha and is improved by a residential dwelling (and ancillary structures). The eastern portion of the property is under a large avocado orchard, with balance of the site associated with the residence. The property has a frontage of approximately 150 metres to Henkers Road. Easement B on RP20778 located along the northern (side) boundary is a five (5) metre wide access easement which provides access to 99 Henkers Road.

The property is on a small ridge and slopes from 19.5 metres AHD in the centre of the site to 16 metres AHD in the south-eastern corner of the site and to 9 metres AHD in the south-western corner of the site.

Lot 2 on RP148958 – 99 Henkers Road, Oakwood

This property has an area of 6.389 ha and is improved by a residential dwelling (and ancillary structures) and a large shed (750 m²) formerly used for a Poultry farm comprising up to 42,000 hens. The balance of the property is under a large avocado orchard.

Access to the site is via a five (5) metre wide access easement (Easement B on RP20778) located along the northern (side) boundary of 109 Henkers Road. The western portion of the site is identified as being within a flood hazard area (riverine defined flood event).

The property straddles a small ridge and slopes from 16.5 metres AHD in the centre of the site to 8.5 metres AHD at the western property boundary and to 13.5 metres AHD at the eastern property boundary.

Surrounding Area

Both properties are adjoined directly to the east by a macadamia plantation. The properties are adjoined to the south and west by natural scrub. The broader area comprises macadamia plantations and sugarcane. Splitters Creek is located approximately 300 metres west of the subject properties.

2. ASSESSMENT PROVISIONS

2.1. Applicable Planning Scheme, Codes and Policies

The applicable local planning instruments for this application are:

Planning Scheme: Bundaberg Regional Council Planning Scheme 2015

Applicable Codes:

- Rural zone code

- Agricultural land overlay code
- Flood hazard overlay code
- Steep land (slopes >15%) overlay code
- Industry uses code
- Landscaping code
- Nuisance code
- Transport and parking code
- Works, services and infrastructure code

Applicable Planning Scheme Policies:

- Planning scheme policy for development works

2.2 State Planning Instruments

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

3. ISSUES RELEVANT TO THE APPLICATION

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

Rural Amenity

The Rural Zone code has provision for non-rural uses where the use is compatible with agricultural character of the area and will not compromise the long-term use of the land of rural uses. The proposed development involves the re-use of an existing poultry farm shed in-which 23 caravans and RVs are to be stored only.

The re-use of the building would have no adverse implication for the ability of the site to be used for rural production, noting that no external storage is proposed or supported. Additionally, the proposed development would not remove any land from rural production.

The location of the development on the site is not visible from Henkers Road and is obscured from view from the property to the west by a natural vegetation buffer. Additionally, vehicular access to the site is to utilise the existing driveway. It is therefore argued that the proposed development is in keeping with the purpose of the Rural Zone code.

Flooding

The submitted plans detail that the concrete slab of the subject shed to be 300 mm above natural ground level. With a maximum Defined flood level (DFL) of 12.2 m AHD and the shed locating at approximately 12 metres AHD to 12.5 metres AHD, the building floor slab would be above the 2013 flood height. It is noted that the proposal does not involve any habitable uses and has been conditioned accordingly.

Public Notification

The following matters were raised by submitters:

Grounds of Submissions		Considerations
1	As the owner of the easement, the submitter would like to be consulted about any conditions of approval Council may consider or impose which relates to the easement.	No changes or improvements to the easement are proposed and as such no conditions relating to the easement are included.
2	The prevailing use of the land in the Oakwood area is for cropping/agriculture and makes for a pleasant rural environment. To change the use of the land to Transport Depot will devalue properties.	The proposed development will have less impact on properties than a poultry farm. The proposed change is likely to positively affect land values.
3	There are many other areas around Bundaberg that this type of business could be conducted without the need for a change to the use of this property.	<p>This is a unique development which proposes to efficiently reuse a large existing building to accommodate a maximum of 23 caravans and RVs, with the balance of the site to be retained for agricultural operations.</p> <p>The Applicant has detailed that the operation of the site is to be controlled by the owner of the site and that delivery/pickup of vehicles is to be via appointment only within designated operating hours. Additionally, it is considered that the existing infrastructure for the site is sufficient to service the development.</p>

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment - Engineering	17 May 2016

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

4.2 Referral Agency

Not Applicable

5. PUBLIC NOTIFICATION

Pursuant to the *Sustainable Planning Act 2009*, this application was advertised for 15 business days from 13 April 2016 until 10 May 2016. The Applicant submitted documentation on 10 May 2016 advising that public notification had been carried out in accordance with the *Sustainable Planning Act 2009*. Council received two (2) submissions in relation to this development application during this period. Of the two (2) submissions received, one (1) was in support and one (1) was against the application. Any significant issues raised have been included in section 3 of this report.

Communication Strategy:

Communication Strategy required?

- ✓ Yes – Communications Team consulted

Attachments:

- 1 Locality Plan
- 2 Site Plan
- 3 Proposal Plans
- 4 AICN

Recommendation:

That Development Application 322.2016.45490.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use for Transport Depot (Storage of Caravans and RVs)

SUBJECT SITE

109 and 99 Henkers Road, Oakwood; described as Lot 5 on SP163988 and Lot 2 on RP148958

DECISION

- Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

1. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- All Building Work

4. CODES FOR SELF ASSESSABLE DEVELOPMENT

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

- Bundaberg Regional Council Planning Scheme and Associated Planning Scheme Policies

5. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT

Not Applicable

6. SUBMISSIONS

There were two (2) submissions received for the application. The name and address of the principal submitter for each properly made submission are as follows:

Name of principal submitter	Address
1. Andrew Harrison	110 Minger Street, Mansfield QLD 4122
2. Denise Powell	109 Henkers Road, Oakwood QLD 4670

7. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

8. REFERRAL AGENCY

Not Applicable

9. APPROVED PLANS

The approved plans for this development approval are listed in the following table:

Plan number	Plan name	Date
DA01 Revision A	Site Plan	08 April 2016
DA02 Revision A	Existing and Proposed Floor Plans	08 April 2016
DA03	Existing Elevations	16 March 2016
DA04 Revision A	Proposed Elevations	08 April 2016
DA05	Locality Plan	08 April 2016

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse four (4) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

11. REFUSAL DETAILS

Not Applicable

12. CONDITIONS ABOUT INFRASTRUCTURE

The following conditions about infrastructure have been imposed under Chapter 8 of the *Sustainable Planning Act 2009*:

Condition	Provision under which the Condition was imposed
8	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development Permit prior to the commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.

Date Development Must be Completed By (Lapsing Date)

4. In accordance with section 342 of the *Sustainable Planning Act 2009*, this Development Approval to the extent it relates to development not completed will lapse eight (8) years from the date of this approval.

Construction Management

5. Unless otherwise approved in writing by the Assessment Manager, do not undertake building work in a way that makes audible noise:
 - a. On a business day or Saturday, before 6.30 am or after 6.30 pm; or

- b. On any other day, at any time.
6. Contain all litter, building waste and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or roads.

Development in Stages

7. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition is complied with.

Car Parking

8. Provide off-street car parking and vehicle manoeuvring areas generally in accordance with the Approved Plans and be:-
 - a. designed to include a manoeuvring area to allow all vehicles to leave the site in a forward gear; and
 - b. sign posted to indicate entry/exit points and indicate traffic flow through the site.

Nature and Extent of the Approved Use

9. Unless otherwise approved in writing by the Assessment Manager, the hours of the approved use are limited to:
 - a. Monday to Friday inclusive– 6 am to 6 pm
 - b. Saturday – 8 am to 5 pm; and
 - c. Sunday and public holidays – 9 am to 5 pm.
10. The total number of stored caravans and RVs must not exceed 23.
11. All caravans and RVs are to be stored within the Shed nominated on the approved plans. No storage is permitted outside the shed.
12. Only caravans and RVs are to be stored under this approval unless otherwise agreed in writing by the Assessment Manager.
13. Customers are to deliver and retrieve vehicles by appointment only.
14. Only the operator of the use is permitted to move vehicles into and out of the building.
15. No person is to stay overnight within a caravan or RV at the premises, unless otherwise approved under a subsequent development approval.
16. Vehicles are not to be serviced, repaired, or washed at the premises.

Loading/Unloading

17. Loading and unloading of all vehicles associated with the use must occur on the subject site.

Lighting

18. External lighting used to illuminate the premises must be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

PART 1B – ADVICE NOTES**Infrastructure Charges Notice**

- A. Please find attached the Infrastructure Charges Notice (Register No: 331.2016.823.1) applicable to the approved development.

Environmental Harm

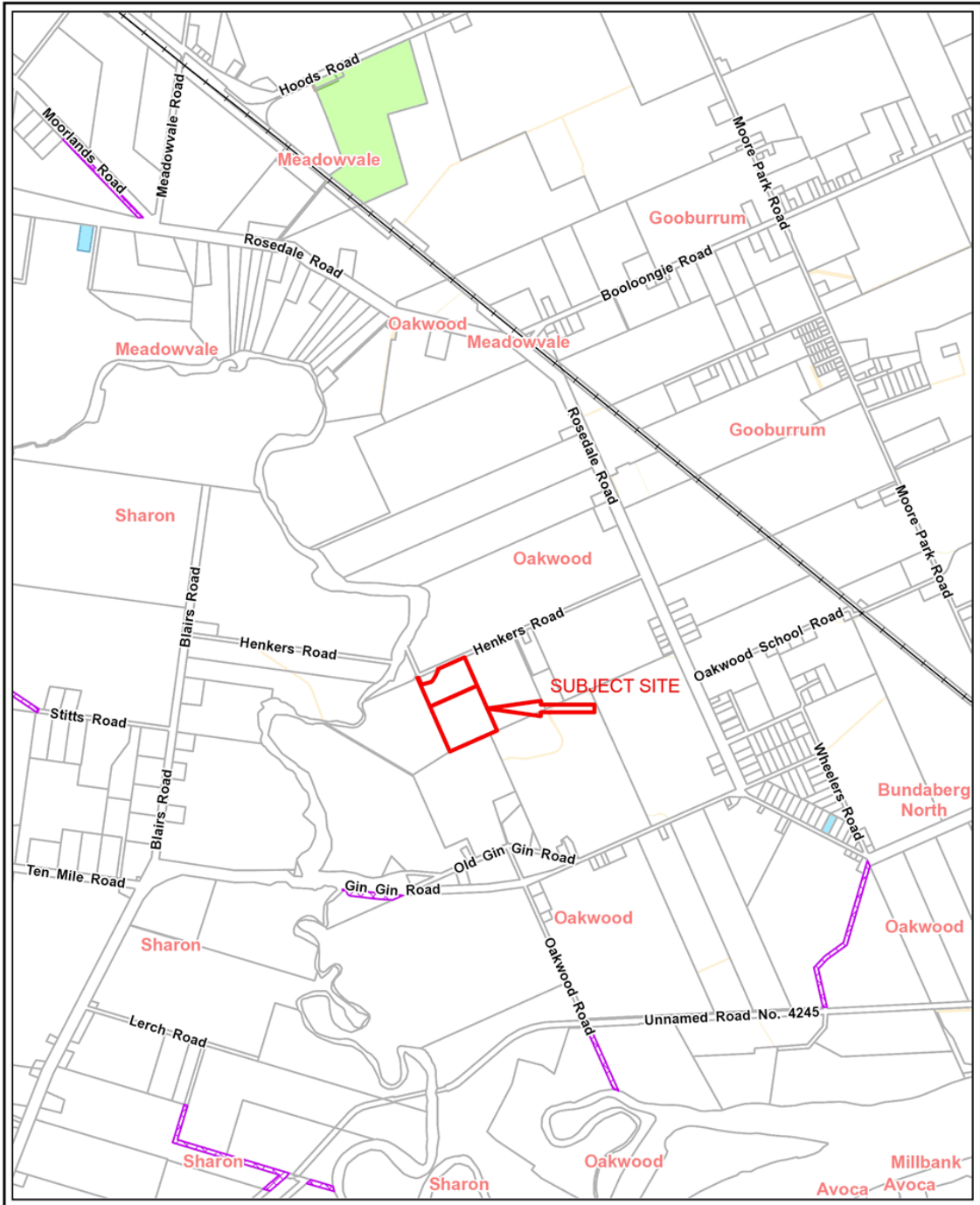
- B. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.


Nature and Extent of Approved Development

- C. This Decision Notice does not represent an approval to commence Building Works.

Signage

- D. An Operational Works permit is required to be obtained for all signs and advertising devices associated with the development that do not comply with the self assessable criteria of the Planning Scheme in effect at the time of the proposed works.



 **BUNDABERG**
REGIONAL COUNCIL



Projection: GDA_1994_MGA_Zone_56 Date: 6/6/2016 2:46 PM Scale 1 : 25,000.00 on A4 Sheet

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Author:



  **Site Plan**
109 and 99 Henkers Road
Oakwood

Projection: GDA_1994_MGA_Zone_56 Date: 6/6/2016 2:32 PM Scale 1 : 2,500.00 on A4 Sheet

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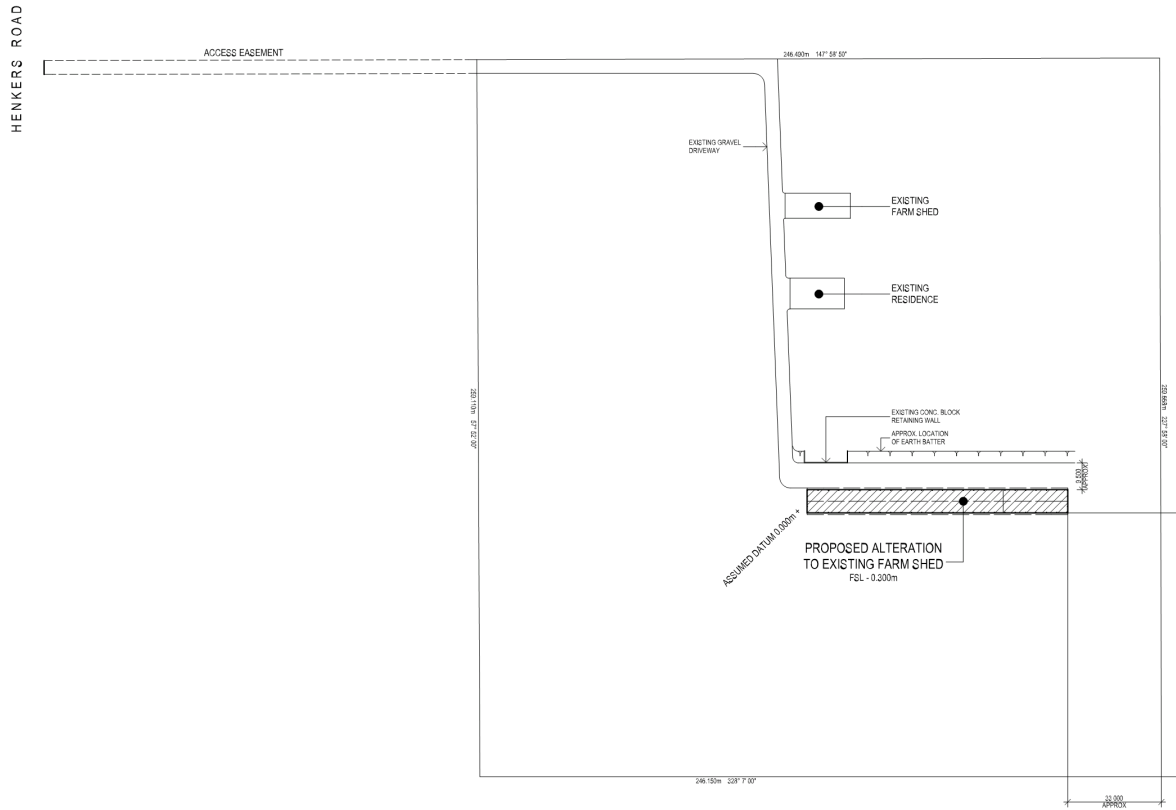
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0.05 0 0.02 0.05 Kilometers Author:

PROPERTY DESCRIPTION:
 LOT 2 ON RP148959
 PARISH OF OTTOO
 COUNTY OF COOK
 SITE AREA - 6.389ha

ABBREVIATION LEGEND:
 FSL FINISHED SLAB LEVEL

GENERAL NOTES:
 1. ALL DIMENSIONS TO BE VERIFIED ON SITE



SITE PLAN
 SCALE 1:1000



REV	DESCRIPTION	DATE	BY
A	REMOVE LOCALITY PLAN	03/04/16	BO
T	ORIGINAL	16/02/16	BO

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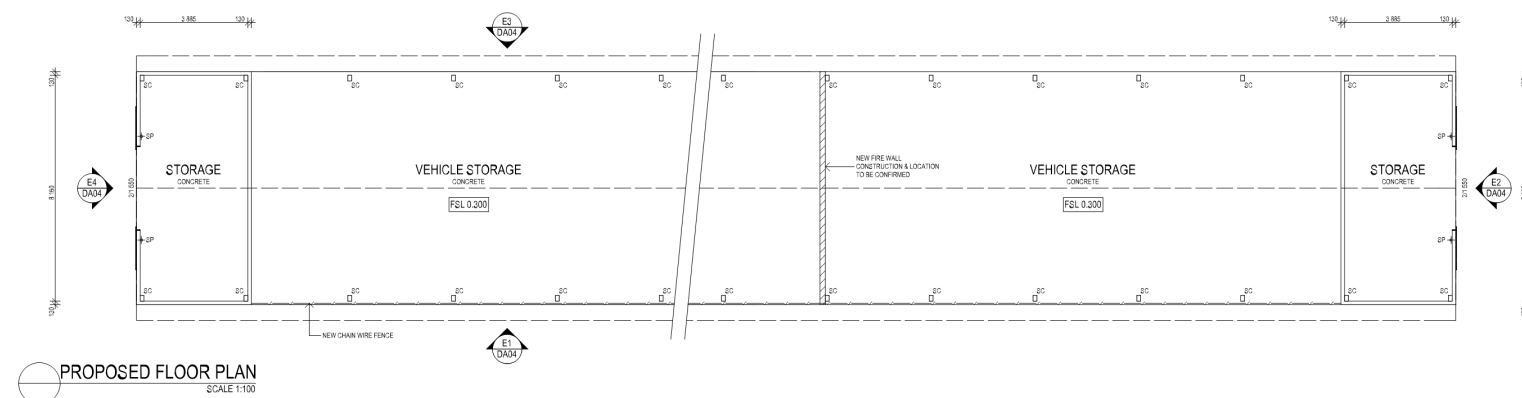
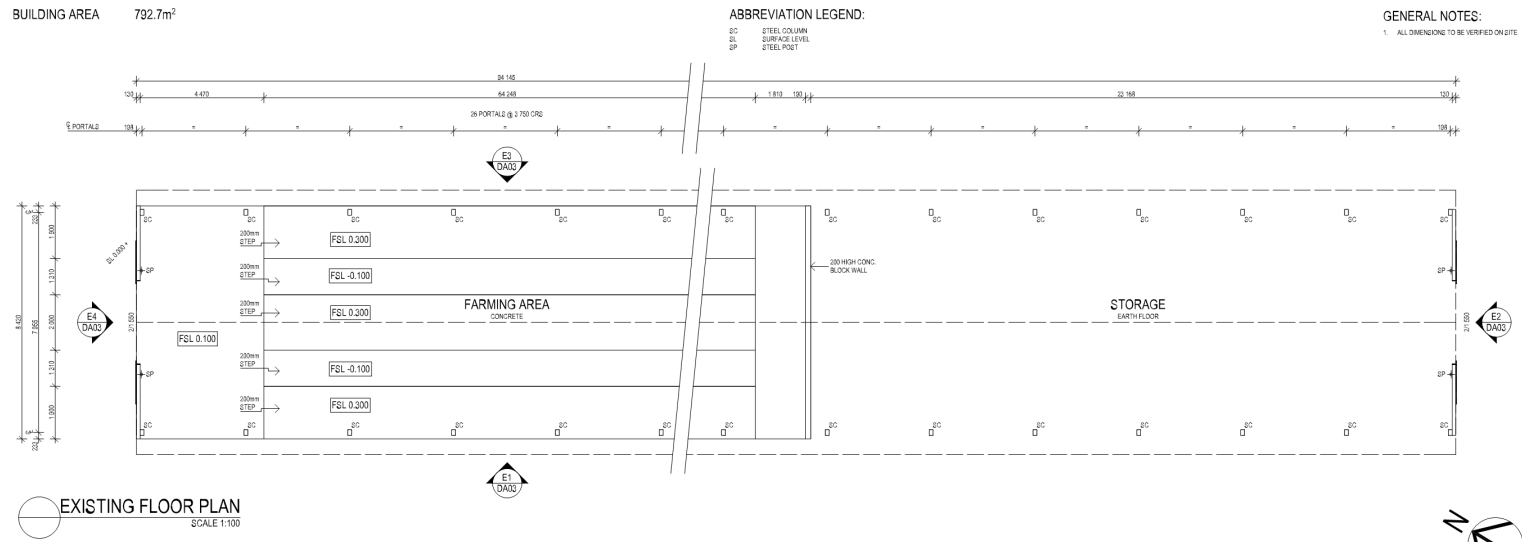
PROJECT: PROPOSED CONVERSION OF EXISTING FARM SHED TO TRANSPORT STORAGE DEPOT

CLIENT: L & G ROUTLEDGE

LOCATION: 99 HENKERS ROAD OAKWOOD, QLD

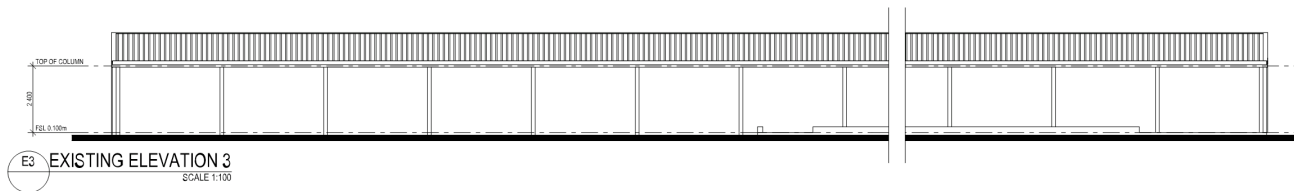
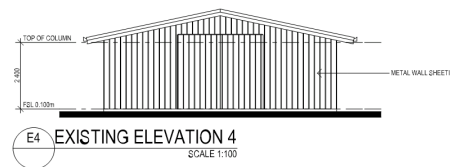
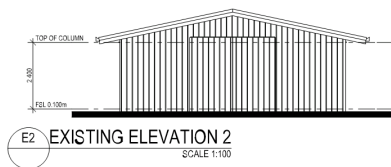
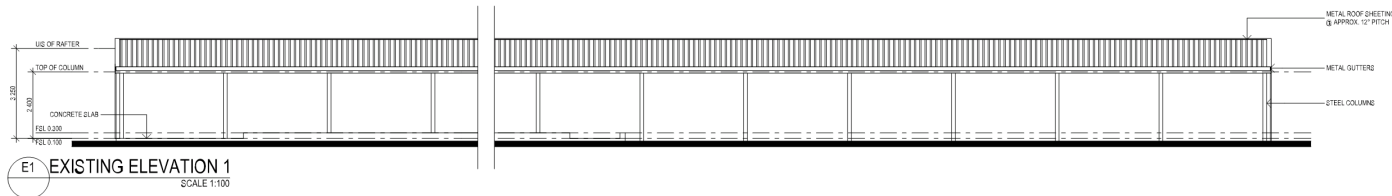
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PAGE SIZE	SCALE	START DATE	DESIGNED
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7A	160301	DA01	TL
			REVISION
			A



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				<p>CLIENT</p> <p>L & G ROUTLEDGE</p>	<p>TITLE</p> <p>EXISTING & PROPOSED FLOOR PLANS</p>	<p>BGA CLASS</p> <p>7A</p>	<p>PROJECT NO</p> <p>160301</p>	<p>DRAWING NO</p> <p>DA02</p>	<p>CHECKED</p> <p>TL</p>

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PROJECT: PROPOSED CONVERSION OF EXISTING FARM SHED TO TRANSPORT STORAGE DEPOT

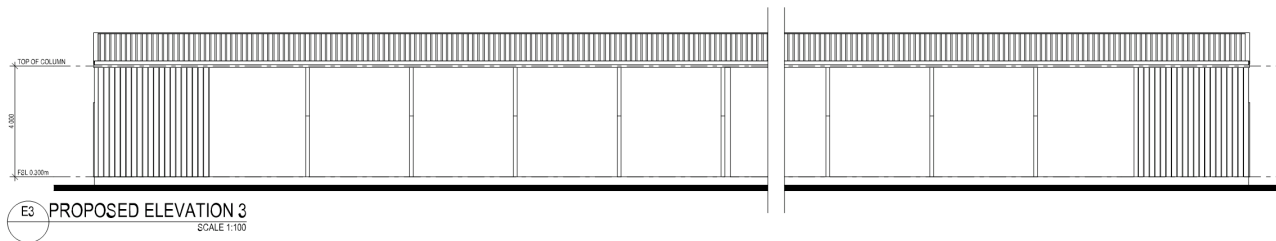
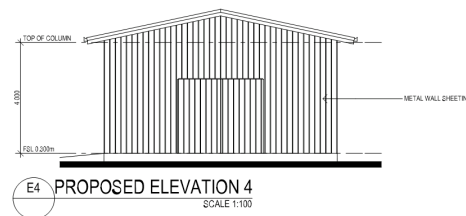
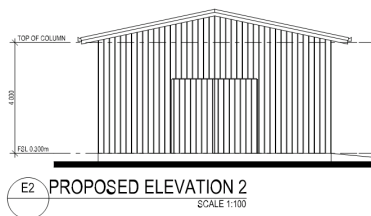
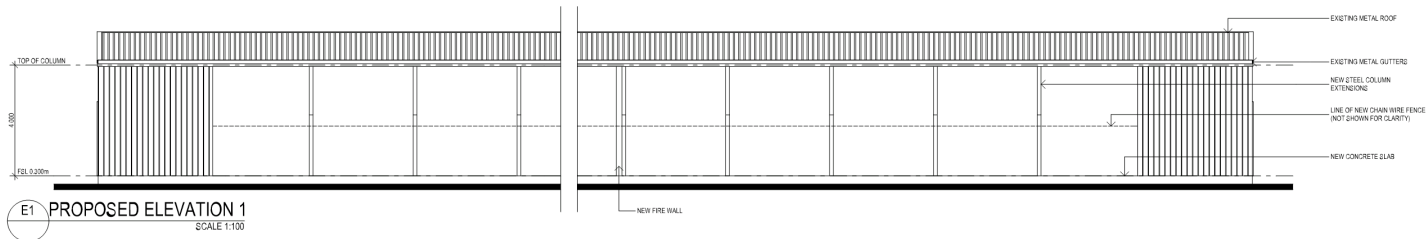
CLIENT: L & G ROUTLEDGE

LOCATION: 99 HENKERS ROAD
 OAKWOOD, QLD

TITLE: EXISTING ELEVATIONS

PAGE SIZE	SCALE	START DATE	DESIGNED
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7A	160301	TL	TL
		DRAWING NO.	REVISION
		DA03	*

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PROJECT: PROPOSED CONVERSION OF EXISTING FARM SHED TO TRANSPORT STORAGE DEPOT

CLIENT: L & G ROUTLEDGE

LOCATION: 99 HENKERS ROAD OAKWOOD, QLD

TITLE: PROPOSED ELEVATIONS

PAGE SIZE	SCALE	START DATE	DESIGNED
A2	1:100	MAR 2016	TL
BCA CLASS	PROJECT NO.	DRAWN	CHECKED
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	DRAWING NO.	REVISION	
	DA04	*	



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LOCALITY PLAN
SCALE 1:1000

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ISSUE
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REV	DESCRIPTION	ISSUED BY	DATE
1	ORIGINAL		

PROJECT
PROPOSED CONVERSION OF EXISTING FARM SHED TO TRANSPORT STORAGE DEPOT

CLIENT
L & G ROUTLEDGE

LOCATION
99 HENKERS ROAD OAKWOOD, QLD

TITLE
LOCALITY PLAN

PAGE NO.	SCALE	START DATE	DESIGNED
A2	1:1000	MAR 2016	TL
BSA CLASS	PROJECT NO.	DRAWING NO.	REVISION
7A	160301	DA05	*



PO Box 3130, BUNDABERG QLD 4670
 Local Call 1300 883 699 | Fax (07) 4150 5410
 ABN 72 427 835 198

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Resolution (No. 1) 2015

To: LI & G A Routledge
 C/- InsiteSJC

Date of Issue: 17 May 2016
Register No.: 331.2016.823.1

Land to which the Charge Applies

Address: 99 Henkers Road, Oakwood
 Property Description: RP148958/2

Development to which the Adopted Infrastructure Charge Applies

The adopted infrastructure charge applies to the following development type: Material Change of Use
 Development Approval No.: 322.2016.45490.1

Current Amount of the Adopted Infrastructure Charge

The adopted infrastructure charge has been calculated in accordance with the method outlined in the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015 and Chapter 8 of the Sustainable Planning Act 2009. Please see Schedule 1 of this notice for the detailed calculation of the current amount.

Current Amount of Adopted Infrastructure Charge = \$16,646.70
 (as at date of issue)

Offsets

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

Total offsets applicable to this development = n/a

Refunds

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

Total refunds applicable to this development = n/a

Automatic Increase

The charges are subject to an automatic increase in accordance with Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015. Council's adopted infrastructure charge is to automatically increase from the time the charge is levied to the time the charge is paid. As per section 631 of SPA 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. Therefore the adopted infrastructure 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. 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 yearsly smoothed PPI at time the charge is paid
 = average (12 previously published PPI figures relative to paid date)
 Smoothed PPI (levied date) = 3 yearsly smoothed PPI at time the charge is levied
 = average (12 previously published PPI figures relative to levied date)



PO Box 3130, BUNDABERG QLD 4670
 Local Call **1300 883 699** | Fax **(07) 4150 5410**
 ABN 72 427 835 198

The *adopted infrastructure 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:

$$\text{adopted infrastructure charge payable} = \text{levied charge} \times \text{automatic increase provision} \dots(2)$$

Finally, if after applying the automatic increase provision the *adopted infrastructure 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 infrastructure 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 infrastructure charge payable* is the charge amount at the time the charge is levied.

Payment of the Adopted Infrastructure Charge

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

Other Important Information

1. PAYMENT

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

2. GOODS AND SERVICES TAX

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

3. INFRASTRUCTURE CHARGES ENQUIRIES

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

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

Richard Jenner
 Development Assessment Manager



ADOPTED INFRASTRUCTURE CHARGES NOTICE
SCHEDULE 1 – Calculation of Current Charges, Offsets and Refunds

PO Box 3130, BUNDABERG QLD 4670
Local Call 1300 883 699 | Fax (07) 4150 5410
ABN 72 427 835 198

Applicant: L I & G A Routledge
Applicant address: C/- InsiteSIC
Site address: 99 Henkers Road, Oakwood
Lot/Plan: RP148958/2

Development Type: Material Change of Use
Due date for payment: before the change of use happens for each stage
Dev Approval No.: 322.2016.45490.1
Register No.: 331.2016.823.1

Prepared by: Ross Hunter
Date of issue: 17/05/2016
Authorising Officer: Richard Jenner
Inside PIA: No

Adopted Infrastructure Charges: \$ 16,646.70
Offset: n/a
Additional Charge Condition: n/a
AICN - Amount Payable: \$ 16,646.70

Summary of the Adopted Infrastructure Charges

Stage	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
All	MCU	New	Bundaberg Partially Serviced (no wastewater and no water supply)	Industry	Transport Depot	\$ per m ² GFA plus \$ per m ² impervious area	n/a	\$ 35.00	\$ 7.00		792.7	792.7	n/a	0%	\$ 33,293.40
All	MCU	Existing credit	Bundaberg Partially Serviced (no wastewater and no water supply)	High impact rural	Intensive animal industries	\$ per m ² GFA plus \$ per m ² impervious area	n/a	\$ (14.00)	\$ (7.00)		792.7	792.7	n/a	0%	\$ (16,646.70)
Adopted Infrastructure Charges Total: \$ 16,646.70															

Stage Breakdown of Adopted Infrastructure Charges

Stage	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
1	MCU	New	Bundaberg Partially Serviced (no wastewater and no water supply)	Industry	Transport Depot	\$ per m ² GFA plus \$ per m ² impervious area	n/a	\$ 35.00	\$ 7.00		410.7	410.7	n/a	0%	\$ 17,249.40
1	MCU	Existing credit	Bundaberg Partially Serviced (no wastewater and no water supply)	High impact rural	Intensive animal industries	\$ per m ² GFA plus \$ per m ² impervious area	n/a	\$ (14.00)	\$ (7.00)		410.7	410.7	n/a	0%	\$ (8,624.70)
2	MCU	New	Bundaberg Partially Serviced (no wastewater and no water supply)	Industry	Transport Depot	\$ per m ² GFA plus \$ per m ² impervious area	n/a	\$ 35.00	\$ 7.00		382	382	n/a	0%	\$ 16,044.00
2	MCU	Existing credit	Bundaberg Partially Serviced (no wastewater and no water supply)	High impact rural	Intensive animal industries	\$ per m ² GFA plus \$ per m ² impervious area	n/a	\$ (14.00)	\$ (7.00)		382	382	n/a	0%	\$ (8,022.00)
Stage Breakdown Total: \$ 16,646.70															

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

ADOPTED INFRASTRUCTURE CHARGES NOTICE INFORMATION NOTICE

1. REASON FOR DECISION

This notice has been issued pursuant to the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No. 1) 2015 and Chapter 8 of the Sustainable Planning Act 2009.

2. APPEAL RIGHTS

The recipient of the infrastructure charge may appeal to the Planning and Environment Court in accordance with section 478 of the Sustainable Planning Act 2009.

478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development.
 - (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

The recipient of the infrastructure charge may appeal to a building and development committee in accordance with section 535 of the Sustainable Planning Act 2009.



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535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;
Examples of possible errors in applying an adopted charge—
 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development;
 - (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

535A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

**Item****28 June 2016**

Item Number:	File Number:	Part:
K2	321.2016.44964.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

70-80 Shelley Street, Burnett Heads - Reconfiguring a Lot for Subdivision (1 Lot into 12 lots over 2 stages)

Report Author:

Merinda Honor, Planning Officer

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

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

Summary:

APPLICATION NO	321.2016.44964.1
PROPOSAL	Reconfiguring a Lot for Subdivision (1 Lot into 12 lots over 2 stages)
APPLICANT	Matlow Pty Ltd AFF Janron Family Trust c/- Arcadia Australia Pacific
OWNER	R Bullock & JF Bullock
PROPERTY DESCRIPTION	Lot 1 on RP894579
ADDRESS	70-80 Shelley Street, Burnett Heads
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Emerging Community Zone
OVERLAYS	<ul style="list-style-type: none"> • Acid Sulphate Soils (Area 2: 5-20 metres) • Sea Turtle Sensitive Area
LEVEL OF ASSESSMENT	Impact
SITE AREA	2.003ha
CURRENT USE	Vacant
PROPERLY MADE DATE	12 January 2016
STATUS	The 40 business day decision period ended on 19 May 2016
REFERRAL AGENCIES	Nil
NO OF SUBMITTERS	121 (105 properly made)
PREVIOUS APPROVALS	Nil
SITE INSPECTION CONDUCTED	February 2016
LEVEL OF DELEGATION	Level 3

1. INTRODUCTION

1.1 Proposal

The Applicant is seeking approval for Reconfiguring a Lot for Subdivision (1 Lot into 12 lots over 2 stages). Stage 1 is to comprise four (4) lots and Stage 2 is to comprise eight (8) lots. Below is a summary of each stage:

Stage 1

Stage 1 is proposed to create Lots 1 to 4. Lots 1 and 4 are to have an area of 1,447 m² with Lots 2 and 3 each having an area of 1,500 m². Lots 2 to 4 are to have a frontage to Shelley Street, with Lot 1 being a corner lot and having a frontage to both Shelley Street and Dryden Street.

Stage 2

Stage 2 is proposed to create Lots 5 to 12 and a new road. The lots are to have areas ranging from 1,439 m² (Lot 8) to 1,702 m² (Lot 7). Lots 9, 10 and 12 are to have a frontage to the new road, with Lots 8 and 11 being corner lots, having frontages to both the new road and Dryden Street. Lot 5, a corner lot, is to have a frontage to Dryden Street and Sea Esplanade, however, vehicular access is only proposed via Dryden Street. Whilst Lots 6 and 7 have a frontage to the Sea Esplanade, these lots are to be rear hatchet shaped lots with access from the new road via access handles located between Lot 9 and 10. It is noted that Dryden Street east of Neilson Avenue and the Sea Esplanade are not proposed to be constructed.

Easements are proposed along the western boundary of Lots 5, 6 and 7 and 11 and 12 to accommodate sewer infrastructure at future time.

The proposal information outlined above details a revised plan of development provided post public notification and in response to matters raised by submitters and Council Officers. Details are discussed further in section 3 of this report.

1.2 Site Description

The subject site is described as Lot 1 on RP894579 with an area of 2.003 ha. The site is improved by a shed (double garage) located in the north-western portion of the site. The property is generally rectangular in shape and bound by three (3) road frontages and a large vacant allotment (2.023 ha). The property is generally flat with an elevation of seven (7) metres AHD.

The property has a frontage of 100 metres to both Shelley Street and the Sea Esplanade and a frontage of 222 metres to Dryden Street. Shelley Street is constructed with an eight (8) metre wide seal for the full width of the property. Dryden Street is constructed from Shelley Street to Neilson Avenue with a seal width of five (5) metres and kerb and channel only on the northern side. The balance of Dryden Street from Neilson Avenue to the Sea Esplanade and the Sea Esplanade are unconstructed.

The surrounding area is residential in nature. Developed residential lots with areas generally ranging from 800 m² to 1,000 m² are located on the western side of Shelley Street and the northern side of Dryden Street.

Large “emerging community zoned” allotments are located south-east of the property. A pedestrian pathway connecting Bargara and Burnett Heads is located on the ocean side of the Sea Esplanade.

Site History

Under the former Woongarra Shire Planning Scheme the property was included in the Special Uses zone. In 2002, the zone of the property changed to Rural Residential as a result of an application to amend a transitional planning scheme. At this time, an advice property note was attached on the relevant properties to alert new property owners that the intent of the Council at this time (2002) was that the land was not intended to be further subdivided. Subsequent to this notation, the zoning of the land was altered by the Burnett Shire Planning Scheme 2006 and the Bundaberg Regional Council Planning Scheme 2015. As such this notation represents a historical advice not only and does not have any force or effect.

2. ASSESSMENT PROVISIONS

2.1. Applicable Planning Scheme, Codes and Policies

The applicable local planning instruments for this application are:

Planning Scheme: Bundaberg Regional Council Planning Scheme 2015

Applicable Codes:

- Emerging community zone
- Acid sulfate soils overlay code
- Coastal protection overlay code
- Flood hazard overlay code
- Nuisance code
- Reconfiguring a lot code
- Transport and parking code
- Works, services and infrastructure code

Applicable Planning Scheme Policies:

- Planning scheme policy for development works

2.2 State Planning Instruments

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

3. ISSUES RELEVANT TO THE APPLICATION

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

Public Submissions

As identified in section 5 of this report, a large number of submissions were received during the public notification period for this application. The concerns/issued raised in the submissions related primarily to the following:

- Lighting impacts from development (street lighting, car lighting, dwelling lights etc..) on nesting turtles noting the sites proximity to Mon Repos turtle rookery, as well as broader impacts to the adjoining marine environment;
- Intent of the planning scheme and public opinion about the highest and best use of this land. Notwithstanding Planning Scheme commentary there is a level of public opinion that the land should be retained in its undeveloped form or be developed for rural residential type purposes; and
- Infrastructure and servicing requirements for the development and adjoining areas noting the proposed use of onsite waste water treatment and disposal, concerns regarding the construction of the Esplanade road network, and broader public concerns about the ability of the existing local road network to cater for the vehicle impacts from the proposed development.

Council's Development Team wrote (by letter dated 27 April 2016) to the Applicant advising the nature of public submissions and inviting further comments. The Applicant by correspondence dated 6 May 2016 submitted an amended layout plan to address the concerns/issues raised. Is it this plan that is discussed in section 1 of this report. In accordance with section 354 of the *Sustainable Planning Act 2009*, the Applicant can change the application in response to matters raised in a properly made submission for the application.

Zoning/Lot Size

The subject site is located within the "Emerging Communities" zone of the Planning Scheme. The purpose of the Emerging Communities zone code is to ensure that land converted to urban purposes (such as this current proposal) is developed in an efficient, coordinated and sustainable manner to facilitate the creation of communities that:

- Comprised interconnected residential neighbourhood
- Are effectively integrated with the existing community; and
- Are provided with necessary infrastructure.

Further, the Reconfiguring a Lot code details that the minimum lot size and dimensions for subdivisions in the Emerging community zone may be varied by a plan of development of the land for urban purposes.

The Applicant has submitted a structure plan demonstrating that the proposed development will not prejudice the future development of the "Emerging Communities" zoned properties to the south-east and that the development is for urban purposes. This structure plan demonstrates that the proposed development interconnects with the surrounding residential neighbourhood by the inclusion of a new road connecting through the site.

Additionally, the Performance Outcome PO6 of the Emerging communities code discusses that development should encourage urban consolidation and facilitates a compact land use pattern that increases the number of people living close to services and facilities, maximises the efficient use of infrastructure and maintains a high level of residential amenity. The proposed subdivision promotes urban consolidation and facilitates a compact land use pattern. This development seeks a subdivision of one (1) into twelve (12) lots across a 2 ha site, resulting in a density of six (6) dwellings per hectare, with lots sizes of approximately 1,500 m². This arrangement is considered to be the most appropriate for the subject site, as it balances urban consolidation needs with infrastructure (being in an un-sewered area) and servicing needs. In addition, the lots sizes of approximately 1,500 m² are in keeping with Council's contemporary planning outcomes for low density residential lots that are not in a sewered area.

Sea Turtle Lighting

A number of submissions raised concern about the lighting from the development and the impacts to sea turtles given the sites proximity to the Great Sandy Marine Park and nesting turtle areas. These concerns can be categorised into three (3) areas as follows:

- Road impacts and impact of vehicular lighting;
- Lot layout and future residential dwellings/lighting; and
- Street lighting.

The development plan which was publically notified proposed the construction of Dryden Street and Sea Esplanade and for Lots 5, 6 and 7 to have direct vehicular access from Sea Esplanade.

To reduce lighting impacts to nesting turtles from vehicles travelling east along Dryden Street, along Sea Esplanade and from future dwellings accessing or exiting proposed Lot 5, 6 and 7, the layout has been amended such that Dryden Street will end in a cul-de-sac at the boundary between proposed Lot 8 and 5. The cul-de-sac will extend sufficiently to allow Lot 5 to gain access to Dryden Street via a constructed crossover located towards the western boundary of Lot 5.

Additionally, Council's Development Team recommended that to further reduce light spillage from vehicles travelling south and prematurely committing Council (or future developers) to the construction of the Sea Esplanade road, Sea Esplanade should not be constructed at this time.

The Applicant has agreed and amended the layout of the development such that Lot 6 and 7 have become rear (hatchet) lots with an access and frontage to the constructed "new" internal road. Lots 5, 6 and 7 would still have a frontage to the unconstructed Sea Esplanade and be able to enjoy the natural ocean vistas, however will not have direct vehicular access. Property notes have been included to communicate vehicular access limits to these lots.

To further address concerns regarding lighting impacts from future residential developments on the lots, the Nuisance Code within the Bundaberg Regional Council Planning Scheme 2015 provides commentary in regards to the management of impact to fauna where located in a sea turtle sensitive area.

Whilst the Nuisance Code is not an assessable code for a Residential Dwelling, the Development Team has taken this opportunity to include property notes for all lots to encourage future owners to include sea turtle sensitive lighting measures.

To address street lighting impacts to sea turtles, conditions have been included to restrict the type of lighting. These conditions require any street lighting to be of low pressure sodium vapour and be fitted with hoods or be fully screened and directed away from the foreshore and the area north of the Mon Repos Turtle Rockery.

Infrastructure

Water

Council's existing water supply mains are located on the opposite side of Shelley Street and on the opposite side of Dryden Street as far as Nelson Avenue. An extension of the Dryden Street main is required to service those lots (proposed Lots 5 to 12) which are not able to be serviced from the existing main across Shelley Street.

Sewerage

The proposed development lies outside the declared sewerage service area. On site effluent disposal will be required on each allotment. To align with future infrastructure servicing opportunities, it has been conditioned that sewerage easements be provided along the western property boundary of Lots 5, 6, 7 and 11 and 12 to cater for future sewerage infrastructure. The two (2) easements are to be a minimum width of three (3) metres.

Stormwater

Stormwater runoff is proposed to be collected via pits and pipes in the streets and discharged to the existing open channel in Nielson Avenue. Conditions have been included requiring the development to incorporate Stormwater Quality Improvements via the use of a bio-retention system.

Roadworks and Access

The Developer does not propose works in Shelley Street noting there is no kerb and channel at the site's Shelley Street frontage. All street frontages are required to have kerb and channel. Shelley Street has the hierarchy of a neighbourhood collector and has an existing seal width of approximately eight (8) metres.

A condition is included requiring the construction of kerb and channel for the sites full frontage to Shelley Street.

Dryden Street is currently only constructed to Nielson Avenue with kerb and channel only on the northern side. For Stage 1, the Developer is required to widen the existing seal to seven (7) metres with kerb and channel in Dryden Street for the full frontage of Lot 1 (Stage 1). For Stage 2, the Developer is required to construct the new road to an Access Street standard and paved to a width of seven (7) metres to intersect with Dryden Street and end in a cul-de-sac at the southern property boundary. The Developer is also required to widen and extend Dryden Street up to a cul-de-sac to provide access to proposed Lot 5.

Reciprocal access easements are required over the access handles of Lots 6 and 7. The two (2) access easements are to each be three (3) metres in width and extend from the new road for the full length of each access handle.

In response to concerns raised in the public submissions, Sea Esplanade is not to be constructed or used for property access. Appropriate closure signage and barriers are conditioned for the Developer to install. The existing road environment at Sea Esplanade will remain unchanged.

As Dryden Street would not connect through to Sea Esplanade and to ensure connectivity between the development and the Esplanade area, a pedestrian pathway extension is proposed. This pathway extension is to connect from the cul-de-sac of Dryden Street to the existing pathway along Sea Esplanade.

Public Notification

The following matters were raised by submitters:

Grounds of Submissions		Considerations
<i>Environmental</i>		
1.	Concerns that the development would destroy the habitat of this coastal strip and have a disastrous impact on the indigenous fauna and flora.	The subject site is a grassed property clear of significant vegetation. It is considered that as the property is clear of vegetation (aside from grasses), the development will not result in the loss of habitat.
2.	The site is within the "Sea Turtle Sensitive Area" and any development so close to the ocean front will significantly add to the already immense light pollution that is present in the night sky. Uncontrolled lighting will affect nesting turtles and hatchlings.	This concern is noted. A detailed discussion regarding turtle lighting is provided in section 3 (Issues Relevant to the Application) of this report.
3.	The land is approximately 60 metres from Woongarra Marine Park and the known habitat of the loggerhead turtle. This turtle is listed as endangered and there are serious concerns regarding the imposition of adequate lighting strategies to ensure that turtle friendly lighting is imposed on the development. What manner does Council propose to monitor and enforce any conditions for "Turtle friendly lighting" on the development.	This concern is noted. A detailed discussion regarding turtle lighting is provided in section 3 (Issues Relevant to the Application) of this report.
4.	Council has a responsibility to uphold the intent of the Mon Repos Development Plan entered in the Queensland <i>Government Gazette</i> on 28 June 1986, which was implemented to fully protect the turtle rookery from the adverse effects on nearby rural activities and from increased urban development.	This concern is noted. The Plan cannot be considered under the provisions of the <i>Sustainable Planning Act 2009</i> .

<p>5.</p>	<p>The Applicant has obligations under the <i>Commonwealth Environment protection and Biodiversity Conservation Act</i> (EPBC) for the potential impacts on a matter of national environmental significance. The loggerhead turtle is a nationally threatened species, and accordingly this species and its habitat is a matter of national environmental significance. The coastal infrastructure and development are listed within the Department of Environment <i>Recovery Plan for Marine Turtles</i> in Australia as one of the main threats to marine turtles. It is suggested that the applicant have a suitably qualified person undertake an assessment against the <i>Matters of National Environmental Significance: Significant impact guidelines 1.1</i> to determine referral requirements under the EPBC act.</p>	<p>This concern is noted. A detailed discussion regarding turtle lighting is provided in section 3 (Issues Relevant to the Application) of this report.</p> <p>Local and state government approval processes do not alter the requirements of development to comply with the EPBC criteria where applicable.</p>
<p><i>Economic</i></p>		
<p>6.</p>	<p>Bundaberg Regional Council and Queensland Tourism currently run tourism promotion of the area and the loss of habitat on this coastal strip would have a major effect on the local economy due to the possible decline of a significant tourist attraction.</p>	<p>The development is considered to have negligible impact on tourism.</p>
<p><i>Infrastructure</i></p>		
<p>7.</p>	<p>Septic systems are a problem in the area due to high water table levels, and drainage difficulties. There are also problems of deep volcanic rocks and boulders and limited friable soil. The proposed development does not have a strategy in place to deal with the current drainage problems when heavy rains hit the area. The area is a fragile, pristine part of the coastline and geotechnical testing and design would be compulsory as part of any building application for an on-site effluent disposal system on each lot.</p>	<p>The property is located in an un-sewered area and it is a legislative requirement that any dwelling constructed on a lot be connected to an on-site disposal system. The proposed lots have been sized to ensure that there is sufficient area on site for appropriate disposal areas. Additionally, the Applicant has proposed services easements along the western property boundary of Lots 5, 6, 7 and 11 and 12 to cater for future sewerage infrastructure if available.</p>
<p>8.</p>	<p>Dry pipe [sewerage] installation in all blocks would save not only the current and future ratepayers money but also Council from the additional expense when sewers are connected in the future.</p>	<p>The Applicant has proposed services easements along the western property boundary of Lots 5, 6, 7 and 11 and 12 to cater for future sewerage infrastructure. Given that there is no current program to connect these properties to Council's sewerage network, it is considered that the requirement of easements are appropriate in lieu of the installation of dry sewers which may be redundant by the time a reticulated network is available.</p>

9.	More traffic on the road system in the area would mean an impact on traffic flow. Currently a lot of young children are living/playing in the neighbourhood and the increase could result in more accidents.	Due to the changes to the application to address submitter concerns, the Sea Esplanade and the eastern portion of Dryden Street are not to be constructed reducing traffic at these points. Additionally, it is not considered that the new internal road will generate significant impacts to the current traffic flow in the surrounding residential streets.
10.	No provision exists in the current proposal for a bus stop. The need to provide a covered, safe bus stop at Shelley Street is an important concern for local families.	There is no requirement for a development of this type to provide public transport infrastructure of this nature.
11.	As a bare minimum, footpath installation along Dryden Street is required. This is currently used by all the local community and visitors as pedestrian access from Shelley Street to the Turtle Trail.	To ensure connectivity between the development and the Sea Esplanade area, a pedestrian pathway extension is proposed to connect from the cul-de-sac of Dryden Street to the existing pathway along the Sea Esplanade.
12.	It would be in the best interest to refuse to allow the further extension of Sea Esplanade towards the south. The increase in headlight beams from motor vehicles will be both directed towards Mon Repos and back towards our local turtle nesting area at Oaks Beach.	The plan of development has been amended to address this matter.
Community and Lifestyle concerns:		
13.	Along the proposed extension of Sea Esplanade, this has been historically used by locals as a parkland and exercise area. School students gather there for their charity fun walks, weddings are held there, tourists and walking groups meet there – it is realistically the only large “open” area at the south end of Burnett Heads that can be used for these pastimes. Council mows this area and maintains the pathway and residents and tourists appreciate and utilise it.	The proposed development does not include the land east to the Sea Esplanade nor does the development proposes to construct the Sea Esplanade. The proposed development is to occur on privately owned land and will not restrict the continued public use of the foreshore area.
Precedent:		
14.	The proposed subdivision will set a precedent for further extension of urban development towards Mon Repos rookery. Should this be allowed to occur there is a high probability that sea turtles will no longer come ashore to nest at Mon Repos.	The proposed development will not set a precedent for further extension of urban development towards Mon Repos rookery. For any development to occur on properties to the south within the ‘Emerging Communities’ zone, a further applicant/development would be required to under a similar assessment process.

Zoning/Landuse		
15.	The language used in the Planning Scheme appears easily confused by laypeople. A common opinion expressed by many local residents confirms a commonly held belief that the Emerging Community zone was something to do with a community asset or project such as a park or open space. There was clearly no work done on this to explain the impact of the Emerging Community zone to adjacent property owners during the preparation of the Planning Scheme.	The Planning Scheme utilises mandatory wording for zones contained in the Queensland Planning Provisions.
16.	There is an abundance of vacant land in the area so there is no justification on need. The development is premature and unnecessary and only timely for the developer.	Whilst there may be vacant land in the area, the proposed development is unique in regards to lot sizes and proximity to the foreshore. It is noted that no new residential lots have been approved in Burnett Heads in the past 10 to 15 years.
17.	The proposal does not represent the best use of the land. The best use is the current "rural" non-urban style zoning which keeps the block size and the restrictions of one house and one shed/block in place. The land MAY be deemed suitable for urban purposes in the future but only when reticulated sewerage is available and the subdivision design of the land has been amended to lessen impact on this Sea Turtle Sensitive area.	This is a key consideration and this concern is noted. A detailed discussion regarding turtle lighting and zoning/use of land is provided in section 3 (Issues Relevant to the Application) of this report.
Statutory Non Compliance:		
18.	The use of the "Guardian" newspaper as a widely read newspaper circulation in the area surely become questionable as a compliance tool. The issues with this publication is "widely read" anecdotal evidence suggests that is not the case locally which leads me to believe the necessary processes have not been adequate addressed".	Section 297 of the <i>Sustainable Planning Act 2009</i> details the public notification criteria. Section 297(1)(a) of the <i>SPA 2009</i> specifically details that the public notice must be "published at least one in a newspaper circulating generally in the locality of the land". The Act does not specify that the paper needs to be "widely read", just that the paper needs to be circulating in the area. The "Guardian" newspaper is circulated in the locality of the land and therefore complies with the Act.
Other		
19.	Led to assume that the Council's long-term plan for all the five acre plots in the area to be limited to one shed and one dwelling per plot. The Burnett Heads community would not gain from turning the foreshore into another monstrosity the likes of which has been allowed to occur (and ruin) along the Bargara foreshore.	This concern is noted. A detailed discussion regarding this concern is provided in section 1.2 (Background) of this report along with some historical context.

20.	It is contended that no Material Change of Use notice was ever advertised for the subject land as required by law to change from 2 hectares Rural residential to Emerging Community zone and therefore residents and the local community have not had the chance to comment of this change.	In accordance with section 118 of the <i>Sustainable Planning Act (SPA) 2009</i> , the now adopted Bundaberg Regional Council Planning Scheme 2015 was put out for public notification by Council. Section 181(1)(b) of SPA 2009 details that the local government must carry out public consultation for 30 business days. Public consultation commenced on 22 September 2014 and ended on 28 November 2014. This extended consultation period of 49 days provided ample time for the community to view, consider and made a submission on the proposed planning scheme.
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One (1) submission was received by Council in support of the application, with the following comments:

- The proposed development would enhance the Burnett Heads area and along with the marina, the calm water, boat ramp, small shopping precinct and restaurants, it will bring in more population. The development looks to fit in well in the area and would not impact on the turtle habitat as there are existing houses along the esplanade.

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment - Engineering	16 May 2016
Water and Wastewater	11 January 2016

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

4.2 Referral Agency

Not Applicable

5. PUBLIC NOTIFICATION

Pursuant to the *Sustainable Planning Act 2009*, this application was advertised for 15 business days from 25 February 2016 until 17 March 2016. The Applicant submitted documentation on 18 March 2016 advising that public notification had been carried out in accordance with the *Sustainable Planning Act 2009*. Council received 121 submissions in relation to this development application during this period. Of the submissions 105 were considered to be properly made submissions. Any significant issues raised have been included in section 3 of this report.

Communication Strategy:

Communication Strategy required?

- o Yes – Communications Team consulted

Attachments:

- 1 Site Plan
- 2 Locality Plan
- 3 Approval Plan
- 4 Original proposal plan
- 5 Current proposal plan
- 6 AICN

Recommendation:

That Development Application 321.2016.44964.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Reconfiguring of a Lot for Subdivision (1 Lot into 12 lots over 2 stages)

SUBJECT SITE

70-80 Shelley Street, Burnett Heads; described as Lot 1 on RP894579

DECISION

- Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

1. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Reconfiguring a lot	Part 1, table 3, item 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- All Operational Work

4. CODES FOR SELF ASSESSABLE DEVELOPMENT

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

- Bundaberg Regional Council Planning Scheme 2015 and Associated Planning Scheme Policies

5. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT

Compliance assessment is required under chapter 6, part 10 of SPA for the following documents or works in relation to the development

Documents or works requiring compliance assessment	Matters or things against which the document or work must be assessed	Compliance assessor	When the request for compliance assessment must be made
Subdivision Plan	The matters or things listed in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>	Bundaberg Regional Council	In the time stated in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>

6. SUBMISSIONS

There were 121 submissions received for the application. The name and address of the principal submitter for each properly made submission are as follows:

Name of principal submitter	Address
1. Chris Anderson	8/9 Maryborough Street, Bundaberg QLD 4670
2. Diane Anderson	3 Shelley Street, Burnett Heads QLD 4670
3. Thomas Anderson	3 Shelley Street, Burnett Heads QLD 4670
4. Luke Barrowcliffe	8 Bushman Crt, Pomona QLD 4568
5. Stephen Bennett, MP	Shop 7, Bargara Beach Plaza, Bargara QLD 4670
6. Gary Brandon, President, Sea Turtle Alliance Inc	PO Box 1530, Bundaberg QLD 4670
7. Geoff Brittingham, Regional Director, Department of National Parks, Sport and Racing	Level 6, Mike Ahern Building, 12 First Avenue, Maroochydore QLD 4558
8. Linda Buchholz	19 Rufus Street, Blackwater QLD 4717
9. Burnett Mary Regional Group	PO Box 501, Bundaberg QLD 4670
10. Skye Byrnes	33 Babbler Walk, Gloucester NSW 2422

11.	Neil S Campbell	7 Wendouree Crescent, Westlake 4074
12.	Madonna Chesham	174 Shelley Street, Burnett Heads QLD 4670
13.	Carmel Coney	9 Ripple Street, Burnett Heads QLD 4670
14.	David Cook	16 Shell Street, Burnett Heads QLD 4670
15.	Davina Cook	16 Shell Street, Burnett Heads QLD 4670
16.	Jennifer Cook	16 Shell Street, Burnett Heads QLD 4670
17.	Jodee Deatta	5 Neptune Street, Burnett Heads QLD 4670
18.	Gloria Edmondson	1 Ripple Street, Burnett Heads QLD 4670
19.	Shaun Edmondson	1 Ripple Street, Burnett Heads QLD 4670
20.	Margo Edwards	1 Shell Street, Burnett Heads QLD 4670
21.	Trevor Edwards	1 Shell Street, Burnett Heads QLD 4670
22.	Ken Eveleigh	2 Cook Street, Gloucester NSW 2422
23.	Maddison-roze Eveleigh	2 Cook Street, Gloucester NSW 2422
24.	Elizabeth Flintoff	39 Byron Street, Burnett Heads QLD 4670
25.	Patricia Francey	27 Cove Street, Burnett Heads QLD 4670
26.	Heath Greville	39 Hunter Street, Burnett Heads QLD 4670
27.	Cynnamon Gusdorf	1/5 Whalley Street, Bargara QLD 4670
28.	Lynette Hair & Lawrence Hair	22 Monash Place, Ferny Grove QLD 4055
29.	Benjamin Harper	3 Moore Street, Burnett Heads QLD 4670
30.	Margaret Hobson	7 Ripple Street, Burnett Heads QLD 4670
31.	William J Hobson	7 Ripple Street, Burnett Heads QLD 4670
32.	Fergus Hogg	16 Dorothea Mackellar Street, Burnett Heads QLD 4670
33.	Craig Holland	Unit 1, 78 Crofton Street, Bundaberg QLD 4670
34.	Carol Holzheimer	126 Woondooma Street, Bundaberg QLD 4670
35.	Cathryn Andrew Ingham	93 Shelley Street, Burnett Heads QLD 4670
36.	Kenneth Stanley Ingham	93 Shelley Street, Burnett Heads QLD 4670
37.	Sharon Jackson	2 Marine Terrace, Burnett Heads QLD 4670
38.	Ann Jarman, Hon Secretary, Bundaberg Wildlife	Wildlife Preservation Society of Queensland, PO Box 1215, Bundaberg QLD 4670
39.	Trevor D Jennings	8 Dawn Parade, Thabeban QLD 4670
40.	Mervyn Johnston	19 Byron Street, Burnett Heads QLD 4670
41.	Andreas Kirchhof	35 Aldridge Street, Burnett Heads QLD 4670
42.	Karen Kirchhof	17 Dorothea-Mackellar Street, Burnett Heads QLD 4670
43.	D Knight	45 Shell Street, Burnett Heads QLD 4670
44.	Margaret Knight	45 Shell Street, Burnett Heads QLD 4670
45.	John Krosch	131 Shelley Street, Burnett Heads QLD 4670
46.	Debra Langerak	83 Shelley Street, Burnett Heads QLD 4670
47.	Mark Langerak	83 Shelley Street, Burnett Heads QLD 4670
48.	Kathy McCombes	8 Woodland Crescent, Browns Plains QLD 4118
49.	Mark McCombes	8 Woodland Crescent, Browns Plains QLD 4118
50.	Kylie McEwan	3 Shell Street, Burnett Heads QLD 4670
51.	Shane McEwan	3 Shell Street, Burnett Heads QLD 4670
52.	Cherie Mackenzie	84 Powers Street, Burnett Heads QLD 4670
53.	Pamela McNee	87 Shelley Street, Burnett Heads QLD 4670
54.	Wayne McNee	87 Shelley Street, Burnett Heads QLD 4670
55.	Glen Matthews	135 Shelley Street, Burnett Heads QLD 4670
56.	Jenette Matthews	135 Shelley Street, Burnett Heads QLD 4670
57.	Ashley Miranda	Rangeview Camp, Mawa Street, Blackwater QLD 4717
58.	Phillip Mitchell	31 Nielson Street, Burnett Heads QLD 4670
59.	Ange Mitchell	39 Hunter Street, Burnett Heads QLD 4670
60.	Maureen Montgomery	131 Shelley Street, Burnett Heads QLD 4670
61.	Mrs Shane Muller	15/21 Walters Street, Bundaberg QLD 4670

62.	Sean Murphy	43 Shell Street, Burnett Heads QLD 4670
63.	Bruce Neilsen	5 Shell Street, Burnett Heads QLD 4670
64.	Jackalyn Neilsen	5 Shell Street, Burnett Heads QLD 4670
65.	Fiona Noble	81 Shelley Street, Burnett Heads QLD 4670
66.	Shelley Patten	3 Ripple Street, Burnett Heads QLD 4670
67.	Edward Pearce	53 Shell Street, Burnett Heads QLD 4670
68.	Norma Pearce	53 Shell Street, Burnett Heads QLD 4670
69.	Grace Picton	12 Shell Street, Burnett Heads QLD 4670
70.	John Picton	12 Shell Street, Burnett Heads QLD 4670
71.	B Pill	123 Shelley Street, Burnett Heads QLD 4670
72.	Denise Pill	123 Shelley Street, Burnett Heads QLD 4670
73.	Stephen Plant	2/73 Electra Street, Bundaberg QLD 4670
74.	Theodore Alford Potter	43 Schell Street, Burnett Heads QLD 4670
75.	Rhonda Reck	5/8 Williams Road, Bundaberg QLD 4670
76.	Lynette J Regan	31 Hunter Street, Burnett Heads QLD 4670
77.	Peter Regan	64 Nielson Avenue, Burnett Heads QLD 4670
78.	Mrs Tracie Regan	64 Nielson Avenue, Burnett Heads QLD 4670
79.	Michael Reynolds	37 Shell Street, Burnett Heads QLD 4670
80.	Ruth Reynolds	37 Shell Street, Burnett Heads QLD 4670
81.	Rebekah Robert	46 Neville Drive, Branyan QLD 4670
82.	Reon Robert	13 Black Beauty Court, Bundaberg QLD 4670
83.	Reon Antoni Robert	46 Neville Drive, Branyan QLD 4670
84.	Ruth Robert	13 Black Beauty Court, Kensington QLD 4670
85.	Sandra Rounsevell-Aidon	115 Shelley Street, Burnett Heads QLD 4670
86.	Sandra Rounsevell-Aidon	22 Shell Street, Burnett Heads QLD 4670
87.	Sandra Rounsevell-Aidon	65 Gibson Street, Burnett Heads QLD 4670
88.	Sandra Rounsevell-Aidon	117 Shelley Street, Burnett Heads QLD 4670
89.	Sandra Rounsevell-Aidon	67 Gibson Street, Burnett Heads QLD 4670
90.	Cr Danny Rowleson	7 Shelley Street, Burnett Heads QLD 4670
91.	The Greens, Queensland	10 Cossart Crescent, Bargara QLD 4670
92.	Tracey Senyard	41 Byron Street, Burnett Heads QLD 4670
93.	Ms Pam Soper	29 Watson's Road, Bargara QLD 4670
94.	Linda Gaye. Stone, Director, C & K Kindergarten, Burnett Heads	12 Maike Street, Kalkie QLD 4670
95.	Carly Sugars	17 Scott Street, Burnett Heads QLD 4670
96.	Stan Thomas	81 Shelley Street, Burnett Heads QLD 4670
97.	Reg Trevor	6/179A Bargara Road, Kalkie QLD 4670
98.	Kay Tuck	15 Scott Street, Burnett Heads QLD 4670
99.	Jan Can Harskamp	91 Shelley Street, Burnett Heads QLD 4670
100.	Marion Watson	25/145 Egerton Street, Emerald QLD 4720
101.	Ms Rita Wechsler	2 Ocean Street, Burnett Heads QLD 4670
102.	Mrs Grethlyn May White	126 Woondooma Street, Bundaberg QLD 4670
103.	Stephen James Whitton	35 Rickert's Road, Burnett Heads QLD 4670
104.	Wendy-Anne Whitton	35 Rickert's Road, Burnett Heads QLD 4670
105.	David Lillywhite	31 Hunter Street, Burnett Heads QLD 4670

7. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT

The assessment manager does not consider that the assessment manager’s decision conflicts with a relevant instrument.

8. REFERRAL AGENCY

Not Applicable

9. APPROVED PLAN

The approved plan for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
AA008868-01 Revision B	Subdivision and Staging Plan	6 May 2016

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse four (4) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

11. REFUSAL DETAILS

Not Applicable

12. CONDITIONS ABOUT INFRASTRUCTURE

The following conditions about infrastructure have been imposed under Chapter 8 of the *Sustainable Planning Act 2009*:

Conditions	Provision under which the Condition was imposed
9, 10 ,12, 14, 15,16, 17, 18, 19, 20, 21, 22, 23, 28 and 31	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

New Street Names

4. Street names must be submitted to and approved by the Assessment Manager prior to the commencement of Operational Works associated with this approval. A written request for the proposed naming of streets must be submitted that includes three (3) suggested road names for each new street in the development that:
 - a. Reflect aspects of the area in which the streets are located, including historical names, unless otherwise determined by the Assessment Manager. The order of preference in allocating street names will be:
 - i. Historical persons / Historical place names;
 - ii. Other relevant aspects (eg. local flora and fauna); and
 - iii. Themed street names. Where 'themed' names are proposed, a list of street names for the entire development must be submitted as part of the Operational Works application for Stage One of the development;
 - b. Are nouns and generally contain one (1) word. Composite words may be acceptable when they supplement the primary name; and
 - c. Are unique and unambiguous to the Bundaberg Regional Council local government area.

(Note: where a street is extended, the new section created will retain the name of the street extended.)

5. Supply and erect all necessary street signs and posts.

Date Development Must be Completed By (Lapsing Date)

6. In accordance with section 342 of the *Sustainable Planning Act 2009*, this Development Approval to the extent it relates to development not completed will lapse four (4) years from the date of this approval.

Staging

7. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.
8. Comply with the conditions of each respective stage of this Development Permit prior to the endorsement of a Plan of Subdivision for that stage unless otherwise stated within this notice.

Water

9. Provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. The works must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of the development. Works must include network modelling with main sizing to be finalised as part of an application for Operational Works.

Stormwater

10. Install a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval, and must include in particular:
 - a. the works described in Engineering Solutions Qld Conceptual Stormwater Management Report dated December 2015, with the exception of the following:
 - i. Section 5.4 envisages handover one (1) year after the bio-retention system is constructed with the initial stage. Council will not consider accepting the bio-retention facility until a minimum of two (2) years after the final lot is sealed and expects the developer to maintain the system for the entire interim period.
 - b. Provision of Q100 ARI inter-allotment drainage for contributing external lots identified by detailed terrain modelling;
 - c. Shape the surface of each lot to drain directly to either a Road or Drainage Reserve as no internal inter-allotment drainage will be permitted for any new lot. The drainage specifics must be determined as part of an application for Operational Works; and
 - d. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council.
11. The Lawful Point of Discharge for the development is the existing open channel in Nielson Avenue.
12. The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2014 and the Bundaberg Regional Council Stormwater Management Strategies. A Site Based Stormwater Management Plan and Erosion and Sediment Control Management Plan, inclusive of long term maintenance measures, must be submitted as part of an application for Operational Works outlining how the Stormwater Quality Improvements in both the construction and operational phases of the development will be achieved.

Roadworks and Access***All Stages***

13. No vehicular access is permitted from Sea Esplanade.
14. The new roads must be dedicated as road reserve.
15. Intersection designs and speed restriction devices must be in accordance with Main Roads Road Planning and Design Manual and, where applicable, *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
16. Provide truncations to all street intersection types to a minimum of six (6) metre three (3) chord configuration. The truncation must be dedicated as road reserve.
17. Construct all new roads in accordance with SC 6.3 *Planning scheme policy for development works* for Access Street Classification.

18. Where the staged road layout does not allow a commercial vehicle to manoeuvre within the roadway in a forward gear, provide a temporary sealed turn-around facility. The temporary turn-around facilities must be in accordance with an Operational Works approval and provide a minimum twenty (20) metre turning circle, measured from the edge of the pavement.
19. Install Road Closed to Traffic Signage and barriers to effect the closure of Sea Esplanade so that:
 - a. No pre or post construction traffic for Stage 1 or Stage 2 use Sea Esplanade;
 - b. Proposed Lots 5, 6 and 7 cannot be accessed by vehicles to Sea Esplanade; and
 - c. Sea Esplanade cannot be accessed from Dryden Street.

Stage 1

20. Provide pavement construction and asphaltic concrete (AC) sealing to the full site frontage of Shelley Street extending the nearby kerb and channel alignment to the edge of the existing pavement. The pavement must be designed in accordance with *Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06)*. The pavement specifics must be determined as part of an application for Operational Works.
21. Provide pavement construction and asphaltic concrete (AC) sealing to the full site frontage of Dryden Street extending the nearby kerb and channel alignment to the edge of the existing pavement. The pavement must be designed in accordance with *Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06)*. The pavement specifics must be determined as part of an application for Operational Works.

Property access and driveways

Stage 2

22. Access strips and driveways to proposed Lots 6 and 7 must comply with the standards specified in the *Planning scheme policy for development works – driveways and access to developments*. The specific requirements must be determined as part of the Operational Works application.

Pedestrian and Bicycle Facilities

23. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include a 1.5 metre (minimum) concrete ribbon pathway within the road verge from the end of the new Dryden Street extension in Stage 2 to the existing footpath that runs north to south along the east side of the Sea Esplanade Road Reserve, (ATP.00124), generally in accordance with Council's Standard Drawing R1030 for Footpaths and Cycle Paths;

Electricity and Telecommunications

24. Enter into an agreement with an approved electricity provider, to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions. Provide evidence of such an agreement,

along with associated bonding arrangements, to the Assessment Manager prior to the approval of the Plan of Subdivision.

25. Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.
26. Telecommunication conduits (ducts) and pits, including trenching and design, must be provided to service the development in accordance with 'Fibre-Ready' standards or the NBN Co Installing Pit and Conduit Infrastructure - *Guidelines for Developers*, to the satisfaction of the Assessment Manager.

Street Lighting

27. Street lighting must be low pressure sodium vapour lighting fitted with hoods or fully screened and directed away from the foreshore and from the area north of the Mon Repos Turtle Rockery.
28. Street lighting to new roads, multi-modal pathways and intersections must be by way of provision of poles and street lights. The design and provision of street lighting must be in accordance with Australian Standard 1158:2005. The applicable lighting category is P4 for all roadways.

Existing Services and Structures

29. Ensure all existing and proposed utility services and connections (eg. electricity, telecommunications, water and sewerage) are wholly located within the lot they serve.
30. Certification must be submitted to the Assessment Manager from an appropriately qualified surveyor which certifies that:
 - a. the boundary clearances for any existing shed remaining on the proposed Lot 8 comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice; and
 - b. all existing and proposed utility services and connections (eg. electricity, telecommunications, water) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible.

Easements

31. Lodge for registration at the office of the Land Registry the following easement(s):
 - a. a reciprocal access and services easement of minimum three (3) metre width for proposed Lot 6 and 7. The easements must extend for the full length of the access handles;
 - b. sewerage easements having a minimum width of three (3) metres to the benefit of Council as shown on the Approved Plan for Stage 1 and Stage 2 that includes any sewerage main proposed traversing the land located within the easement.
32. Easement documentation must be submitted to the Assessment Manager for endorsement.

33. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

PART 1B – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Register No: 331.2016.821.1) applicable to the approved development.

Rates and Charges

- B. In accordance with the *Sustainable Planning Act 2009*, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.

Water and Sewer

- C. The Developer should engage an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting requirements in accordance with AS2419.
- D. Connection to Council's water and sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.
- E. In order for agreed Council work to be performed on existing live water and sewer infrastructure:
- a. ensure a detailed design proposal is submitted to the Assessment Manager, marked 'For Construction';
 - b. complete and return the '*Application for Water & Sewer*' forms available from the Assessment Manager;
 - c. pay the applicable lodgment fee;
 - d. if necessary, a quote will be prepared by Council's Water and Wastewater Operations & Maintenance Department once the detailed design proposal is approved; and
 - e. follow instructions provided with the quotation and pay the quoted fee.

Note: The '*Application for Water & Sewer*' forms can cater for both water and sewer connection requirements in the one application. The applicable lodgment fee will be adjusted at the time of lodgment according to the features requested.

PART 1C – PROPERTY NOTES

- A. Development Approval 321.2016.44964.1 – Sewerage

The following notation applies to approved Lots 1 to 12:

This property is not serviced by the Council's reticulated sewerage network. Any future development must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use.

The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing*

and Drainage Act 2002. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 “*On-site Domestic Wastewater Management*”.

B. Development Approval 321.2016.44964.1 – Access

The following notation applies to approved Lots 1, 5, 8 and 11 (corner lots):

Any access driveway is required to maintain a minimum six (6) metre separation to truncations.

C. Development Approval 321.2016.44964.1 – Access (Sea Esplanade)

The following notation applies to approved Lots 5, 6 and 7:

No vehicular access is permitted from Sea Esplanade.

D. Development Approval 321.2016.44964.1 – Sea Turtle Sensitive Area

The following notations apply to approved Lots 1 to 12:

D1 This property is located within a sea turtle sensitive area.

Any noise or vibration generated during the construction and operation of a future development should be managed to ensure it does not have an adverse impact on sea turtles.



All windows and glass doors facing or within line-of sight of the coast in a sea turtle sensitive area, are recommended to be tinted or otherwise screened to reduce light spill from indoor lighting.

All exterior lighting provided as part of any future development or building work in a sea turtle sensitive area, should reduce light pollution and sky glow by:-

- a. minimising the use and intensity of external lighting to that required to achieve the light's purpose and to avoid reflection from the ground, buildings or other surfaces;
- b. using lighting that is fully shielded, directed and mounted as low as possible so as to cast little or no upward light (above the horizontal) or light spill towards the coast;
- c. using lighting of a wavelength less likely to cause nuisance to sea turtles or other fauna (e.g. amber lighting); and
- d. fitting lights with light motion detection sensors and/or timers to ensure lighting is turned off when not required.



Site Plan
70-80 Shelley Street, Burnett Heads

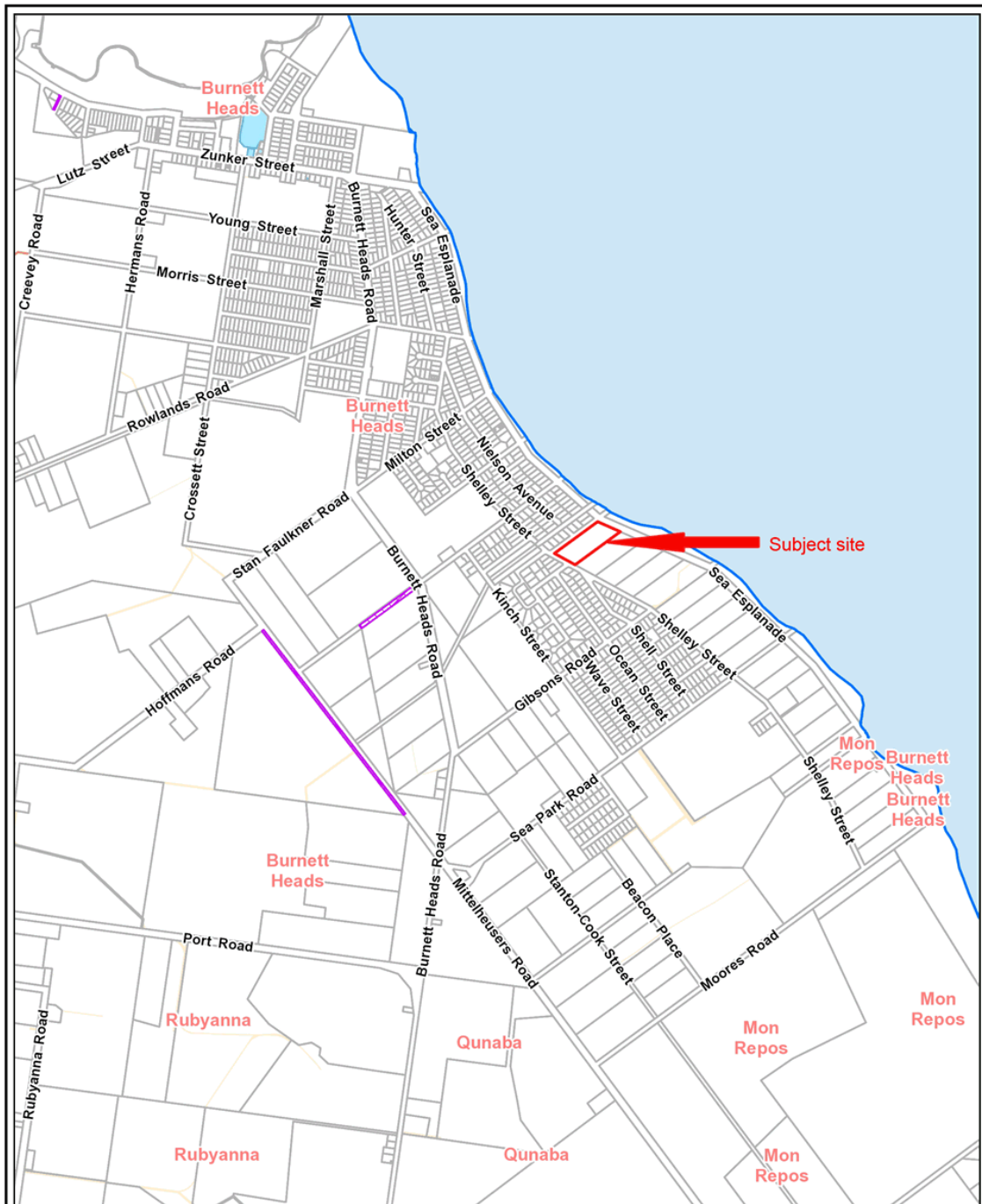
 

Projection: GDA_1994_MGA_Zone_56 Date: 10/6/2016 9:59 AM Scale 1 : 2,000.00 on A4 Sheet

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Locality Plan
70-80 Shelley Street, Burnett Heads

Projection: GDA_1994_MGA_Zone_56 Date: 10/6/2016 10:15 AM Scale 1 : 20,678.62 on A4 Sheet

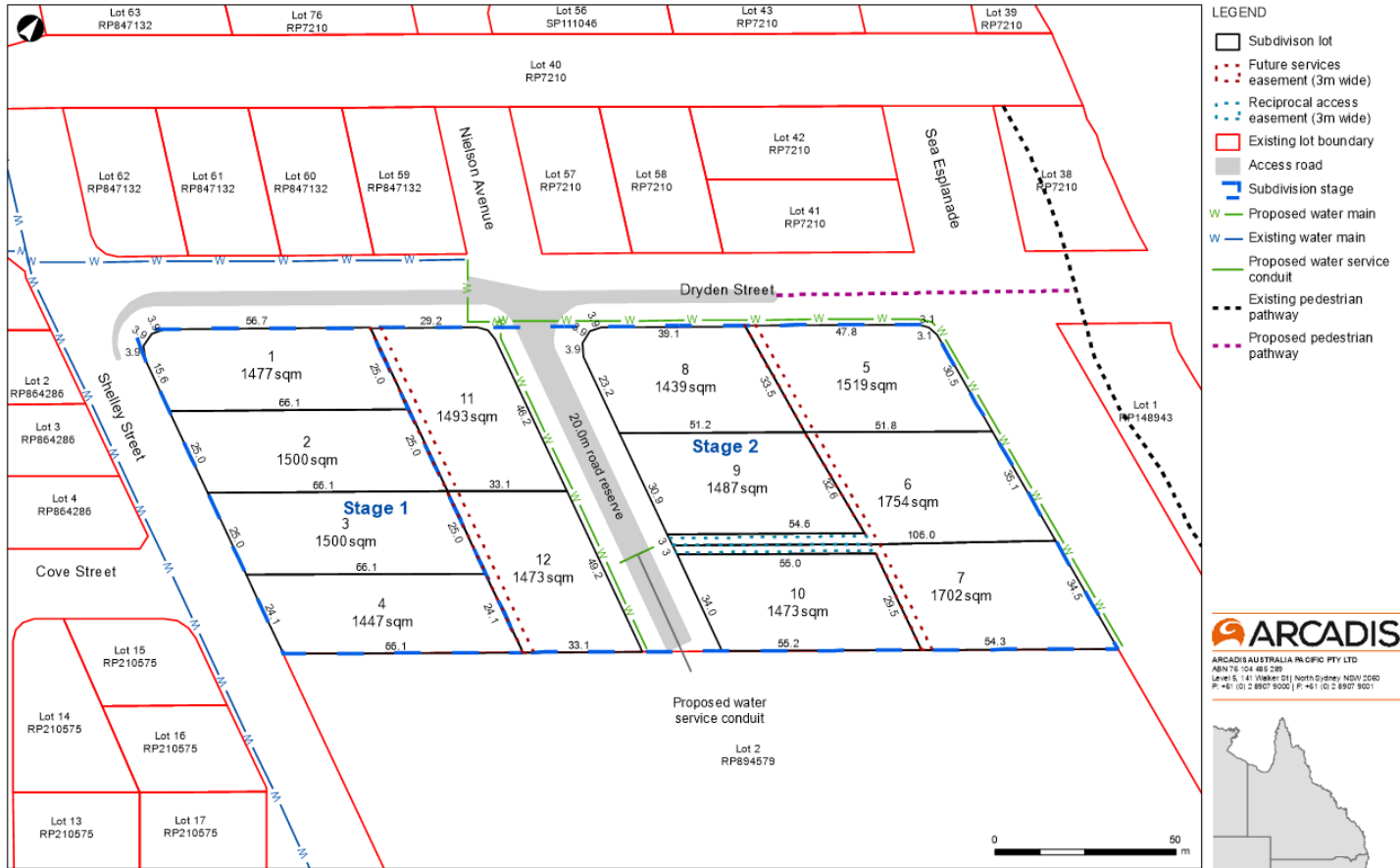
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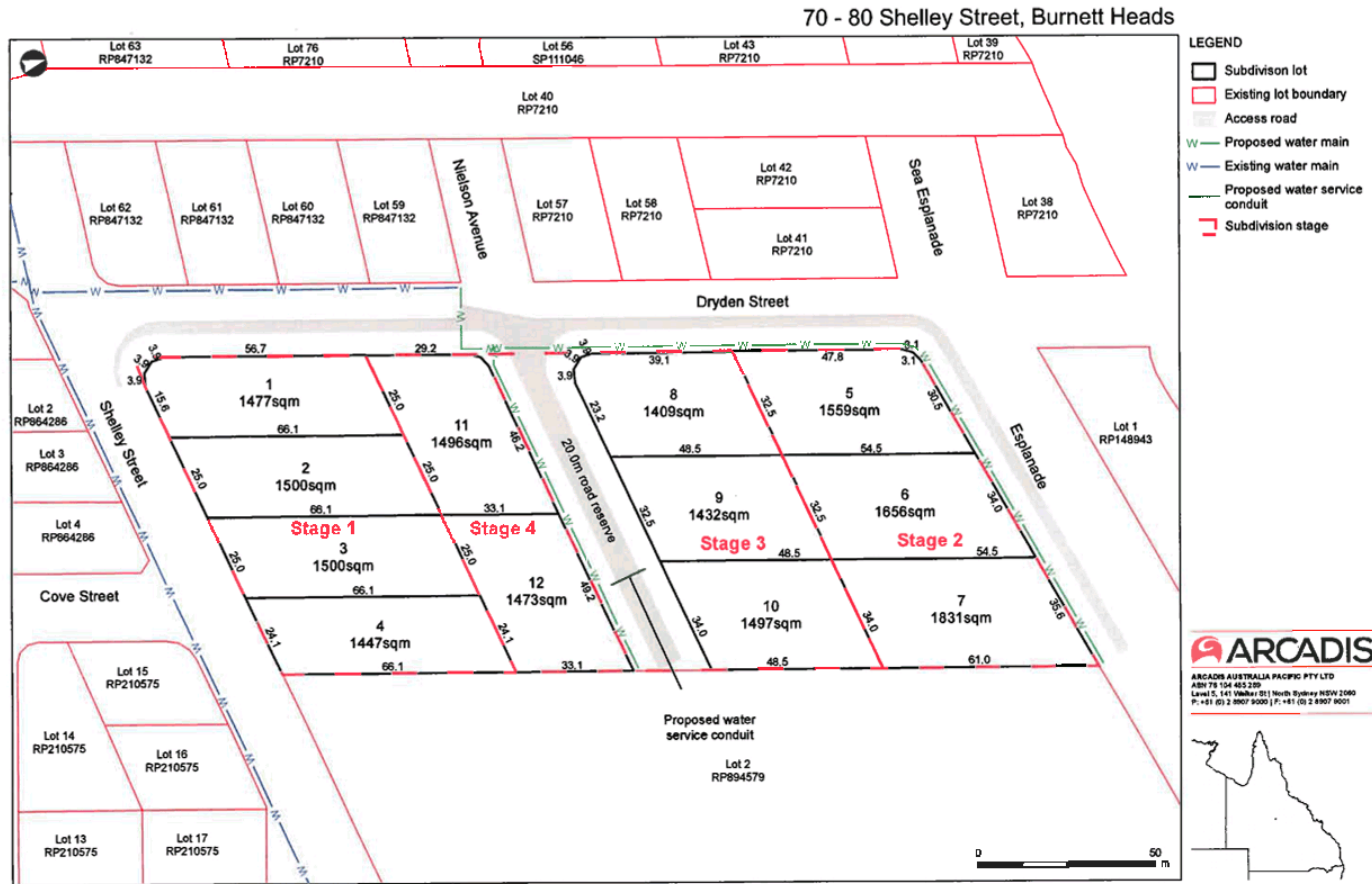
Author:

70 - 80 Shelley Street, Burnett Heads

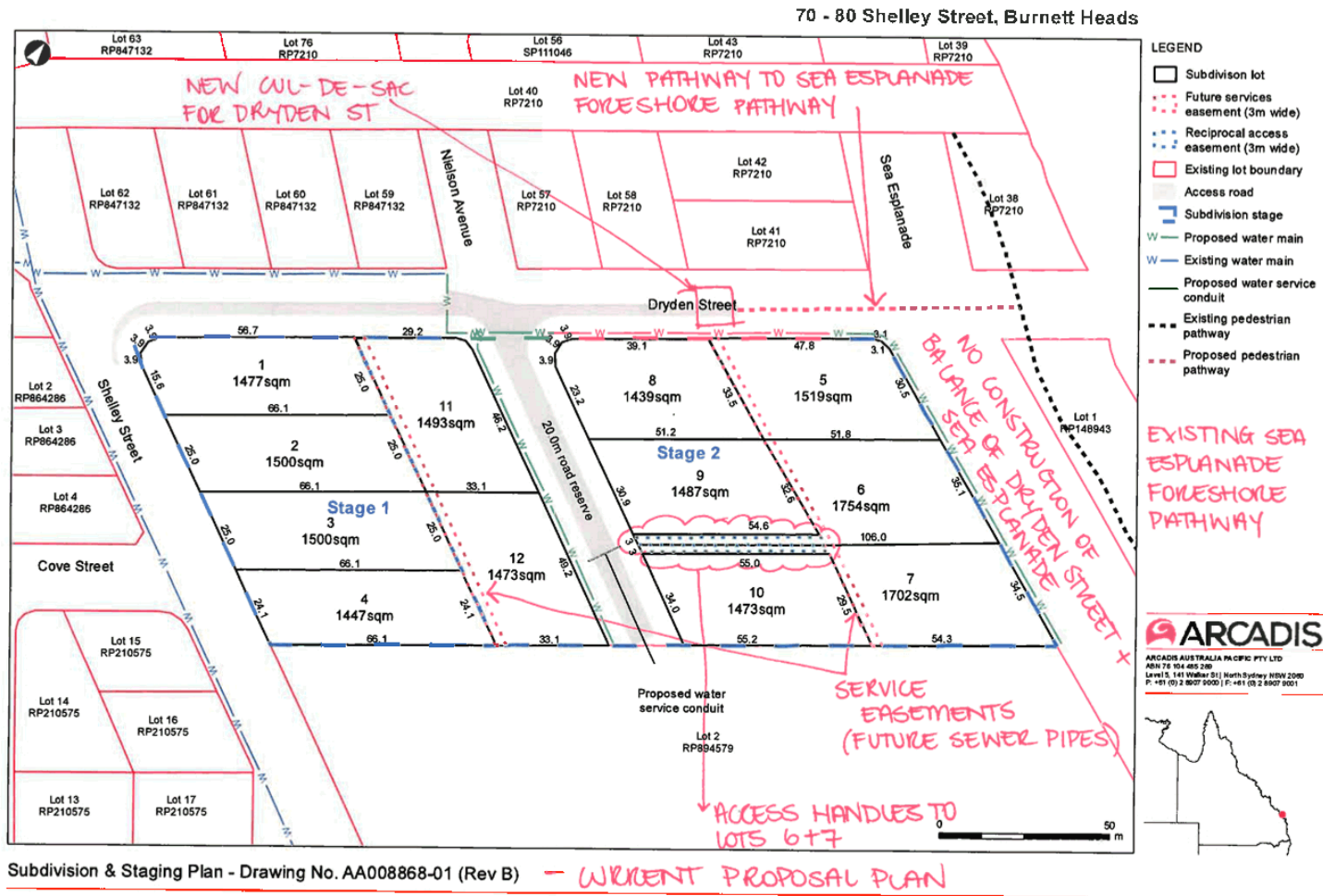


Subdivision & Staging Plan - Drawing No. AA008868-01 (Rev B)

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 Created by: GC
 QA by: HG



Subdivision & Staging Plan - Drawing No. AA008868-01 - ORIGINAL PROPOSAL PLAN





PO Box 3130, BUNDABERG QLD 4670
 Local Call 1300 883 699 | Fax (07) 4150 5410
 ABN 72 427 835 198

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Resolution (No. 1) 2015

To: Matlow PtyLtd ATF Janron Family Trust **Date of Issue:** 28 June 2016
 C/- Arcadis Australia Pacific Level 25 / 288 Edward St Brisbane **Register No.:** 331.2016.821.1

Land to which the Charge Applies

Address: 70 - 80 Shelley St, Burnett Heads
 Property Description: RP894579/1

Development to which the Adopted Infrastructure Charge Applies

The adopted infrastructure charge applies to the following development type: Reconfiguring a Lot
 Development Approval No.: 321.2016.44964.1

Current Amount of the Adopted Infrastructure Charge

The adopted infrastructure charge has been calculated in accordance with the method outlined in the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015 and Chapter 8 of the Sustainable Planning Act 2009. Please see Schedule 1 of this notice for the detailed calculation of the current amount.

Current Amount of Adopted Infrastructure Charge = \$277,200.00
 (as at date of issue)

Offsets

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

Total offsets applicable to this development = n/a

Refunds

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

Total refunds applicable to this development = n/a

Automatic Increase

The charges are subject to an automatic increase in accordance with Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015. Council's adopted infrastructure charge is to automatically increase from the time the charge is levied to the time the charge is paid. As per section 631 of SPA 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. Therefore the adopted infrastructure 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. 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 yearsly smoothed PPI at time the charge is paid
 = average (12 previously published PPI figures relative to paid date)
 Smoothed PPI (levied date) = 3 yearsly smoothed PPI at time the charge is levied
 = average (12 previously published PPI figures relative to levied date)



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The *adopted infrastructure 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:

$$\text{adopted infrastructure charge payable} = \text{levied charge} \times \text{automatic increase provision} \dots(2)$$

Finally, if after applying the automatic increase provision the *adopted infrastructure 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 infrastructure 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 infrastructure charge payable* is the charge amount at the time the charge is levied.

Payment of the Adopted Infrastructure Charge

- The **due date for payment** of the *adopted infrastructure charge* is:
 - **before the local government approves the plan of subdivision for the reconfiguration**
- Interest at 11% per annum, calculated daily, will be applied to overdue payments.
- The charge is to be paid to **Bundaberg Regional Council**. Please contact Bundaberg Regional Council, Development Assessment Team, prior to making payment.
- Please include a copy of this Notice with payment.

Other Important Information

1. PAYMENT

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

2. GOODS AND SERVICES TAX

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

3. INFRASTRUCTURE CHARGES ENQUIRIES

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

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

Richard Jenner
 Development Assessment Manager



Applicant: Matlow PtyLtd ATF Janron Family Trust
Applicant address: C/- Arcadis Australia Pacific Level 25 / 288 Edward St Brisbane
Site address: 70 - 80 Shelley St, Burnett Heads
Lot/Plan: RP894579/1

ADOPTED INFRASTRUCTURE CHARGES NOTICE
 SCHEDULE 1 – Calculation of Current Charges, Offsets and Refunds

Development Type: Reconfiguring a Lot
Due date for payment: before the local government approves the plan of subdivision for the reconfiguration
Dev Approval No.: 321.2016.44964.1
Register No.: 331.2016.821.1

Prepared by: Gary Tremul
Date of issue: 28/06/2016
Authorising Officer: Richard Jenner
Inside PIA No

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Adopted Infrastructure Charges: \$ 277,200.00
Offset: n/a
Additional Charge Condition: n/a
AICN - Amount Payable: \$ 277,200.00

Summary of the Adopted Infrastructure Charges

Stage	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
ALL	ROL	Existing credit	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ (25,200.00)	n/a	n/a	1			n/a	0%	\$ (25,200.00)
ALL	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	12			n/a	0%	\$ 302,400.00
Adopted Infrastructure Charges Total: \$ 277,200.00															

Stage Breakdown of Adopted Infrastructure Charges

Stage	Application Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m ² GFA	Charge per m ² impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m ²)	Impervious Area (m ²)	Discount category	Discount	Subtotal
1	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	6			n/a	0%	\$ 151,200.00
2	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	5			n/a	0%	\$ 126,000.00
Stage Breakdown Total: \$ 277,200.00															

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ADOPTED INFRASTRUCTURE CHARGES NOTICE INFORMATION NOTICE

1. REASON FOR DECISION

This notice has been issued pursuant to the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No. 1) 2015 and Chapter 8 of the Sustainable Planning Act 2009.

2. APPEAL RIGHTS

The recipient of the infrastructure charge may appeal to the Planning and Environment Court in accordance with section 478 of the Sustainable Planning Act 2009.

478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development.
 - (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

The recipient of the infrastructure charge may appeal to a building and development committee in accordance with section 535 of the Sustainable Planning Act 2009.



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535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;
Examples of possible errors in applying an adopted charge—
 - (i) the incorrect application of gross floor area for a non-residential development;
 - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development;
 - (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

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- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

**Item****28 June 2016**

Item Number:	File Number:	Part:
K3	322.2016.45849.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

132 Potters Road, Qunaba - Material Change of Use for Community Infrastructure

Report Author:

Michael Ellery, Group Manager Development

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

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

Summary:

APPLICATION NO	322.2016.45849.1
PROPOSAL	Material change of Use for Community Use (Animal Management Facility)
APPLICANT	Bundaberg Regional Council
OWNER	Reserve For Local Government
PROPERTY DESCRIPTION	Lot 243 on CK2823
ADDRESS	132 Potters Road, Qunaba
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Community Facilities Zone (Other Zones)
OVERLAYS	Flood Hazard, Infrastructure, Heritage and Neighbourhood Character.
LEVEL OF ASSESSMENT	Code
SITE AREA	46.9 ha
CURRENT USE	Waste Management Facility
PROPERLY MADE DATE	1 June 2016
STATUS	The 20 business day decision period ends on 29 June 2016
REFERRAL AGENCIES	Nil.
NO OF SUBMITTERS	N/A.
PREVIOUS APPROVALS	322.2014.40261.1 – Public Utility Undertaking (Waste Management Facility)
SITE INSPECTION CONDUCTED	8 June 2016
LEVEL OF DELEGATION	Level 3

1. INTRODUCTION

1.1 Proposal

This application seeks approval to change the use of an unused portion of the Qunaba Waste facility. The applicant is seeking a development permit for a material change of use for a new animal management facility to be established on the south-east corner of the subject site, located at 132 Potters Road, Qunaba for its sole use in relation to carrying out its statutory animal management activities.

The proposal involves the construction of a new building of approximately 556 m² gross floor area as well as livestock pens, a cattle ramp, internal driveway and car parking area, as well as supporting civil works.

The proposed new building will be constructed from block with tin roofing. The maximum height of the sloping roof is 4.7 m above natural ground level. The building is proposed in an L shape and will contain administration office and reception, cattery, dog pens and associated storage and service areas. Public parking, consisting of eight standard and one disabled spaces, is in front of the building and will be accessed by a sealed internal driveway which in turn will come off a newly constructed road (currently unnamed road reserve) that runs off Potters Road. An additional parking space for vehicles transporting animals to the site is located within a portion of the proposed building, which can then be shut to enable processing of impounded animals and prevent their escape.

To the north of the entry driveway it is proposed to locate a cattle ramp and six livestock pens for the holding of cattle, horses, sheep or the like. These pens will have a shelter structure in each top corner to provide shade for housed animals.

The entire area to be used for the animal management facility is proposed to be fenced with a 1.8 metre high chain wire fence, similar to that exists around the adjoining waste facility. There will be no direct connection between the animal facility and waste management activities occurring on the site.

The applicant has advised that the facility will operate generally between 6 am to 6 pm Monday to Friday, with access to the site occurring afterhours and on weekends only as required to process impounded animals or other urgent matters. Public access is generally limited to one hour per working day, although this may be extended to meet a specific need that might arise. Public access to the facility outside of the normal work hours is by appointment and only on rare occasions.

In relation to traffic, the applicant advises that under normal conditions only one vehicle will be transporting impounded animals to the site in addition to the one staff member located on the premises. Based on historical data, on average it could be expected that 3 dogs per day will be delivered to the site, 1 cat every two days, and livestock very infrequently (only 1 animal was impounded in Bundaberg for the 9 months to 31 March 2016). Accordingly, the applicant contends that the amount of traffic to the site is relatively low compared to other community uses.

1.2 Site Description

The development site is comprised of approximately 2 hectares of land that makes up part of Council's current Qunaba Waste Management Facility.

The development area, located in the southern corner of the overall site, has direct frontage to Potters Road along its south-west boundary and frontage to an unnamed, unconstructed road reserve along its south eastern boundary. The development land is generally level and clear of vegetation apart from tall grass and weeds.

The existing weigh bridge and other facilities associated with the waste management facility are located immediately to the north-west of the development area. The Barolin Nature Reserve is located to the north-east and south-east (on the opposite side of the unnamed road) of the subject site. Apart from the nature reserve, the surrounding area consists predominantly of agricultural land under active cultivation for cane and small crops.

2. ASSESSMENT PROVISIONS

2.1. *Applicable Planning Scheme, Codes and Policies*

The applicable local planning instruments for this application are:

Planning Scheme:

Bundaberg Regional Council Planning Scheme

Applicable Codes:

- Community facilities zone
- Acid sulfate soils overlay code
- Agricultural land overlay code
- Flood hazard overlay code
- Heritage and neighbourhood character overlay code
- Infrastructure overlay code
- Community activities code
- Landscaping code
- Nuisance code
- Transport and parking code
- Works, services and infrastructure code

Applicable Planning Scheme Policies:

- Planning scheme policy for development works

2.2 *State Planning Instruments*

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

3. ISSUES RELEVANT TO THE APPLICATION

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

Suitability of Land Use

The proposed community use is located on land that is zoned appropriately for such uses. The facility is located on an area of land that will not be required for future waste management activities and does not conflict with previous approvals over the site. The facility will also be accessible for residents of both the coastal strip and the eastern suburbs of the Bundaberg City, and is co-located with another community facility that people from these communities are already accessing.

Whilst the proposed building that the majority of activities will be contained is larger than would normally be expected in a rural setting, the building is well setback from any road frontage (approx 50 metres) or adjoining boundary and will be screened by a vegetation buffer around the perimeter of the site.

On this basis it is considered that the proposed site is an appropriate location for an animal management facility.

Amenity Impacts

The subject site is immediately surround by uses that will not be affected by the operations of the proposed use. The nearest dwelling house to any animal holding area is approximately 350 metres to the west along Potters Road.

It is noted that all domestic type animals that are likely to generate significant noise (eg dogs) will be kept within the proposed building with only the exercise area being located outside to the rear of the building (ie the building will be between yard and any houses). The livestock yards will contain animals that are typical of the rural setting of the area.

Given the limited hours of operation proposed and the low volume of traffic generated taken together with the large distance to the nearest sensitive receptor, it is considered that the proposal satisfies the requirements of the nuisance code in relation to noise. Conditions have been included in the recommendation to ensure that there are no impacts on the amenity of nearby residents from light or waste.

Car parking

The Transport and parking code provides an acceptable solution for the provision of car parking for community uses of 1 space per 20 m² of gross floor area. This would require the use to provide 28 car parking spaces. However, it is noted that this rate is intended to cover a wide range of community uses including community halls and libraries that are likely to have higher traffic generation rates.

The development has proposed to provide ten sealed car parking spaces, including one disabled space, nine of which will be available to the public. The applicant has also proposed to provide an additional grassed area for overflow parking that could contain another ten vehicles.

Given the limited hours of operation and low generation of vehicle movements by the use it is considered that the proposed provision of car parking spaces is sufficient for the likely demand to be generated by the use.

Stormwater

Stormwater from the existing use is directed via an overland flowpath through the development area to discharge to an existing culvert under Potters Road. A condition has been included to ensure that this overland flow path is not blocked.

Roadworks and Access

A new rural standard access road is proposed to be constructed in the existing 20 metre wide unnamed road reserve that intersects Potters Road just south of the subject site's southproperty boundary.

A nominal BAR treatment is considered warranted on Potters Road to minimise the impact of the right turn on through traffic and limit the risk of rear end crashes.

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment - Engineering	08/06/2016

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

4.2 Referral Agency

Not Applicable

5. PUBLIC NOTIFICATION

Not Applicable.

Communication Strategy:

Communication Strategy required?

- Not applicable
- Yes – Communications Team consulted

Attachments:

- 1 Locality Plan
- 2 Site Plan
- 3 Proposal Plans

Recommendation:

That Development Application 322.2016.45849.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use/Reconfiguring of a Lot/Operational Works/Building Works for Community Infrastructure

SUBJECT SITE

132 Potters Road, Qunaba described as Lot 243 on CK2823

DECISION

Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

1. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- All Building Work
- All Plumbing and Drainage Work

4. CODES FOR SELF ASSESSABLE DEVELOPMENT

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

- Bundaberg Regional Council Planning Scheme and Associated Planning Scheme Policies

5. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT

Not Applicable

6. SUBMISSIONS

Not Applicable

7. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT

The assessment manager does not consider that the assessment manager’s decision conflicts with a relevant instrument.

8. REFERRAL AGENCY

Not Applicable

9. APPROVED PLAN/S The approved plans and/or document/s for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
41-29656-A001 (as amended in red)	Site Layout	24.03.16
41-29656-A100	Floor Layout	24.03.16
41-29656-A150	Roof Plan	24.03.16
41-29656-A400	Elevations	24.03.16
41-29656-A450	Sections	24.03.16
121228 Rev A	Qunaba Animal Management Facility Intersection Layout Plan	
121227 Rev A	Qunaba Animal Management Facility Intersection Control Line Setout Details & Typical Cross Sections	

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse four (4) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

11. REFUSAL DETAILS

Not Applicable

12. CONDITIONS ABOUT INFRASTRUCTURE

The following conditions about infrastructure have been imposed under Chapter 8 of the *Sustainable Planning Act 2009*:

Condition/s	Provision under which the Condition was imposed
Conditions 16-24	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.

2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development Permit prior to the commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.

Extent of Approved Use

4. The approval does not include those areas shown as “future” extensions on the approved plans.

Landscaping

5. The site must be landscaped. Such landscaping must:
 - a. Consist of the construction of permanent garden beds planted with trees and shrubs, with particular attention to the street frontages of the site;
 - b. Include species recognised for their low water requirements and is to be provided with an approved controlled underground or drip watering system. Any such system is to be fitted with an approved testable backflow prevention device;
 - c. Include a minimum of two shade trees within the car parking area;
 - d. Use locally endemic or other natives species specified in the Planning Scheme Policy for Development Works;
 - e. Provide a densely planted buffer consisting of large trees and shrubs to the boundaries of the proposed animal management facility area as shown on the approved plans. The buffer must effectively soften the appearance of the development when viewed from any public space to the satisfaction of the Assessment Manager; and
 - f. Include trees or other landscape elements to provide shade to the proposed building to assist with microclimate management and energy conservation.
6. Landscaping must be completed prior to the use commencing and is to be maintained in a state satisfactory to the Assessment Manager while the use of the premises continues.

Fencing

7. Construct a 1.8 metre high chain wire fence around the perimeter of the approved use in the location generally shown on the approved plan.
8. Fencing provided on the site must be designed to prevent the escape of animals from the facility and the intrusion of animals into the site.

Lighting

9. External lighting used to illuminate the premises must be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.
10. Unless otherwise approved in writing by the Assessment Manager, external lighting must be low pressure sodium vapour lighting fitted with hoods or fully screened and directed away from the beach.
11. Internal lighting must be shaded through glass tinting on all windows facing or seen from the beach with a transmittance value of 45% or less.

New Street Name

12. A street name must be submitted to and approved by the Assessment Manager for the unnamed road over which access to the site is to be obtained, prior to the commencement of the approved use. A written request for the proposed naming of the street must be submitted that includes three (3) suggested road names for the street that:
 - a. Reflect aspects of the area in which the streets are located, including historical names, unless otherwise determined by the Assessment Manager. The order of preference in allocating street names will be:
 - b. Historical persons / Historical place names;
 - c. Other relevant aspects (eg local flora and fauna); and
 - d. Themed street names. Where 'themed' names are proposed, a list of street names for the entire development must be submitted as part of the Operational Works application for Stage One of the development;
 - e. Are nouns and generally contain one (1) word. Composite words may be acceptable when they supplement the primary name; and
 - f. Are unique and unambiguous to the Bundaberg Regional Council local government area.

(Note: where a street is extended, the new section created will retain the name of the street extended.)
13. Supply and erect all necessary street signs and posts.

Waste Management

14. Provide a sufficient area for the storage of all waste bins. This area must be sealed, screen fenced and designed so as to prevent the release of contaminants to the environment.
15. Maintain and operate an adequate waste disposal service, including the disposal of animal wastes, maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.

Water

16. Provide a reticulated water supply service to the facility by supplying all necessary materials, including structures and equipment, and performing all necessary works. The works must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of the development.
17. Provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the development.

Effluent Disposal

18. Provide an on-site sewerage facility that is designed, constructed, operated and maintained in accordance with the Queensland Plumbing and Wastewater Code and Australian Standard AS 1547-2000 under the Plumbing and Drainage Act 2002. Wastewater must be treated to a minimum secondary standard.

Stormwater

19. Install a stormwater drainage system connecting to lawful points of discharge. The stormwater drainage system must include:
 - a. detention storage to cater for increased stormwater runoff as a result of this development. Stormwater discharge from the subject land must be limited to pre-development generated peak levels up to and including Q100 ARI flows via the provision of on-site detention storage. The detention storage must be visually integrated into the surrounding landscape and designed with a high level of visual amenity;
 - b. stormwater management components including perimeter sediment drains, sediment control and retention basins, which must be completed prior to the commencement of the use;
 - c. measures to ensure that the flows from adjacent properties and existing development drainage paths will not be impeded.

Roadworks and Access

20. The new access road to be constructed must be constructed within the existing 20 metre wide unnamed road reserve located along the subject site's south property boundary.
21. Construct the new road and associated intersection with Potters Road generally in accordance with the approved plans.
22. The Developer must design and construct the Potters Road / Site Access Road intersection in accordance with Main Roads Road Planning and Design Manual and where applicable Austroads *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*. The requirements must include BAR turn treatments on Potters Road into the Site Access Road. The road geometries must be designed such that swept paths of turning vehicles do not cross the road centrelines and encroach on the paths of oncoming traffic.

Property Access & Driveways

23. The driveway to the facility must comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments*.

Car Parking

24. Provide off-street car parking and vehicle manoeuvring areas with a minimum of 10 parking spaces. Such car parking, access and manoeuvring areas must be generally in accordance with the Approved Plans and be:-
 - a. constructed and sealed with bitumen, asphalt, concrete, approved pavers or other treatment as agreed to in writing by the Assessment Manager;
 - b. line-marked into parking bays;
 - c. designed to include a manoeuvring areas to allow all vehicles to leave the site in a forward gear;
 - d. designed to include the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;

- e. sign posted to indicate entry/exit points, in addition to line marking, to indicate the traffic flow through the site;
- f. drained to the relevant site discharge point; and
- g. designed in accordance with AS/NZS2890 .1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.

PART 1B – ADVICE NOTES

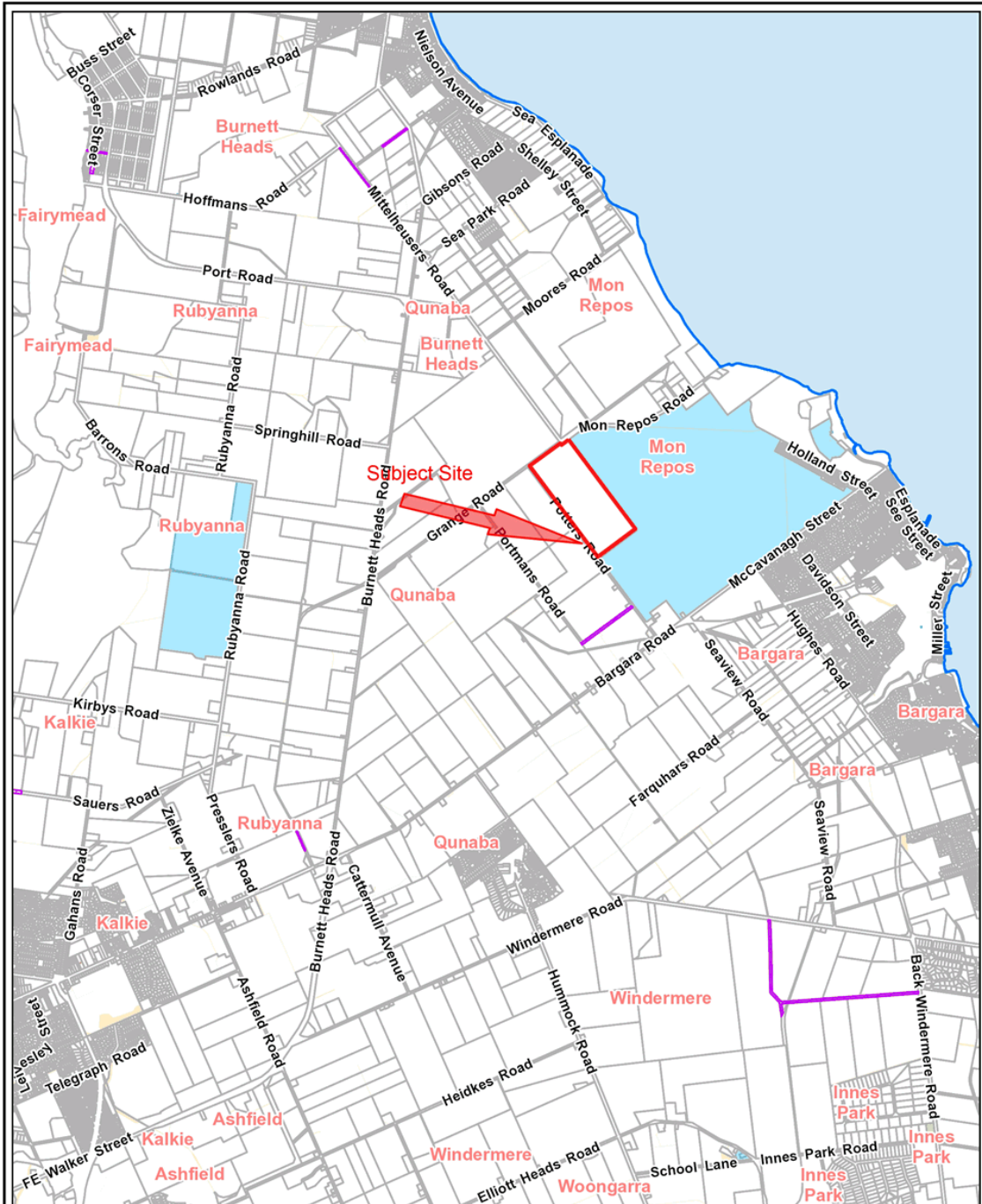
Environmental Harm

- A1 The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Signage

- A2 An Operational Works permit is required to be obtained for all signs and advertising devices associated with the development that do not comply with the self assessable criteria of the Planning Scheme in effect at the time of the proposed works.



Locality Plan - Potters Road, Qunaba



Projection: GDA_1994_MGA_Zone_56

Date: 9/6/2016 4:38 PM

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
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Author:



Site Plan - Potters Road, Qunaba

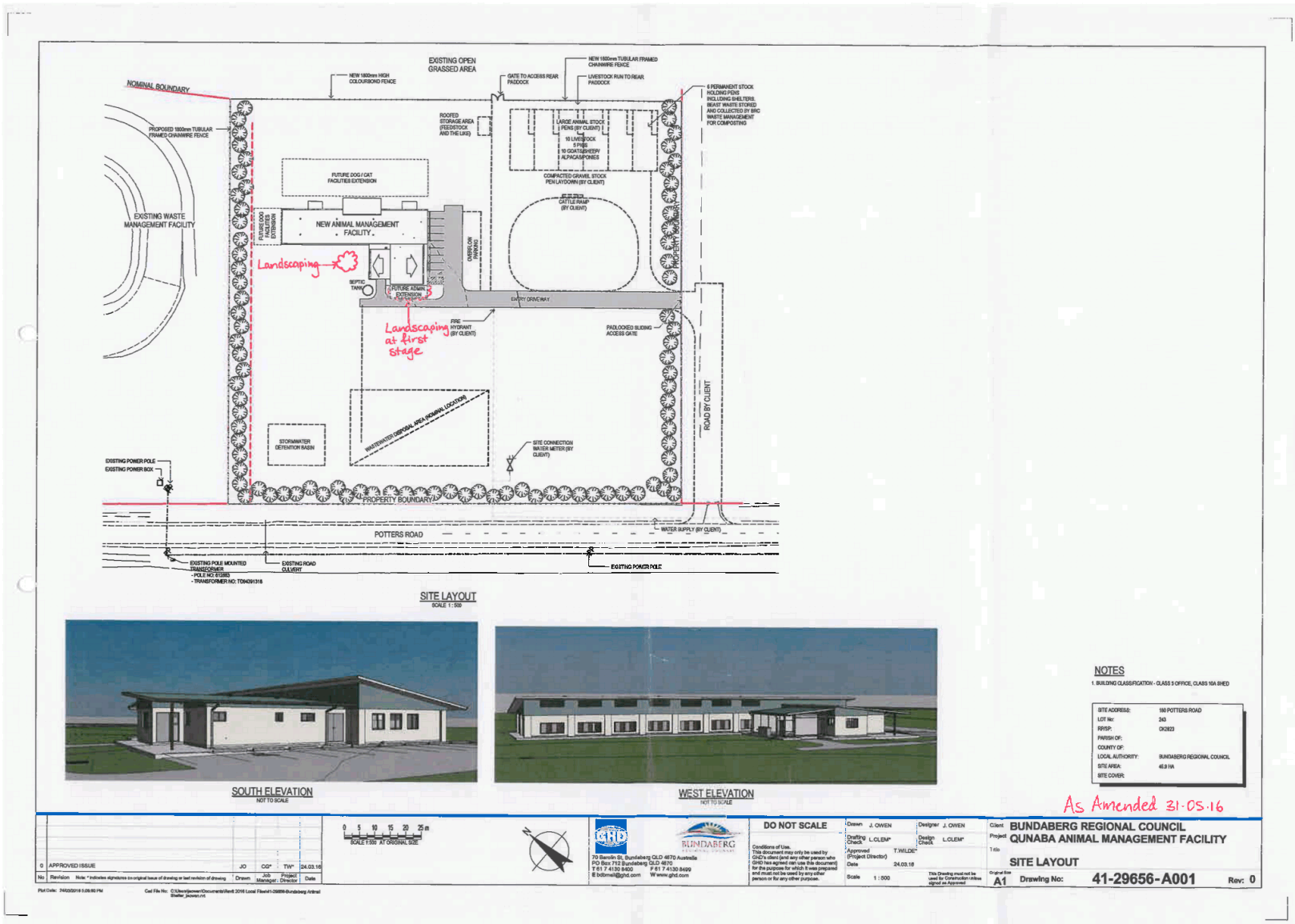
 

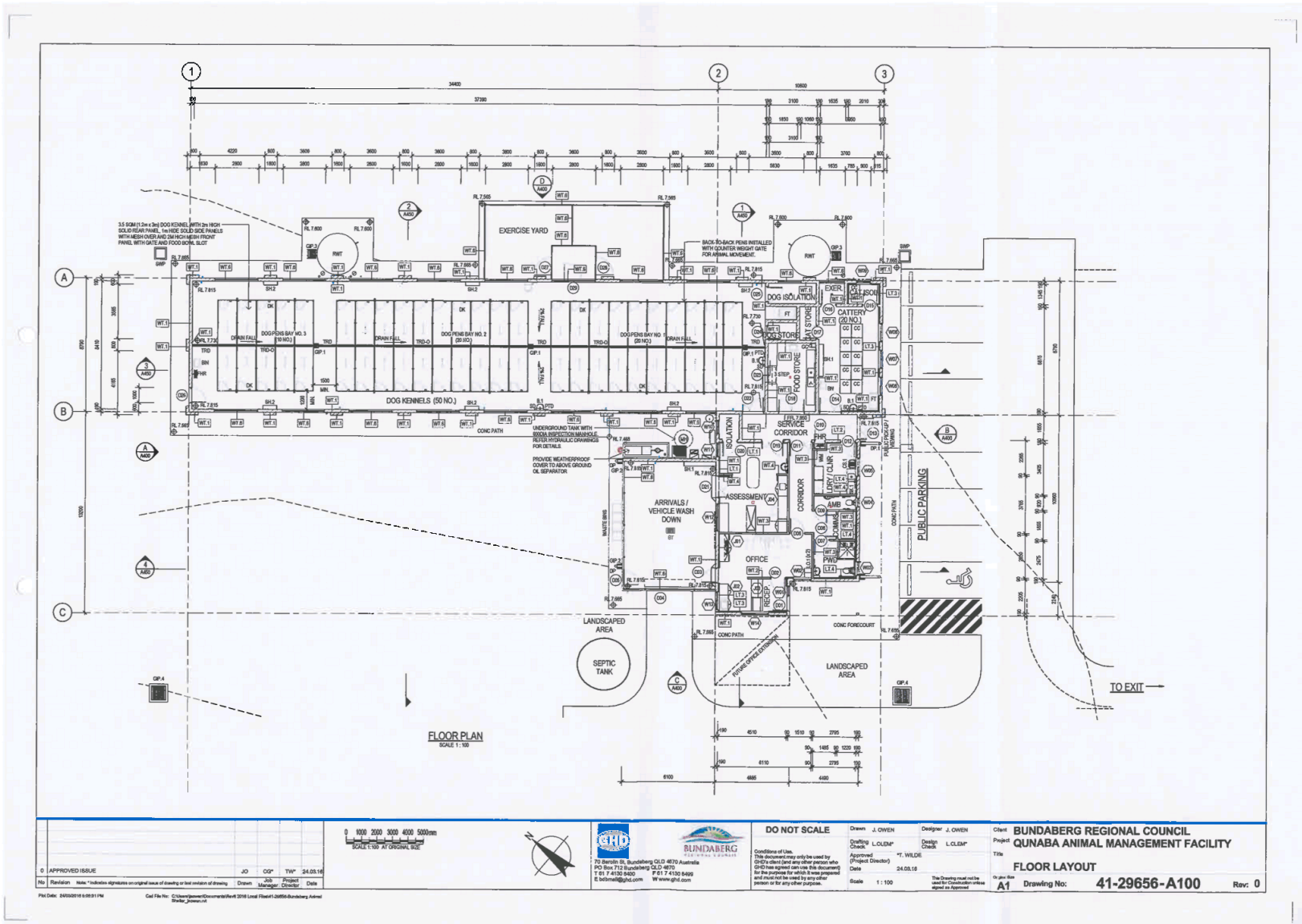
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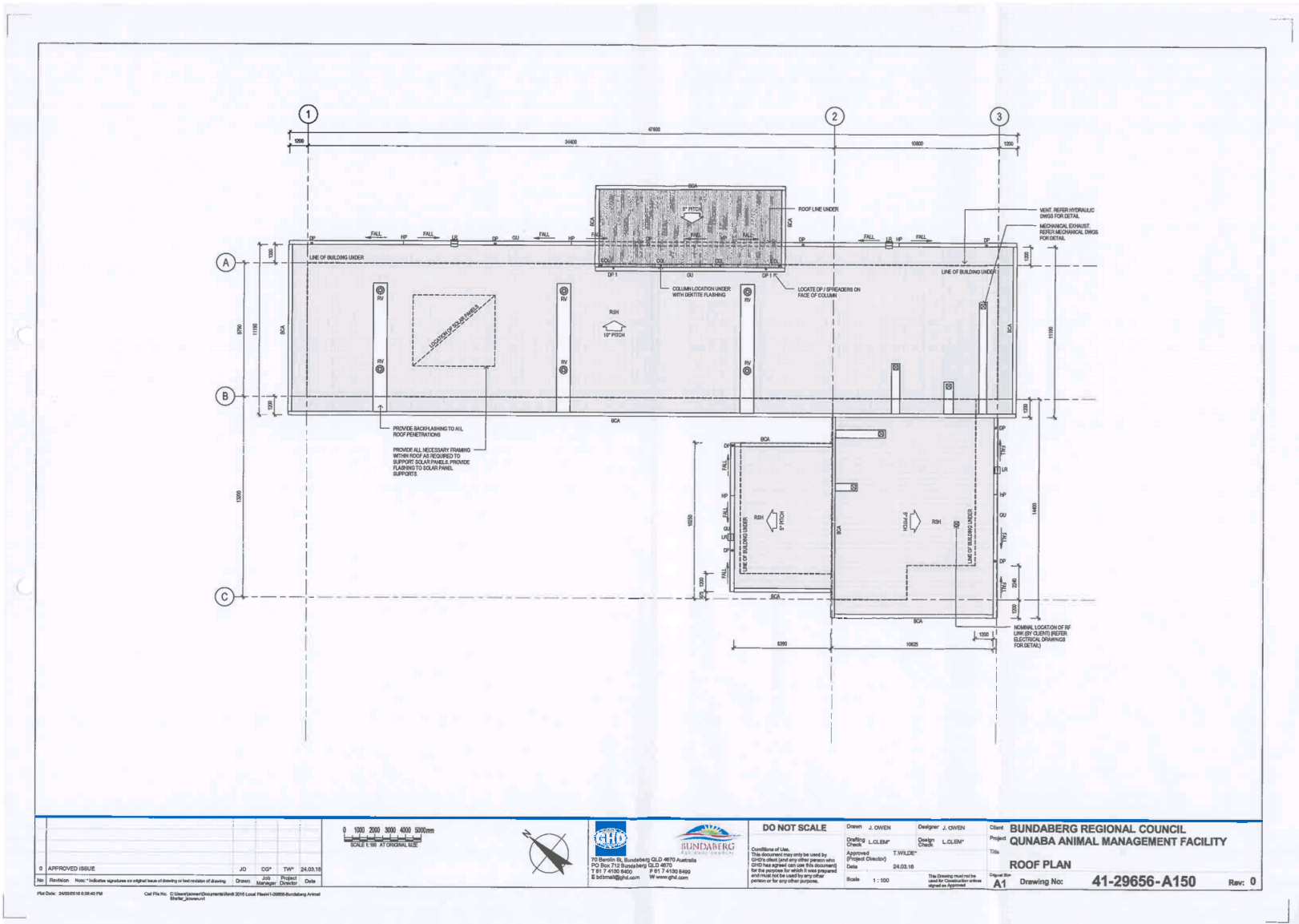
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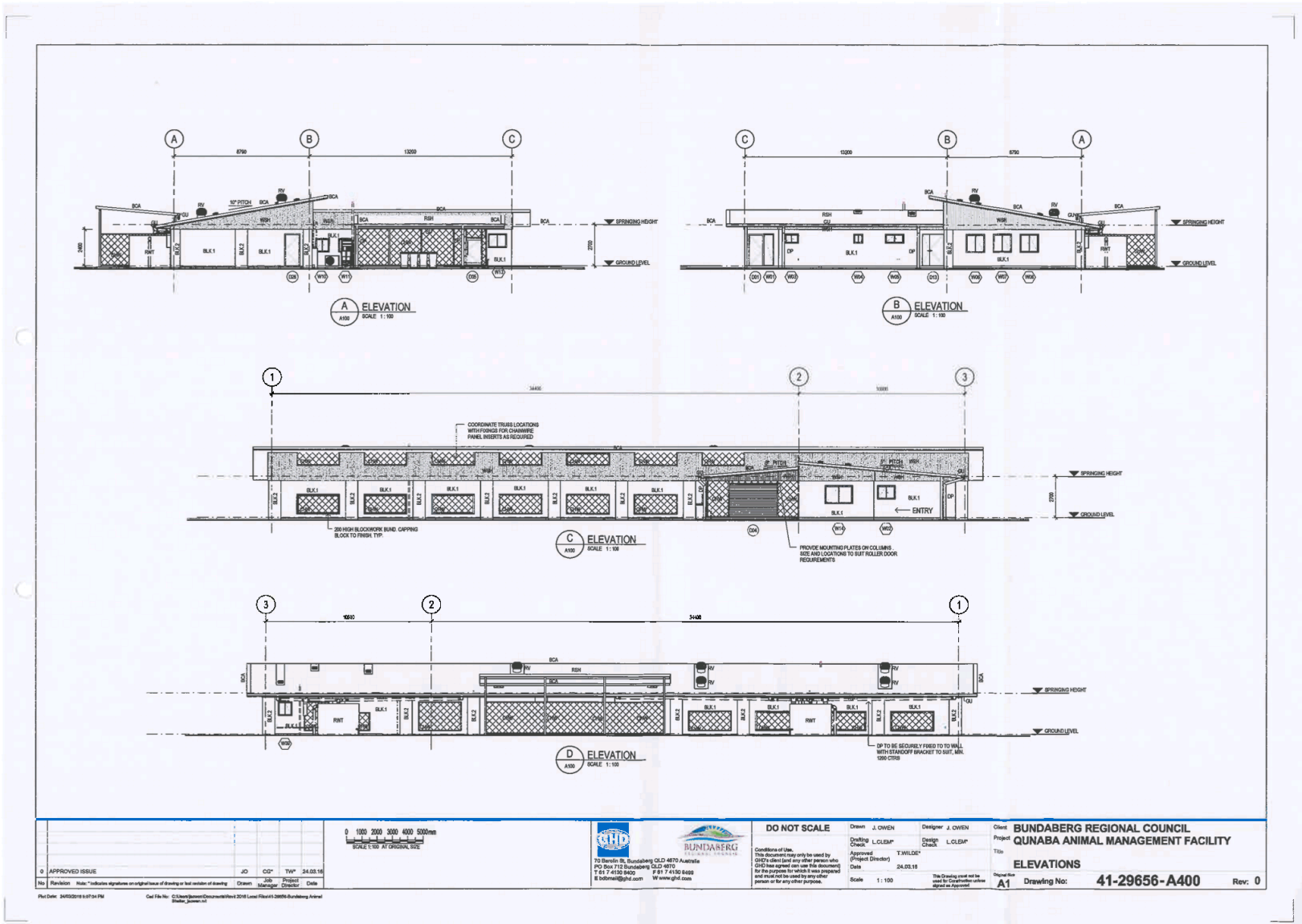
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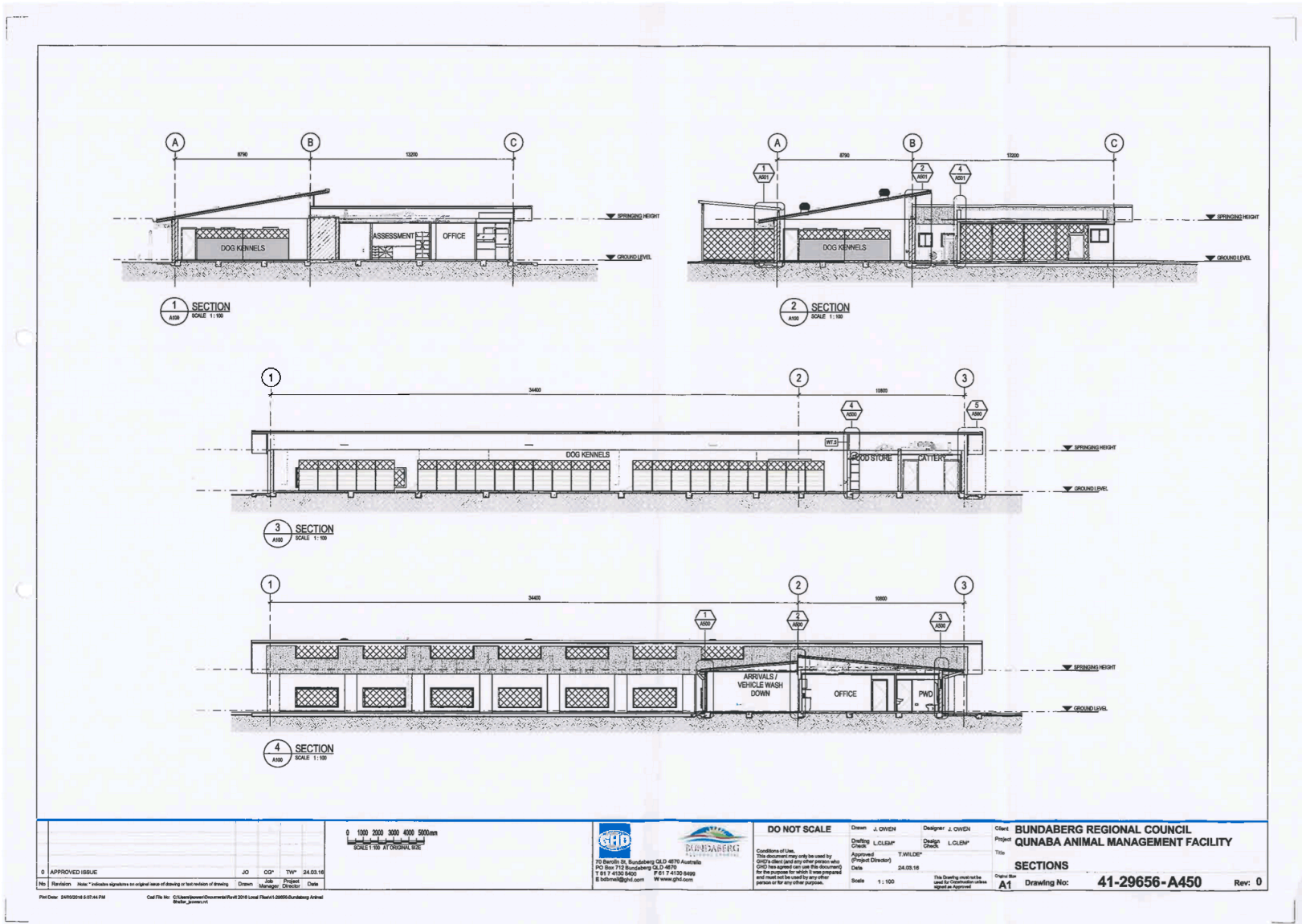
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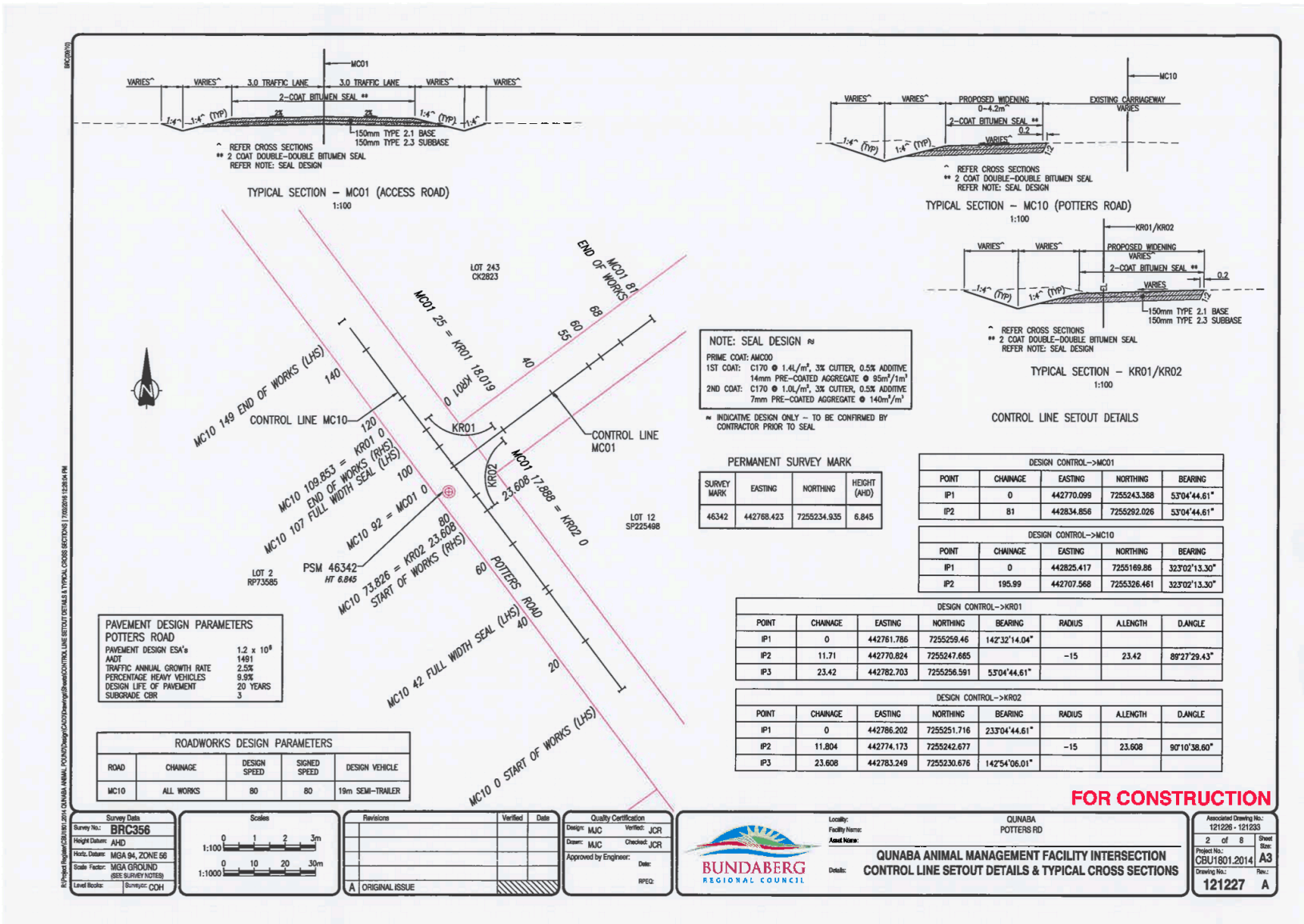


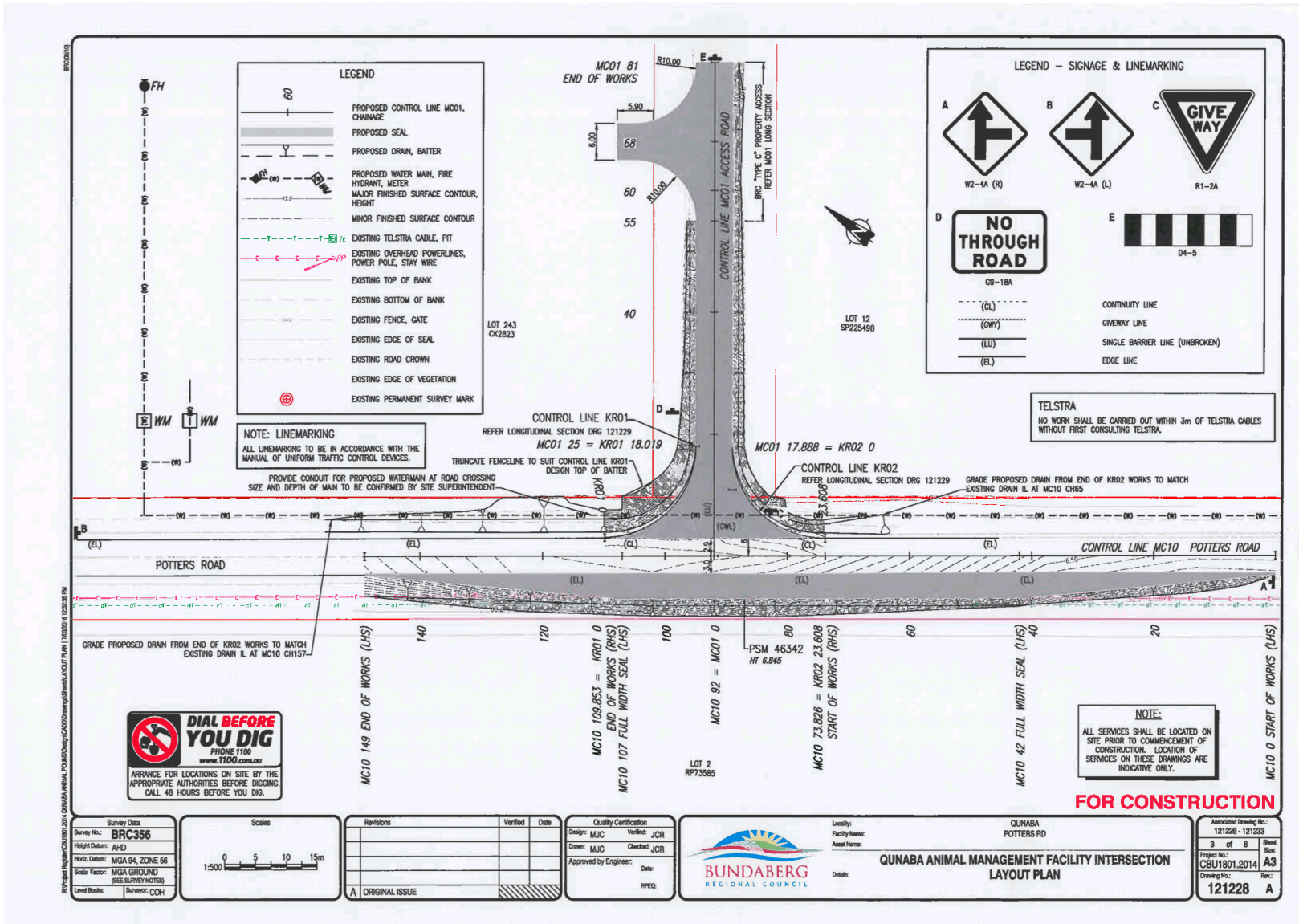














Item

28 June 2016

Item Number:	File Number:	Part:
K4	321.2015.43354.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

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

Report Author:

Erin Clark, Senior Planning Officer - Major Projects

Authorised by:

Michael Ellery, Group Manager Development

Link to Corporate Plan:

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

Previous Items:

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

Summary:

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

1. INTRODUCTION

1.1 Proposal

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

1.2 Site Description

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

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

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

2. ASSESSMENT PROVISIONS

2.1. Applicable Planning Scheme, Codes and Policies

The applicable local planning instruments for this application are:

Planning Scheme: Planning Scheme for Bundaberg City

Applicable Codes:

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

Applicable Planning Scheme Policies:

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

2.2 State Planning Instruments

The applicable State planning instruments for this application are:

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

3. ISSUES RELEVANT TO THE APPLICATION

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

Temporary Local Planning Instrument (TLPI) 1/2015

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

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

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

City Planning Strategy – Bundaberg City Planning Scheme

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

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

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

Bundaberg Region Planning Scheme

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

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

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

Reconfiguring of a Lot Code

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

Good Quality Agricultural Land

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

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

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

Outside Priority Infrastructure Area (PIA)

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

Pre-lodgment advice

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

Public Notification

The following matters were raised by submitters:

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

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Engineering	22 June 2015
Water and Wastewater	4 June 2015

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

4.2 Referral Agency

Not Applicable

5. PUBLIC NOTIFICATION

Pursuant to the *Sustainable Planning Act 2009*, this application was advertised for 15 business days from 10 September 2015 until 7 October 2015. The Applicant submitted documentation on 7 October 2015 advising that public notification had been carried out in accordance with the *Sustainable Planning Act 2009*. Council received one (1) submission in relation to this development application during this period. Any significant issues raised have been included in section 3 of this report.

6. UPDATE

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

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

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

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

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

Communication Strategy:

Communication Strategy required?

✓ Not applicable

Attachments:

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

Recommendation:

That Development Application 321.2015.43354.1 be determined as follows:

DESCRIPTION OF PROPOSAL

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

SUBJECT SITE

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

DECISION

Refused

1. SUBMISSIONS

There was one (1) submissions received for the application. The name and address of the principal submitter for each properly made submission are as follows:

Name of principal submitter	Address
1. Judy & John Nowell	23 Kirbys Road, Kalkie, QLD, 4670

2. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

3. REFERRAL AGENCY

Not Applicable

4. REFUSAL DETAILS**Reasons for Refusal**

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

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



Site Plan - 27 Kirbys Road, Kalkie

Projection: GDA_1994_MGA_Zone_56

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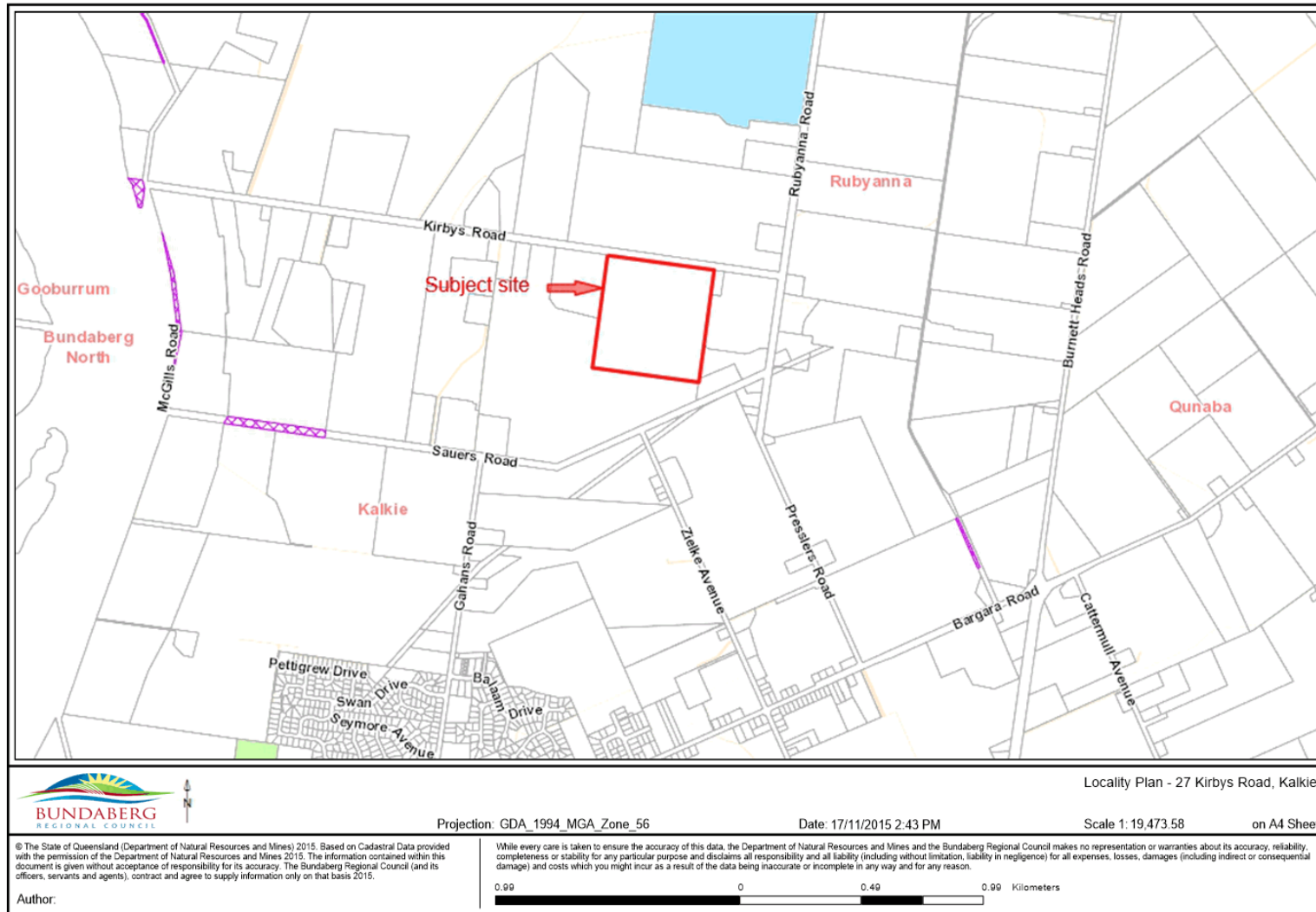
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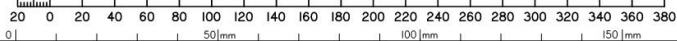


Sheet 1 of 2



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derived from BRC ALS data

Scale 1:2500 - Lengths are in Metres.



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PLAN OF PROPOSED LOT RECONFIGURATION

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

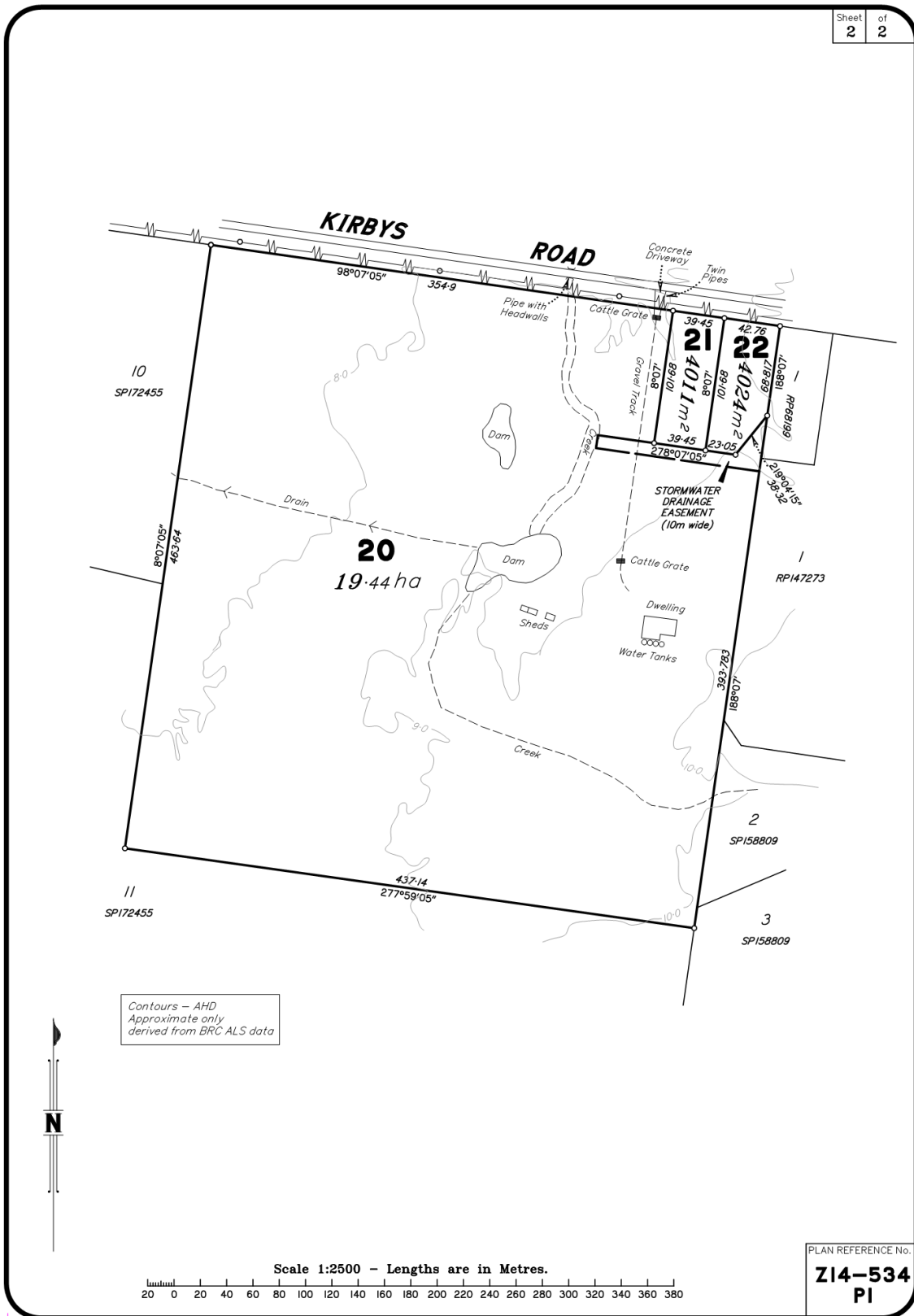
PARISH of **BUNDABERG**
COUNTY of **Cook**

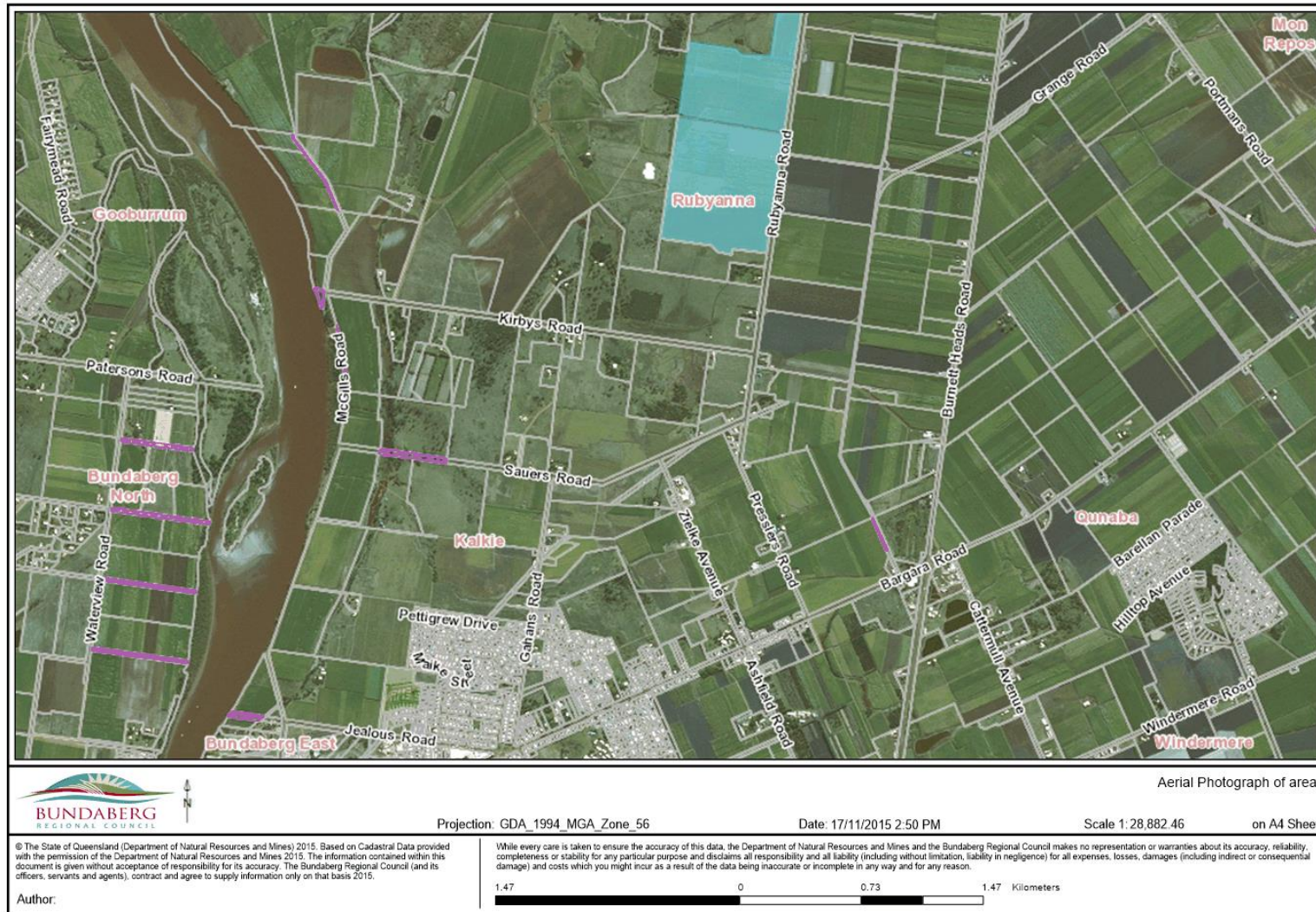
CLIENT: R & K Bauer
SCALE: 1:2500 at A3

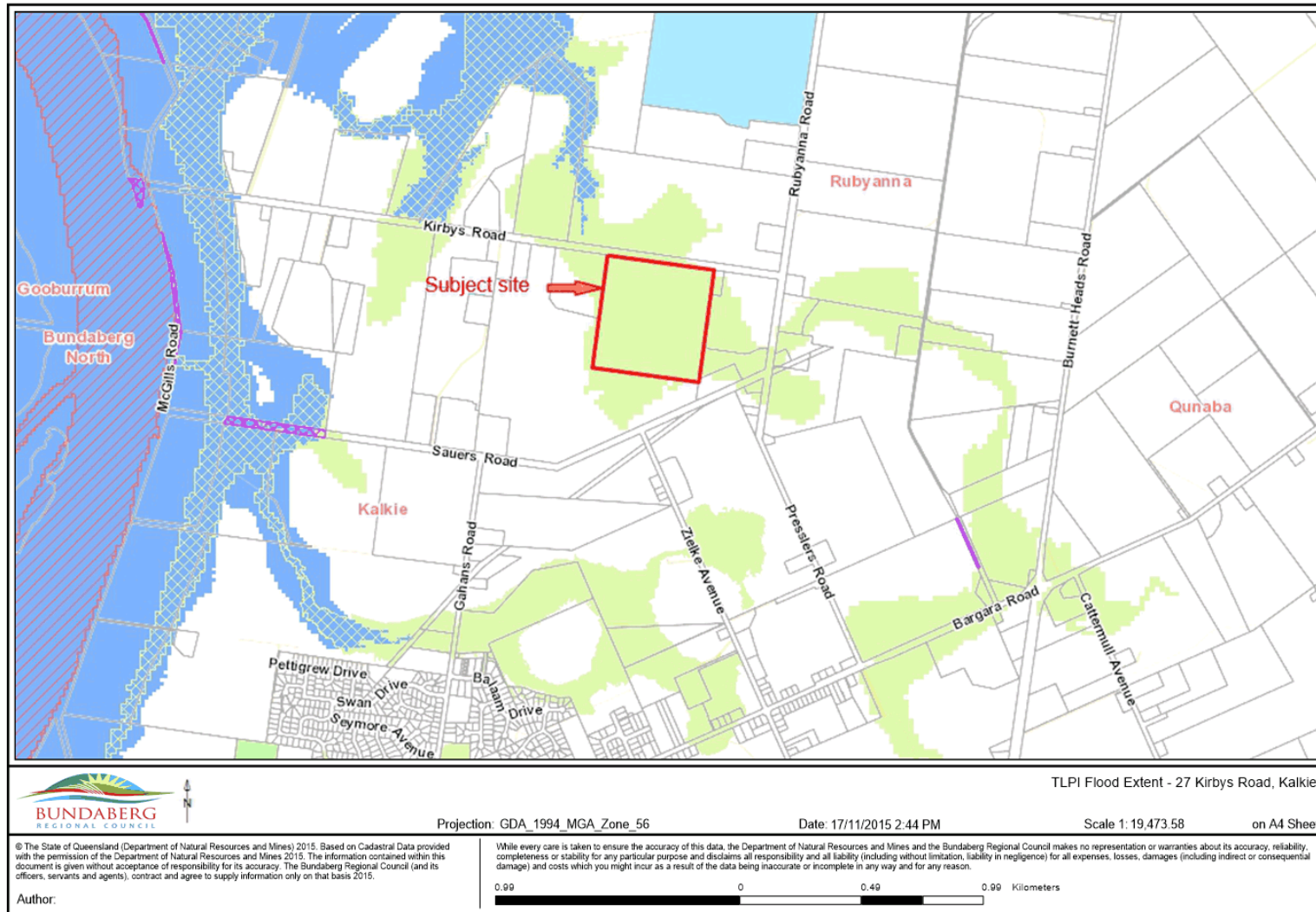
PROPOSAL PLAN ONLY
Not to be used for contractual purposes.
Areas & Dimensions are approximate only & subject to Council's Conditions of approval & final survey.

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

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







Register reference 337.2016.168.1
Office Use Only

**Infrastructure Agreement
Diversion Drain Requirements**

R J Bauer & K A Bauer
Owner

Bundaberg Regional Council
Council



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Dated this 10TH day of MAY 2016

PARTIES

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

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

BACKGROUND

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

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

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

AGREED TERMS

1 Definitions and interpretation

1.1 Definitions

In this document:

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

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

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

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

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

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

1.2 Interpretation

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

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

2 Infrastructure Agreement

2.1 Application of the Act

This Agreement is an infrastructure agreement under the Act.

2.2 Agreement to bind successors in title

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

2.3 Obligations not affected by change of ownership

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

2.4 Agreement prevails if inconsistent with Development Approval

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

2.5 Termination of this Agreement

This Agreement terminates if:

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

3 Obligations of the Parties

3.1 Owner's Obligations

The Owner agrees:

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

4 GST

4.1 Character of payments

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

4.2 Responsibility for payment

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

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

4.3 Adjustment for input tax credits (reimbursement of expenses)

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

4.4 Adjustments by taxation authority

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

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

as the case requires.

4.5 Tax invoices and adjustment notes

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

4.6 Payment of prospective GST (performance securities)

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

5 Default

5.1 Events of default

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

5.2 Default Notice

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

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

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

5.3 Entitlements upon default

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

5.4 Suspension of time – dispute

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

5.5 Council may act in public interest

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

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5.6 Council's right to enter land

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

6 Force majeure

6.1 Notice of occurrence

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

6.2 Content of notice

The Notice is to:

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

6.3 Mitigation of effect

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

6.4 Suspension of obligations

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

6.5 Absorption of losses

Subject to a contrary provision:

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

7 Disputes

7.1 Statement of intent

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

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

7.2 Exclusion of debt disputes

This clause 7:

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

7.3 Notice of dispute

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

7.4 Negotiation

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

7.5 Appointment of referee

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

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

7.6 Determination by Referee

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

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

7.7 Costs of resolving dispute

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

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7.8 Ouster of jurisdiction

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

8 Service

8.1 Notices (general)

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

8.2 Service of notices

A Notice may be:

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

to the intended recipient at its Address for Notices.

8.3 Receipt of notices

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

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

9 Assignment by Owner

9.1 Assignment

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

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

10 Novation of document upon sale

10.1 Restriction on the right to Sell the Land

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

10.2 The Owner remains liable until Purchaser signs

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

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

11 Release of liability

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

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12 General provisions

12.1 No merger

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

12.2 Entire agreement

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

12.3 Further assurances

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

12.4 Warranty of authority

Any person signing this agreement:

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

12.5 Amendment of agreement

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

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12.6 No waiver

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

12.7 Payment of costs

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

12.8 Place for payment of money

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

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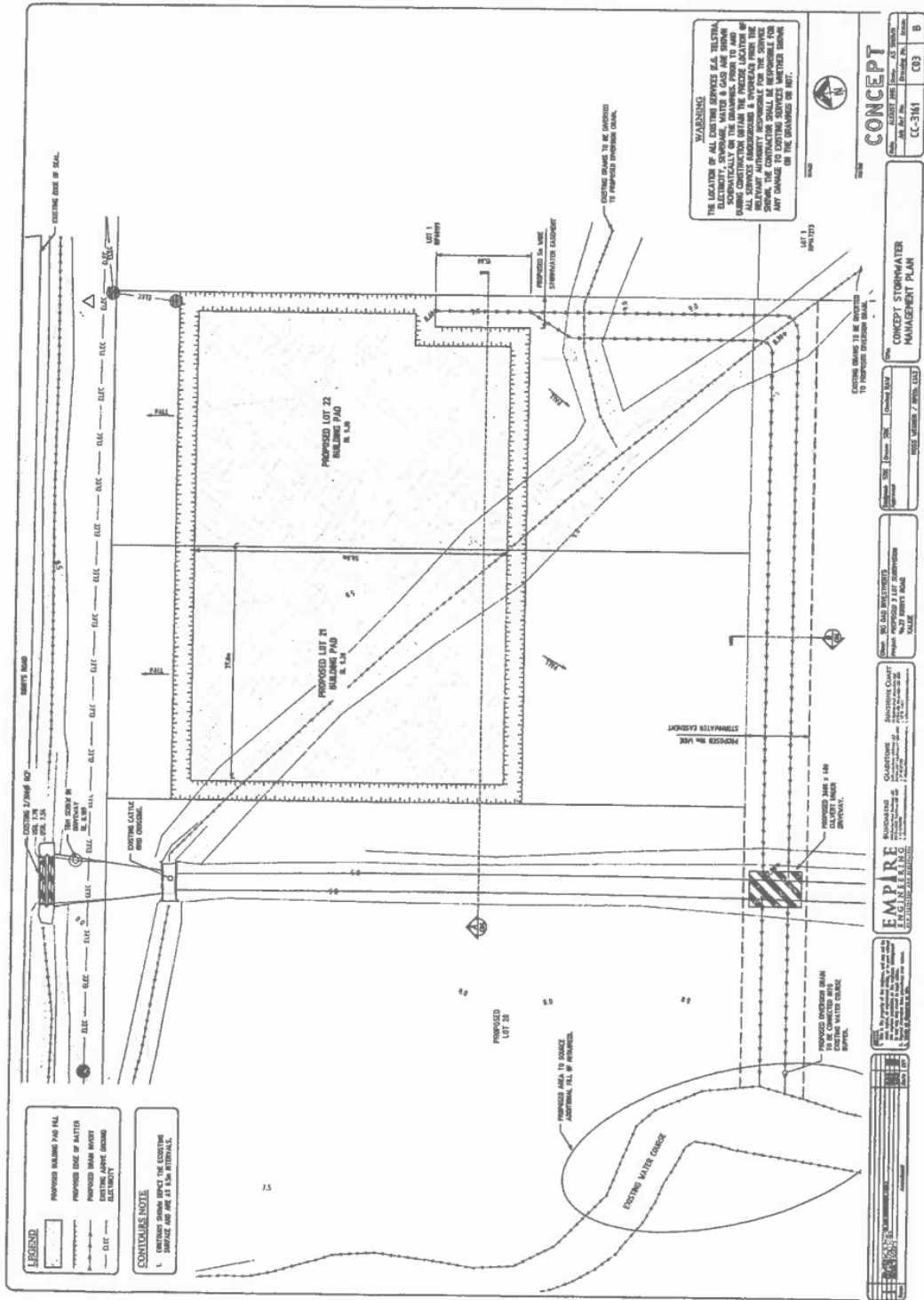
SCHEDULE 1
Agreement Details

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

-24-

SCHEDULE 2

Empire Engineering Drawing CC – 3161 C03 Rev B



Execution

EXECUTED as a deed.

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

^ Peter Byrne
Signature of

^ N Saunders
Signature of witness

^ NENDY SAUNDERS
Name of witness (print)

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

^ Reuben Bauer
Signature of R J Bauer

^ J Bauer
Signature of witness

^ JULIAN BAUER
Name of witness (print)

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

^ Kylie Bauer
Signature of K A Bauer

^ J Bauer
Signature of witness

^ JULIAN BAUER
Name of witness (print)



**Item****28 June 2016**

Item Number:	File Number:	Part:
M1	231.2016.104.1	HEALTH & REGULATORY SERVICES

Portfolio:

Community & Environment

Subject:

Pedal Cart Bargara

Report Author:

Gavin Crawford, Manager Waste & Health Services

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Economy - 4.3.3 Foster a flexible, supportive and inclusive business environment

Background:

An application for Commercial Use of Local Government Controlled Areas & Roads (Stationary Roadside Vending) was received from Jason Loft from Pedals Espresso on 12 May 2016, to set up a mobile espresso coffee cart franchise at two locations in Bargara, (see Attachment 1).

- First location will be at Nielson Park road reserve between Fred Courtice Avenue and Bargara Beach Holiday Park Road (Attachment 2).
- Second location will be at the entrance near Christsen Park opposite no 13 Esplanade on the grassy area (Attachment 3).

The franchise is proposing to sell coffee and pre-packaged cookies. There are two businesses within 300 metres of the proposed locations selling the same or similar products ie Bargara Golf Club and Bundaberg Surf Life Saving Club.

The applicant's hours of operation will be from 6.00 am until 6.00 pm Monday to Sunday and public holidays for both locations. The applicant will not trade from Neilson Park during the trading hours of the Surf Club Café which are from 7.00 am to 12.00 noon weekdays and 7.00 am to 1.00 pm on weekends. The hours of operation for the location near Christsen Park will have the option between 6.00 am until 6.00 pm, however the pedal cart will mix between the two locations.

Written consent has been provided by Bargara Golf Club and Bundaberg Surf Life Saving Club, see attached consent letters.

Associated Person/Organization:

Ron Paauwe – Environmental Health Officer

Consultation:

Consultation with Cr Greg Barnes on 13 May 2016.

Consultation with Michael Johnston - Operational Supervisor Parks and Open Spaces in May 2016.

Legal Implications:

There appear to be no legal implications.

Policy Implications:

Commercial use of Local Government Controlled Areas and Roads Policy.

7.3.5 Stationary Roadside Vending Conditions

7.3.5.1 All parts of the Bundaberg Regional Council Area

- *The operator of the vehicle for which this approval relates, must not:

Engage in stationary roadside vending on any Local Government or State controlled area or road within three hundred (300) metres of a business selling the same or similar goods and/or services within Part C - Bundaberg Regional Council area;*

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

Applicant is required to hold current Public Liability Insurance at all times in accordance with [PD-7-291 Commercial Use of Local Government Controlled Areas & Roads Policy](#).

Communication Strategy

Communication Strategy required? *(Please select one)*

- Not applicable
 Yes – Communications Team consulted

Attachments:

- 1 Site Plans
- 2 Letters of Support

Recommendation:

That approval be granted to Jason Loft for the Commercial Use of Local Government Controlled Areas and Roads for a stationary coffee cart at the following locations:

- a) Nielson Park Road Reserve (between Fred Courtice Avenue and Bargara Beach Holiday Park Road) between the hours of 6.00 am – 6.00 pm, excluding between the hours of 7.00 am to 12.00 noon weekdays and 7.00 am to 1.00 pm on weekends.**
- b) The entrance near Christsen Park, Bargara (opposite No 13 Esplanade) on the grassed area between the hours of 6.00 am – 6.00 pm Monday to Sunday.**



ATTACHMENT 2

Page 1 of 2



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ATTACHMENT 3



http://gtx.lan/Geocortex/Essentials/gxe_401/REST/TempFiles/Export.png?guid=db198e01-89ea-491e-ab3c-5db93c8206c1&contentType... 23/05/2016

From: "Maire Durnford" <officemanager@bargaragolfclub.com.au>
Date: 27 May 2016 at 10:48:27 AM AEST
To: "JASMIN APPO" <jazbr@hotmail.com>
Cc: "Don McKewen" <President@bargaragolfclub.com.au>
Subject: RE: Pedals Espresso

Hi Jasmine,

The President Don McKewen would like to confirm the Bargara Golf Club, has no problem and gives permission for you to operate the mobile Coffee van on the esplanade in front of the Bargara Golf Club. The Board would like to advise you if circumstances should change for the Club in the future, they would like to be able to discuss the approval further and have the option to possibly rescind this decision if no agreement can be met.

Regards

Maire Durnford



Maire Durnford

Office Manager

Bargara Golf Club

Ph : (07) 4159 2221

Fax: (07) 4159 2238

E-Mail: officemanager@bargaragolfclub.com.au

From: JASMIN APPO [<mailto:jazbr@hotmail.com>]
Sent: Wednesday, 25 May 2016 12:29 PM
To: Maire Durnford <officemanager@bargaragolfclub.com.au>
Subject: Re: Pedals Espresso

Hi

Just wondering what day your board meeting is on? Thanks Jasmin and Britt

Jasmin appo

On 18 May 2016, at 1:32 PM, Maire Durnford <officemanager@bargaragolfclub.com.au> wrote:

Hi Jasmin,

I managed to catch up with the President, however he would prefer to take the details to a board meeting- (held Next week) . I will follow up with him next week and advise accordingly. Sorry I couldn't do it any faster.

Maire

<image002.jpg> **Maire Durnford**

Office Manager

Bargara Golf Club

Ph : (07) 4159 2221

Fax: (07) 4159 2238

E-Mail: officemanager@bargaragolfclub.com.au

From: JASMIN APPO [<mailto:jazbr@hotmail.com>]

Sent: Wednesday, 18 May 2016 11:53 AM

To: officemanager@bargaragolfclub.com.au

Subject: Pedals Espresso

As per our conversation this morning we are writing to gain your permission to operate our mobile coffee cart in front of your building at the Basin/ park area once its open again.



Bundaberg Surf Life Saving Club Inc.

P O Box 8282, Bargara, Q. 4670
Ph/Fax (07) 4159 2288
e-mail: bspsc@bigpond.com

19 May 2016

CEO
Bundaberg Regional Council,

On behalf of the Bundaberg SLSC I advise that the club has no objection to Pedals Espresso operating in the Nielson Park, Bargara area outside the hours of operation of the Kool Spot Café. The Kool Spot operates from 7am to 11am on weekdays and 7am to 1pm on weekends.

Regards,

A handwritten signature in cursive script, appearing to read "Lynda Cremer".

Lynda Cremer
President, Bundaberg SLSC

Australian for life. The logo for "Australian for Life" features a stylized figure of a person with arms raised, enclosed in a circular border with the words "AUSTRALIAN FOR LIFE" around it.

**Item****28 June 2016****Item Number:**

N1

File Number:

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Part:COMMUNITY & CULTURAL
SERVICES**Portfolio:**

Community & Environment

Subject:

Request for Moncrieff Entertainment Centre Fee relief for Bundaberg Municipal Band

Report Author:

Gavin Steele, General Manager Community & Environment

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Community - 4.1.4 A community that values the arts and culture

Background:

The Bundaberg Municipal Band has requested a Fee Relief subsidy to enable the Australian Army Band Brisbane Concert to perform at the Moncrieff Entertainment Centre on Friday 8 July 2016. The Australian Army Band is renowned for its high quality performance and they performed in Bundaberg after the 2013 floods to provide a free concert at the time to assist with local recovery efforts.

The Moncrieff Entertainment Centre Fee Relief Subsidy Governance Policy only applies to performances being held from Monday to Thursday evenings. However, Friday the 8 is the only date the Army Band has available to perform in Bundaberg.

The fees that would be applicable for a Friday night performance would amount to a total of \$1,340.

Associated Person/Organization:

David Cornwell, Operational Supervisor Libraries, Arts & Theatre

Consultation:

Portfolio Councillor – Cr Judy Peters

Legal Implications:

There appear to be no legal implications.

Policy Implications:

Making an exception to the Moncrieff Entertainment Centre Fee Relief Subsidy Governance Policy may set a precedent.

Financial and Resource Implications:

There would be minor financial and resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communication Strategy:

Communication Strategy required?

- Not applicable
- ✓ Yes – Communications Team consulted

Attachments:

- 1 Fee Relief Request Form
- 2 Free Relief Subsidy Governance Policy

Recommendation:

In recognition of the generous gesture of the Australian Army Band after the floods of 2013 when they came to the region and put on a free concert

- that Council waive the fees for the Australian Army Band's Concert (to be hosted by the Bundaberg Municipal Band) at the Moncrieff Entertainment Centre on Friday, 8 July 2016.



PO Box 3130, Bundaberg QLD 4670
 190 Bourbong Street, Bundaberg QLD 4670
 T 1300 883 699 F 4150 5410
 E ceo@bundaberg.qld.gov.au
 W www.bundaberg.qld.gov.au
 ABN 72 427 835 198

Moncrieff Entertainment Centre Fee Relief Request Form

Please submit application twelve (12) weeks prior to event

Fee Relief is to provide financial assistance to not for profit groups providing musical or performing art performances at the Moncrieff Entertainment Centre. Funds will increase accessibility to groups wishing to provide such performances to the community.

Total costs of up to \$3,300 (incl. gst) per FINANCIAL YEAR are eligible.

Eligible organisations can submit one application per financial year. The Moncrieff Entertainment Centre Fee Relief is open all year on a financial year basis until budgeted funds are expended.

Eligible groups / organisations are required to be:

- Located within the Bundaberg Regional Council area
- Have the majority of members residing in the Bundaberg region
- Be a non-profit group / organisation
- Provide a community benefit to the residents of the Bundaberg Region

In the result of approved fee relief, all publicity for the event must include the logos for Bundaberg Regional Council and Moncrieff Entertainment Centre as sponsor's partners. Please email moncrieff@bundaberg.qld.gov.au for current high resolution logo files in the format you require.

Details of your group / organisation	Name of Organisation Bundaberg Municipal Band <hr/> Postal Address 2 Fernydale Crs Bundaberg <hr/> Contact Person Neil McCabe <hr/> Telephone 41552537 <hr/> Fax <hr/>
Does your organisation have the majority of its members residing in Bundaberg Region?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Give a brief description of your group / organisation (eg. non-profit etc)	Community Brass Band. Non-profit <hr/> <hr/>
Is the Fee Relief required for a charitable or community event?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What community benefit does your group / organisation provide to the residents of the Bundaberg Region	Free Public Concerts, ANZAC Parades and Buglers <hr/> Tuition for all ages and abilities <hr/> Support to other local music and theatre groups <hr/>

Bundaberg Regional Council is collecting this information in order to comply with its responsibilities and obligations as a Local Government. The information will only be used by Council Officers or Agencies which may have a legitimate need for the information to process applications or the like. Your information will not be given to any other person or Agency until you have given us permission or we are required to by law.

FM-7-039 Rev.5 04/05/16 P1 of 2

Bundaberg Regional Council
Community & Environment
Issue Date: 14-05-2014
Review Date: 23-05-2016

Moncrieff Entertainment Centre - Fee Relief Subsidy Governance Policy

GP-3-075

Rev. 3

1.0 INTENT

Fee Relief is to provide financial assistance to not for profit groups providing musical or performing art performances at the Moncrieff Entertainment Centre. Funds will increase accessibility to groups wishing to provide such performances to the community.

2.0 SCOPE

Fee Relief for Musical or Performing Art performances is available to community not for profit organisations to undertake projects and activities.

Allocation of funds from the Bundaberg Regional Council Operational Budget shall be made annually for Fee Relief.

INFORMATION ABOUT FEE RELIEF

- The decision of Council on applications is final.
- Financial Support from the policy may require compliance with specific conditions before Fee Relief. Should these conditions not be met by the specified date, Council reserves the right to revoke the offer of support.
- Bundaberg Regional Council expects relevant acknowledgment of Fee Relief.

3.0 POLICY OBJECTIVES

The objectives of Fee Relief are to:

- 1) To **increase accessibility** to the Moncrieff Entertainment Centre, providing improved opportunity for musical and performance groups to utilise the facility
- 2) To **enhance community awareness and involvement** in performing art
- 3) To **enhance community wellbeing, sense of belonging** through exposure to high quality cultural events and activities

The policy is limited to organisations residing in the Bundaberg Regional Council area.

4.0 POLICY

4.1 Fee Relief

4.1.1 *Overview*

Fee Relief is available to the community to undertake performances at the Moncrieff Entertainment Centre. Fee Relief cannot be provided for services that Council has contracted to private enterprise.

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Total costs of up to \$3,300 (incl. gst) per FINANCIAL YEAR are eligible.

Eligible organisations can submit one application per financial year.

Fee Relief is open all year on a financial year basis until budgeted funds are expended.

Application must be received at least **twelve (12) weeks** prior to the date the assistance is required.

4.1.2 *Eligible Applicants:*

Bundaberg Region based not-for-profit organisations.

4.1.3 *Ineligible Applicants:*

- Commercial or political groups,
- Individuals,
- Applicants that have not satisfactorily acquitted previous Council grants,

4.1.4 *Performances only Available:*

- Monday - Thursday

4.1.5 *Assessment & Approval*

Council officers assess applications against the guidelines. Approval is obtained from a Councillor and the Director of Community and Cultural Services.

The Fee Relief Guidelines and Application Form FM-7-039 will reflect the above criteria.

5.0 CONTROLS

The requirements under the Local Government Finance Standard 2005 are as follows:

11. Requirement for policy about grants to community organisations. A policy about grants to community organisations must state the following matters-

- (a) The types of grants to community organisations the local government considers to be appropriate for receiving grants from its funds;*
- (b) That the local government may give a grant to a community organisation only if the local government is satisfied-*
 - (i) The grant will be used for a purpose that is in the public interest; and*
 - (ii) The community organisation satisfies the criteria mentioned in paragraph (c)*
- (c) The criteria a community organisation must meet to be eligible for a grant from*

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the local government;
(d) The procedure the local government must follow when approving a grant to a community organisation.

6.0 EFFECTIVE FROM

The Fee Relief Governance Policy was adopted by Bundaberg Regional Council on the 16 December 2008.

This policy is effective from 17 December 2008.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

FM-7-039 Moncrieff Entertainment Centre - Fee Relief Request

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